



Complaints Policy

COMPLAINTS POLICY

About this policy

1. The Administrative Appeals Tribunal (AAT) values feedback on the quality of our services as it allows us to understand what is working well and where improvements can be made. We record and monitor feedback and complaints to identify training needs and respond to emerging service delivery issues. We also include statistics on complaints in our annual report.
2. This policy should be read in conjunction with our [Service Charter](#).
3. This policy outlines how we handle complaints about:
 - the quality of our services
 - our processes and procedures
 - the conduct of AAT members and staff
 - timeliness and delays
 - privacy breaches.
4. If we receive feedback that does not seek a response or a particular outcome, we will consider the feedback but may not necessarily provide you with a response. If we consider that the feedback should be investigated as a complaint, we will notify you of our investigation and the outcome.

What is not covered by this policy

5. This policy does not apply to:
 - decisions made by the AAT – if you are dissatisfied with a decision of the AAT, it may be open to you to apply to a court or, for certain reviews in the Social Services and Child Support Division, to apply for second review in the General Division of the AAT.

- other parties to a review, representatives, and other organisations or government agencies – we can only investigate complaints about our own members and staff.
 - disclosures made under the *Public Interest Disclosure Act 2013* (Cth) – these will be handled in accordance with that Act.
 - complaints made internally by AAT staff and members.
6. If we receive a complaint about a matter that is not covered by this policy, we will notify you that we will not be investigating it as a complaint. If possible, we will provide you with information about any other avenues that may be available to you.

Who can make a complaint

7. A complaint can be made by any person, whether or not they are a party to an AAT review.
8. If you make a complaint in relation to an AAT review and you are not a listed party or representative, there may be limits to the information we can disclose to you for privacy reasons.
9. A complaint can be made anonymously. If you wish to remain anonymous, we may not be able to fully investigate and respond to your complaint.

How to make a complaint

10. We encourage you to raise any concerns with AAT staff in the first instance. We may be able to quickly resolve the issue at that time.
11. If a staff member is unable to address your concerns, you can ask to speak with their supervisor or manager.
12. If the supervisor or manager is unable to address your concerns, or if you are dissatisfied with their response, you will be invited to make a formal complaint which will be referred to a complaints officer for investigation.
13. A complaint may be made via our [online complaint form](#), by email to feedback@aat.gov.au, in person, by telephone, by post or by fax.
14. Our preference is for complaints to be made in writing if possible. If you are unable to make a written complaint, you can contact us in person or by [telephone](#). AAT staff will assist you to document your complaint and will refer it to a complaints officer.

15. We generally require the following information to investigate your complaint:

- your name and contact details (unless you wish to remain anonymous)
- the relevant AAT review number (if applicable)
- details of your complaint, including relevant dates and names of AAT staff or members (if known)
- details of any previous interaction with us in relation to the issue
- the outcome that you are seeking.

16. We will contact you if we require more information to investigate your complaint.

How we handle complaints

17. The AAT will consider and determine how it will handle a complaint, including the issues that will be investigated, and the time and resources it will allocate to the investigation.

Principles of complaint handling

18. We will assess and investigate your complaint fairly and impartially.

19. We will ensure your complaint is handled confidentially and in accordance with our [Privacy Policy](#) and the *Privacy Act 1988* (Cth). We will generally use or disclose the information you provide (including your name and details of your complaint) for the purposes of investigating and responding to your complaint and reporting on complaints internally.

20. We will keep you informed about the progress and outcome of your complaint.

Timeframes

21. Where a complaint has been referred to a complaints officer for investigation, the complaints officer will acknowledge receipt of your complaint within 5 working days.

22. We will generally investigate and respond to your complaint within 20 working days of receiving it or 30 days if your complaint is about privacy. Some complaints may take longer to investigate. We will tell you if we need more time to investigate your complaint.

Complaint outcomes

23. When responding to your complaint, we may:

- provide information about our procedures

- provide an explanation of the steps taken to investigate your concerns and any findings or conclusions we have reached
- provide an apology, if appropriate
- review and amend our procedures, if appropriate
- provide information about any other organisation(s) that may be able to assist you.

24. In investigating and responding to your complaint, we are not able to:

- provide further reasons for, or an explanation of, an AAT member's decision
- comment on the merits of any AAT application
- change a decision, direction or order made by the AAT
- provide legal advice
- comment on government policy
- provide information about members or staff.

Unreasonable complainant conduct

25. When interacting with us about a complaint, we expect you to:

- treat our staff with courtesy and respect
- provide us with all relevant information, including any information we request
- cooperate with the staff member(s) handling your complaint.

26. Unreasonable complainant conduct can significantly affect our ability to investigate and resolve complaints. Unreasonable complainant conduct may include:

- offensive or abusive behaviour
- unreasonable or inappropriate demands
- excessive or persistent repetition of an issue, including repeated lodgement of complaints that have previously been considered
- excessively or persistently contacting AAT staff during the investigation of a complaint or following receipt of a response to a complaint
- unreasonable lack of cooperation during the investigation of a complaint.

27. If we consider that a complainant's conduct is unreasonable, we may:

- restrict contact with the complainant to certain channels (for example, by email where a complainant is making excessive or abusive phone calls)
- not respond to every contact where we consider the number of calls or emails to be excessive
- not respond to correspondence that we consider contains abuse, inflammatory statements or material clearly intended to intimidate
- cease responding to correspondence about the subject of a complaint once the complaint has been finalised, the complainant has been notified of the outcome, and any queries have been addressed.

Review of the handling of your complaint

28. If you are unsatisfied with how we have handled your complaint, please raise your concerns with the complaint handler in the first instance.
29. Alternatively, or if you remain unsatisfied with the handling of your complaint, you can make a complaint to the [Commonwealth Ombudsman](#). The Commonwealth Ombudsman cannot investigate the conduct of AAT members or review AAT decisions, directions or orders. If you are unsatisfied with our response to a privacy complaint, you can make a complaint to the [Office of the Australian Information Commissioner](#).