

Excluded customer complaints

The Office of Industrial Relations (OIR) is a division of the Department of Education and therefore falls under the department's [Customer complaints management framework](#) (CCMF). Some complaints are excluded from the CCMF however, and are managed through different processes.

Complaints on decisions made under legislation

Decisions made by OIR officers under legislation (such as the *Work Health and Safety Act 2011* (WHS Act), *Electrical Safety Act 2002* (ES Act), the *Safety in Recreational Water Activities Act* (SRWA Act) and *Workers' Compensation and Rehabilitation Act 2003* (WCR Act) can only be overturned or changed using an internal or external review process set out in the legislation.

The CCMF cannot overturn or change these decisions. The customer complaint handling process can however, consider peripheral matters, such as whether the officer's conduct and behaviour during the decision-making process met departmental standards.

- **A specified decision made by a Medical Assessment Tribunal under the WCR Act**

Decisions made by a Medical Assessment Tribunal are final and binding in accordance with the legislation. However, these decisions may be reviewed only in the following circumstances:

- On receipt of fresh medical evidence not known to the original tribunal, in which case the matter would be referred back to the original tribunal. However, this new evidence must relate to the issue the Tribunal considered and be submitted within 12 months from the date of the original tribunal decision; or
- By making an application for judicial review to the Supreme Court, where they must prove that there was an error in 'fact or law'. There are timeframes on how long you have to lodge a judicial review.
- Complainants are always advised of the two options for review when they receive the response to their complaint.

- **A specified licensing decision made under the WHS Act and ES Act**

You have the right to seek a [review of the decision or appeal if they affect you](#).

- **A specified inspector's decision made under the WHS Act, ES Act and SRWA Act**

You have the right to seek a [review of decisions made by inspectors](#) if they affect you. The review process is explained on the back of enforcement notices or can be found on [WorkSafe website](#).

- **A specified regulator's decision made under the WHS Act, ES Act, SRWA Act and WCR Act**

You have the right to seek a review of decisions made by the Regulator if they affect you.

- [Review of regulator decisions under WHS Act, ES Act and SRWA Act](#).
- [Review of regulator decisions under WCR Act](#).



- **A specified decision made by WorkCover Queensland or self-insurers under the WCR Act**

You have the right to seek a [review or appeal of decisions made by an insurer](#) if they affect you.

- **A complaint about WorkCover Queensland or self-insurers' claims process under the WCR Act**

Complaints should be referred to the insurer in the first instance.

Complaints on other matters

Other matters or complaints that fall outside the scope of the CCMF are:

- **Allegations against employees involving suspected corrupt conduct and public interest disclosures complaints**

OIR's Ethical Standards Unit manages complaints about misconduct and corrupt conduct by all employees of the department. Contact OIR Ethical Standards at oir.ethicalstandards@oir.qld.gov.au.

All cases of suspected corrupt conduct must be reported to the Crime and Corruption Commission (CCC) by the CCC liaison officer within OIR.

- **OIR employee complaints about their employment (*Public Sector Act 2022* and *Public Service Commission Directives*)**

These are complaints made by a departmental employee about an employment-related administrative decision, or unfair or unreasonable behaviour by others in the workplace. Refer to the Managing Employee Complaints policy on the intranet or contact the OIR Human Resources team at hr@oir.qld.gov.au.

- **Denied right to information (RTI) or information privacy (IP) access and amendment applications**

If the department makes a decision in relation to an application for access to documents, including a decision to refuse access to documents, that no documents exist or can be located, or not to waive charges, the applicant may either:

- apply for an internal review of the decision, by a different departmental officer no less senior than the original decision-maker. Contact the Right to Information Unit at oir.rti@oir.qld.gov.au
- [apply to the Information Commissioner for an external review of the decision](#).

An application for review must be lodged within 20 business days.

- **Complaints about decisions made under a contract**

Decisions made by departmental officers under a contract with another party (such as a hire agreement or procurement contract) cannot be overturned or changed under the CCMF process. Any issues that arise will be dealt with under the contract.

- **Abusive, misleading or unreasonable complainants**

Business units may refuse to investigate a complaint if it is seen to be abusive, unreasonable, misleading and untrue, or where the complainant refuses to cooperate with OIR's efforts to investigate.

The decision not to investigate will be made by the managing officer. If such a complaint is refused investigation, the complainant must be advised in writing that the department is not proceeding with the complaint.

- **Complaints concerning legal cases**

Legal complaints will be managed in accordance with the relevant legislation and treated as disputes.