

HOW TO MAKE A COMPLAINT



PEOPLE WITH DISABILITIES WA

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Everyone should be able to access and participate in their local community, yet for those Western Australians with a disability, easy and appropriate access, services and facilities are not always considered or available. Many people are unaware of their rights or unsure about the most appropriate method of making a complaint or suggestion.

These guidelines will provide you with the information and support you need to enable you to address businesses and services that you have experienced issues with.

Your Rights-What the Law Says

Under the *Disability Discrimination Act 1992* (Cth.) and the *Equal Opportunity Act 1984* people with a disability have the right to use facilities or obtain goods and services in the same way as other people. Not providing access may be against the law. Additionally, the *Disability Services Act 1993* (amended 2004) requires all local and state government agencies to develop a Disability Access and Inclusion Plan (DAIP) to ensure those with a disability have access to all services, facilities, information and functions provided by the agencies.¹

Non-Government businesses, services and facilities.

1

https://www.planning.wa.gov.au/dop_pub_pdf/Disability_Access_and_Inclusion_Plans_DAIPs_Resource_Manual_for_State_Government.pdf

In existing buildings owners are required to remove unreasonable and unnecessary barriers, if doing so can be accomplished without causing undue hardship. New buildings must meet the Disability (Access to Premises-Building) Standards 2010. Renovations to existing buildings may be required to meet these standards, and in some cases an existing building that is not being renovated could still be subject to the complaint processes of the law²

Choosing a Format for Making a Complaint

Here are some things to consider for those individuals who would like to approach the business/service first:

- Complaints and suggestions can be made face-to-face, by telephone, email, on-line or in writing. Consider the pros and cons of each method before commencing your complaint.
- Think about what information is important and relevant to include and if you have any documentation to support this.
- Think about whether you need help and support to complete and lodge a complaint. There are a number of agencies in WA that can help you with filling in the form or provide advocacy to support you in this process.

Face-To-Face

Making a complaint or suggestion can often be the easiest and quickest way to help address or resolve a problem. With small businesses and stores many issues may be resolved just by speaking with the manager and making them aware of what needs addressing.

THINGS TO CONSIDER

- What the problem was you experienced
- What affect it had on you
- What you would like the outcome to be
- Ways in which the business/facility/service could address this and possible contacts or resources to help them achieve this
- Contact details if you would like to be informed of the outcome

If you are very emotional or stressed it may be better to make a time to meet with the necessary person. This gives you time to think about what you need to say.

- Before the meeting make a list of questions that need answering or points that need addressing

² <https://www.disabilityaccessconsultants.com.au/disability-access-to-premises-building-standards/>

- If possible let the person see these beforehand so that they may be able to consider options and responses
- Take any documentation that will support your queries with you to the meeting
- If necessary take someone with you for support. You may choose family, friends or an advocate.

For some people who do not want to complain at the time, are unsure of who to complain to, or are not confident in doing this in person you may opt for another method.

In Writing

If you feel uncomfortable making a complaint in person or the complaint is a difficult one you may select this as your preferred option:

- It allows you to take the time to consider what the issue is and clarify exactly what you want to say, what you want looked at or what outcome you hope will be achieved
- It allows the business/facility/service to investigate the problem and respond to your questions and enquires appropriately

Online

Local councils and large businesses usually have a formal complaint system already in place. Often employees in these places do not have the capability or authority to address these issues. Using these existing processes ensures your complaint will reach the most suitable person to address your enquiries. The information they require from you is asked for on these online forms.

Smaller businesses may not have a process in place but usually have a contact email address where you can lodge your complaint.

By Telephone

To make a complaint via the telephone you need to consider the following points:

- Ask to speak to the relevant person for complaints
- Prepare the questions that you want to ask or that require the business/service/facility to respond to before you ring
- Have the information ready about the accessibility issues you experienced
- The outcome you hope your call will achieve
- Take note of the person's name that you talked to, the date, and what was discussed
- Put your query in writing if requested

Other complaint resolution agencies

If you think you were discriminated against because of your impairment/disability then you can lodge a complaint with the Equal Opportunity Commission or the Australian Human Rights Commission:

Equal Opportunity Commission

141 St Georges Terrace,

Perth, WA, 6000

(08) 9216 3900

Link to information on complaints

<http://www.eoc.wa.gov.au/complaints-inquiries/making-a-complaint>

Link to complaints form

<http://www.eoc.wa.gov.au/complaints-inquiries/complaint-form>

The Australian Human Rights Commission

GPO Box 5218

Sydney, NSW 2001

1300 656 419

Link to complaint information

<https://www.humanrights.gov.au/complaint-information>

Link to complaint forms

<https://www.humanrights.gov.au/complaints/make-complaint>

What to include in a Complaint or Suggestion (checklist)

- Your name and contact details if you require a response
- Name of business/person/service/facility the complaint is about
- Where the accessibility issued occurred/what needs addressing
- Date and time of issue
- What happened/what prevented your access/who was involved
- How it impacted on/affected you
- Attach/verbalise any documentation that supports your claims

- Information about any other organisations or people you may have contacted regarding this issue and information they gave
- Information about how you think this accessibility could be resolved

Advocacy services in WA

- People with Disabilities WA
Oasis Lotteries House
1/37 Hampden Road, Nedlands WA 6009
Phone: (08) 9485 8900
Email: info@pwdwa.org
Website: www.pwdwa.org
- Ethnic Disability Advocacy Centre (EDAC)
320 Rokeby Road, Subiaco WA 6008
Phone: (08) 9388 7455
Website: www.edac.eduka.info
- Advocacy Western Australia (formerly known as Advocacy South West)
For people in the South West Region
99 Victoria Street, Bunbury WA 6230
Phone: (08) 9721 6444
Website: <https://advocacywa.org.au>
- Individual Disability Advocacy Service (IDAS) at Sussex Street Community Law
29 Sussex Street, East Victoria Park WA 6101
Phone: (08) 6253 9500
Website: www.sscls.asn.au
- Disability Discrimination Unit (Sussex Street Community Law)
29 Sussex Street, East Victoria Park WA 6101
Phone: (08) 6253 9500
<http://www.sscls.asn.au/Programs-Services/Disability-Discrimination>
- Midland Information Debt and Legal Advocacy Service (MIDLAS)
23 Great Old Northern Highway, Midland WA 6056
Phone: (08) 9250 2123
Website: www.midlas.org.au

