



**Australian Government**  
**Department of Veterans' Affairs**

**Complaints Management in the Department of Veterans' Affairs (DVA):  
Individual Rights and Mutual Responsibilities  
of the Parties to a Complaint**

In order for the Department of Veterans' Affairs (DVA) to ensure that all complaints are dealt with fairly, efficiently and effectively and that occupational health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

**Individual rights**

***Complainants have the right:***

- to make a complaint and to express their opinions in ways that are reasonable, lawful and appropriate
- to a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case
- to a fair hearing
- to a timely response
- to be informed in at least general terms about the actions taken and outcome of their complaint
- to be given reasons that explain decisions affecting them
- to at least one right of review of the decision on the complaint
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.

***DVA staff have the right:***

- to determine whether, and if so how, a complaint will be dealt with
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances
- to expect honesty, cooperation and reasonable assistance from complainants
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- to be treated with courtesy and respect
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

***Subjects of a complaint have the right:***

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them

- to be treated with courtesy and respect by staff of DVA
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them
- to be protected from harassment by disgruntled complainants acting unreasonably.

## **Mutual responsibilities**

### ***Complainants are responsible for:***

- treating staff of DVA with courtesy and respect
- clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of DVA to assist them in doing so
- providing to DVA to the best of their ability all the relevant information available to them at the time of making the complaint
- being honest in all communications with DVA
- informing DVA of any other action they have taken in relation to their complaint
- cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, DVA may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

DVA has a zero tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

### ***DVA staff are responsible for:***

- providing reasonable assistance to complainants who need help to make a complaint and, where appropriate, during the complaint process
- dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly and impartially
- giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant
- giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address
- keeping complainants informed of the actions taken and the outcome of their complaints
- giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them

- treating complainants and any people the subject of complaint with courtesy and respect at all times and in all circumstances
- taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint
- giving adequate warning of the consequences of unacceptable behaviour.

If DVA or its staff fail to comply with these responsibilities, complainants may complain to:

- In writing to: The Manager, Feedback Management Team, GPO Box 9998, SYDNEY NSW 2001
- Emailing: [feedback@dva.gov.au](mailto:feedback@dva.gov.au)
- Telephoning: DVA Feedback Management Team on 1300 555 785.

***Subjects of a complaint are responsible for:***

- cooperating with the staff of DVA who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction
- providing all relevant information in their possession to DVA or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with DVA and its staff
- treating the staff of DVA with courtesy and respect at all times and in all circumstances
- refraining from taking any detrimental action against the complainant in reprisal for them making the complaint.

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

***DVA is responsible for:***

- having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints
- decisions about how all complaints will be dealt with
- ensuring that all complaints are dealt with professionally, fairly and impartially
- ensuring that staff treat all parties to a complaint with courtesy and respect
- ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence
- finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances
- implementing reasonable and appropriate policies/procedures/practices to ensure that complainants are not subjected to any detrimental action in reprisal for making a complaint, including maintaining separate complaint files and other operational files relating
- to the issues raised by individuals who make complaints
- giving adequate consideration to any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

If DVA fails to comply with these responsibilities, complainants may complain to the:

- Commonwealth Ombudsman regarding general DVA complaints processes: contact by telephone on 1300 362 072 or via the internet at <http://www.ombudsman.gov.au/>
- Office of the Australian Information Commissioner (OAIC) for privacy or Freedom of Information [FOI] complaints: contact by telephone on 1300 363 992 or via the internet at <http://www.oaic.gov.au/> .

## Links to other DVA documents

This document should be read in conjunction with the following documents that also detail the rights and responsibilities of both DVA and its clients regarding service provision and complaints about DVA staff and services:

- **The DVA Service Charter:** outlines what you can expect from DVA. It also tells our clients what they can do to help DVA give them the best service possible. You can read the DVA Service Charter at <http://www.dva.gov.au/about-dva/overview/dva-service-charter>.
- **The DVA Feedback Policy:** DVA aims to achieve excellence in service delivery. To accomplish this, DVA is an organisation that welcomes complaints, compliments and suggestions (feedback) which are the most immediate and effective forms that will assist efforts to improve our service. You can read the DVA Feedback Policy at <http://www.dva.gov.au/contact/feedback#policy>.