



# RIGHT A WRONG

Where, when and how to complain in Victoria



Victoria  
Legal Aid  
Lawyers And  
Legal Services

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## About this book

If you are not happy with a service, a product or the way you have been treated, you have the right to make a complaint.

In this book you will find information about how to make a complaint, who you can complain to and services that may be able to help you make your complaint.

If you have a complaint about an organisation or government department not listed in this book, it is worth talking to them directly.

The type of assistance each service provides will vary.

Once you have decided where to complain, you should talk to that service about how they handle a complaint and what information they need to process your complaint.

See 'Guide to making a complaint'

For free legal information about your complaint contact Victoria Legal Aid's Legal Information Service. This service is provided in English and a range of community languages. Phone 9269 0120 or 1800 677 402 country Victoria callers.

You can also contact one of Victoria Legal Aid's offices, listed on the back cover, or the Federation of Community Legal Centres on 9654 2204 to find the community legal centre closest to you.

To find out more about your rights you can visit our website at: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

### Victoria Legal Aid (VLA)

#### Our vision

Victoria Legal Aid is a leading and responsible force for community access to the legal system and for social justice.

#### Our values

Victoria Legal Aid is committed to: serving our clients and community professionally and ethically; acting with integrity, fairness and transparency at all times; respecting and valuing diversity, and pursuing continuous improvement across the organisation.

#### Our services

Victoria Legal Aid provides a broad range of legal services including:

- legal representation in courts and tribunals by qualified Victoria Legal Aid lawyers or private law firms
- legal advice, information and referral either face-to-face or via a call centre, which provides a service in 14 languages
- a family dispute mediation service
- a range of seminars and workshops on various legal topics
- an extensive range of booklets and other materials
- Victoria's only free public law library.

Some of our services are subject to guidelines and means tests. However, most of our services are provided free of charge. Application forms for legal assistance are available from Victoria Legal Aid or private lawyers.

For more information about our services and service charter see [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au) or phone us on 9269 0234 or 1800 677 402 (country callers).



## Guide to making a complaint

If you feel you have been wronged and you want to make a complaint, it is important to work out exactly what you are unhappy about and how you would like the problem fixed.

Resolution of a problem could include a form of compensation, an apology, a letter of explanation or simply a meeting.

Find any relevant paperwork such as receipts or letters, which relate to your complaint. These will help you remember details such as date and time, and are important when you contact the organisation.

It is always best to speak to the organisation first to try and resolve the issue. Explain the problem calmly, with as much detail as possible. Suggest how you would like the problem fixed.

If the organisation cannot help you, they may suggest another organisation that can help. Make a note of whom you spoke to and what was said in the conversation. Do this straight away, when everything is fresh in your mind.

Most organisations will ask for the following information when you complain:

- your contact details – name, address and phone number
- a brief description of what your complaint is about and when it happened
- how the problem has affected you
- what steps you have already taken to try and sort out the problem.

Some organisations will ask you to put your complaint in writing. You will have to include all the information listed above. It is also good to make it clear in the letter that you expect a reply.

You might even like to say when you expect the reply, but remember to be realistic about this. Usually two to three weeks is a reasonable period in which to expect a reply.

You might also want to say that you want a reply that does more than simply acknowledge receipt of your complaint.

You are entitled to know exactly how your complaint is going to be handled and how long it is going to take to be processed.

You can ask that this information be included in the reply. Do not forget to sign and date your letter, and keep a copy.

Give the organisation time to reply to your letter but if you have not heard from them in three weeks, follow up with a phone call asking when they expect to get back to you.

If you are not happy with the response you receive to your complaint, you may be able to go to an external complaint service, such as those listed in this book.

### Interpreters

Many organisations can organise interpreters, often free of charge. Contact the service to make arrangements.

### Costs

Generally it costs nothing to make a complaint. However, if there is a cost it is mentioned in this booklet. Always ask about costs.

For most services complaints should be made within 12 months of the problem arising. For some types of complaints the time allowed for making the complaint is very important and will be mentioned.

If you cannot make a complaint yourself, most services will allow someone to make a complaint on your behalf. You may have to provide the service with a letter saying that you are giving your permission to that person to discuss your complaint.

The Victoria Law Foundation produces a mediation resource package that includes a video, user guide and training notes. This kit provides participants in mediation and others involved in settling disputes, with important information on how to prepare and participate in the process. The kit costs \$60 and is available from Australian Book Group on 5625 4290 or [www.victorialaw.org.au](http://www.victorialaw.org.au)

### Koori community

The Victorian Aboriginal Legal Service (VALS) offers special assistance to Koori people who want to complain about unjust treatment from the public, businesses, community organisations or government agencies. Koori people can contact VALS on 9419 3888 or country callers on 1800 064 865 to get information, support and free legal advice about their options.

### GUIDE TO ABBREVIATIONS

- T:** Telephone
- TTY:** Telephone typewriter
- F:** Facsimile
- E:** Email
- W:** Website



## Advertising and media

You can complain about anything you have heard or seen in newspapers, magazines, radio, television or on the internet.

### Broadcasting

Broadcasters are regulated by the *Broadcasting Services Act*. The Act regulates planning and licensing issues such as media ownership, program classification and complaints.

### Journalists

Journalists are expected to act in accordance with a code of practice developed for their industry, called the Australian Journalists Association Code of Ethics. This code commits journalists to honesty, fairness, independence and respect for the rights of others when reporting.

### Advertising

Advertisers are expected to comply with their own industry's code of ethics. The aim of this code is to ensure that advertisements are legal, truthful, honest and decent.

#### AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

PO Box 78, Belconnen ACT 2616

T: 1300 850 115

TTY: 03 9963 6948

F: 02 6219 5200

E: [candinfo@acma.gov.au](mailto:candinfo@acma.gov.au)

W: [www.acma.gov.au](http://www.acma.gov.au)

The Australian Communications and Media Authority (ACMA) is a government body responsible for regulating broadcasting,

the internet, radio-communications and telecommunications.

ACMA's responsibilities include:

- Promoting self-regulation and competition in the communications industry, while protecting consumers and other users.
- Fostering an environment in which electronic media respect community standards and respond to audience and user needs.
- Managing access to the radio frequency spectrum.
- Representing Australia's communications interests internationally.

### Radio and television

Complaints about a television or radio program that is covered by a code of practice must first be made directly to the relevant station. If you are dissatisfied with the station's response or if the station does not answer your complaint within 60 days, you may then complain to ACMA.

However, you may complain directly to ACMA if your concern relates to:

- television captioning
- tobacco advertising
- political advertising
- election material
- sponsorship announcements on community radio
- access to membership of a community radio association
- advertisements about medicine

- the Children's Television Standards, or the Australian Content Standard, or the anti-siphoning rules
- captioning on digital, free-to-air services.

Please note that licence conditions contained in the Broadcasting Services Act (other than those for captioning) do not apply to ABC or SBS services. The ABC and SBS each have its own Act and charter.

### Internet

You may complain to ACMA about internet content that is, or may be, prohibited by law. For the purposes of the regulatory scheme, internet content does not include ordinary email or content that is accessed in real time without being previously stored, such as chat services, voice over the internet or streamed audio/video content.

Complaints about prohibited internet gambling content must be made in writing.

ACMA is responsible for enforcing Australia's anti-spam law, the *Spam Act 2003*. ACMA has implemented the SpamMATTERS reporting and forensic analysis system to help fight spam. A SpamMATTERS reporting 'button' is available for download and installation into the Microsoft Outlook and Outlook Express email programs. Once installed, users can simultaneously delete their spam and report it to ACMA with one click of their mouse.

To make a complaint in writing directly to ACMA, go to [www.acma.gov.au](http://www.acma.gov.au) and print and complete an ACMA complaint form.

### AUSTRALIAN PRESS COUNCIL

Suite 10.02, 117 York St,  
Sydney NSW 2000

T: 02 9261 1930 or 1800 025 712

E: [info@presscouncil.org.au](mailto:info@presscouncil.org.au)

W: [www.presscouncil.org.au](http://www.presscouncil.org.au)

The Australian Press Council (APC) deals with complaints about articles, not advertising, in newspapers, periodicals and on news websites.

The council is an industry-based, self-regulating body, funded by publishers.

Complaints should include a copy of the article that you are complaining about.

If you are thinking of taking the matter to court, you will be asked to sign a document saying you will not sue the newspaper or website author the APC investigates before the complaint. Get legal advice before signing.

Complaints must be made within three months of publication.

You can get a complaint form from the APC or its website. The APC publishes a book setting out its complaint procedures. This book is available from the APC or from its website.



**CONSUMER AFFAIRS VICTORIA**  
**121 Exhibition St, Melbourne 3000**  
**Walk-in service: 113 Exhibition St, Melbourne**

**T:** 1300 558 181 (Callers can be referred to regional offices)  
**Interpreter Service:** 131 450  
**E:** [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)  
**W:** [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

Complaints about false or misleading advertising can be directed to Consumer Affairs Victoria.

The Australian Competition and Consumer Commission may also have an interest in misleading or deceptive advertisements televised or broadcast nationally.

See 'Buying goods'

**ADVERTISING STANDARDS BUREAU**  
**Level 2, 97 Northbourne Ave, Turner ACT 2611**

**T:** 02 6262 9822  
**F:** 02 6262 9833  
**W:** [www.adstandards.com.au](http://www.adstandards.com.au)

The Advertising Standards Board (ASB) provides a free public service of complaint resolution. It provides determinations on complaints about most forms of advertising. This includes the use of language, the discriminatory portrayal of people, concern for children, portrayals of violence, sex, sexuality and nudity, and health and safety. The board is part of the advertising industry's system of self-regulation.

Complaints must be made in writing by post, fax or submitted online using the complaint form on their website. Include your postal address and details of the advertisement, the advertiser and product, and where you saw or heard the advertisement.

Appropriate complaints are submitted to the board for determination. Other complaints may be referred to the advertiser or another appropriate body for assistance. The board will let you know of its decision in writing.

**Where to go for more help or information**

**COMMUNICATIONS LAW CENTRE**  
**PO Box 14428, Melbourne 8001**  
**T:** 9600 3841  
**E:** [melbourne@comslaw.org.au](mailto:melbourne@comslaw.org.au)  
**W:** [www.comslaw.org.au](http://www.comslaw.org.au)

The Communications Law Centre (CLC) is an independent, non-profit, public interest organisation specialising in media and communications law and policy. The CLC can give advice about communication, internet and media law.

The CLC also operates an internet law service that provides legal information about the internet and e-commerce law at [www.oznetlaw.net](http://www.oznetlaw.net)

## Banking

There are many ways for people to do their banking, each with their own set fees and commissions.

**Banking**

You should be familiar with your accounts and know the fees and charges that apply. For example, the fees charged for using an automatic teller machine (ATM) are different from those charged if you go into a bank and use a teller or if you use internet or telephone banking services. You must also have a full understanding of the terms and conditions of your accounts.

**Banks**

The Australian Bankers' Association's Code of Banking Practice sets standards for disclosure of fees and charges, privacy and complaints. The code is available at [www.bankers.asn.au](http://www.bankers.asn.au)

**BANKING AND FINANCIAL SERVICES OMBUDSMAN**

**GPO Box 3, Melbourne 3001**  
**T:** 1300 780 808  
**TTY:** 03 9613 7344  
**F:** 03 9613 7345  
**W:** [www.bfso.org.au](http://www.bfso.org.au)

The Banking and Financial Services Ombudsman (BFSO) is a free and independent dispute resolution service. The ombudsman considers disputes between consumers and financial services that are members of the scheme. Members include retail banks and their affiliates operating in Australia and some non-banks.

As a general rule the ombudsman can consider a dispute if:

- It is about a financial service provided by a member.
- You are an individual or small business.
- The amount of loss you claim is less than \$150,000, if the event occurred before 1 December 2004.
- The amount of loss you claim is less than \$280,000 if the event occurred after 1 December 2004.

The ombudsman is unable to consider disputes about a financial service provider's general policies, such as interest rates and fees, or disputes about commercial decisions, such as whether an application for credit is declined. The BFSO encourages consumers to try to resolve disputes directly with financial services providers before lodging a complaint with the BFSO.

Disputes should be lodged in writing if possible and may be lodged by mail, fax or via the website using the BFSO Online Dispute Resolution Form.

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL CREDIT LIST**

**55 King St, Melbourne 3000**  
**T:** 9628 9790  
**E:** [vcap@vcap.vic.gov.au](mailto:vcap@vcap.vic.gov.au)  
**W:** [www.vcap.vic.gov.au](http://www.vcap.vic.gov.au)

The Credit List hears applications made by debtors and credit providers, such as banks and finance companies, about contracts



regulated by the *Credit Act* and the Consumer Credit Code. The majority of cases in this list are requests for repossession orders.

Contracts may involve mortgages over homes or goods or may be continuing credit contracts, such as credit cards. They can also include disputes about credit statements, compensation claims and reviews, and changes in interest rates or fees and charges.

Applications can be made on the form available from the Victorian Civil and Administrative Tribunal (VCAT). There is a fee for making an application to the Credit List. This fee varies and details are available from the VCAT website. Legal representation is allowed.

The Credit List can impose penalties and reduce credit charges.

This area is very complicated so get legal advice as quickly as possible.

## CREDIT UNION DISPUTE RESOLUTION CENTRE

GPO 3, Melbourne 3001

T: 1300 780 808

E: [info@cudrc.com.au](mailto:info@ cudrc.com.au)

W: [www.cudrc.com.au](http://www.cudrc.com.au)

The Credit Union Dispute Resolution Centre (CUDRC) responds to complaints and inquiries about the Credit Union Code of Practice and the Electronic Funds Transfer Code of Conduct.

CUDRC provides a free, accessible and independent dispute resolution service to individual and small business members of participating credit unions. The CUDRC is approved by the Australian Securities and Investments Commission and has more than 140 credit unions participating in the scheme.

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

T: 1300 300 630

E: [infoline@asic.gov.au](mailto:infoline@asic.gov.au)

W: [www.asic.gov.au/complain](http://www.asic.gov.au/complain)

ASIC's consumer website: [www.fido.gov.au](http://www.fido.gov.au)

Australian Securities and Investments Commission (ASIC) is the company regulator and the consumer protection regulator for financial services. ASIC deals with complaints about misconduct or illegal activity by companies and the financial services industry. This includes complaints about banks, credit unions and building societies. ASIC publishes a free guide called 'You can complain' which explains how to make a complaint about a financial product or service.

## Buying goods

Rules apply whether you are buying at a shop, over the internet, door-to-door, over the telephone, from television, by mail order catalogues, on layby or at a supermarket.

### Internet

Buying over the internet is now very popular. When buying from Australia or overseas on the internet, make sure you know who you are dealing with. Check the delivery costs, refund policy and be cautious of offers, which seem too good to be true.

If buying from overseas, always make sure that the goods being ordered are legal and that you know the exchange rates. Keep a record of the date and time of your purchase and never agree to open-ended charges to your credit card.

### Door-to-door

By law, people selling door-to-door must carry identification showing their name, the company they represent and its full address. Always ask to see this identification.

Any sale over \$50 must have a written contract setting out the terms of the agreement, including a cooling-off period of at least five business days.

The contract must explain how you can cancel the agreement. Read the contract and do not sign unless you fully understand it. Avoid paying cash in advance.

People who sell things over the telephone, on television or by mail-order do not have to give a cooling-off period. If they do, it must be at least five business days or longer.

They must tell you the total cost of the goods or services you are buying, whether there is a cooling-off period, how you can get out of the contract if there is a cooling-off period and their contact details.

### Layby

When you put something on layby, the law says that the trader must give you a layby statement clearly setting out the terms and conditions. This statement should describe the item purchased, the charges which may apply if the sale is cancelled and when payments are due.

You can cancel the layby at any time before picking it up. However, if there were cancellation fees in the original agreement, those charges may apply.

The supplier can cancel the layby if the goods are no longer available. If you have broken the terms of the layby, you must be given 14 days to rectify the breach, or if the supplier intends to stop trading you must be given seven days' notice to complete the layby.

### Bag searches

If buying from a store that clearly has a sign before you enter saying you need to display the contents of your shopping bag, you accept that requirement when you go in. Although you do not have to show the contents of the bag, you can be asked to leave the store or the manager may refuse to sell you anything or call the police if it is believed you have committed an offence.



## Cars and motorbikes

### Scanning

If you buy a product from a supermarket and they scan that product at a higher price than stated on the shelf, you are usually entitled to get the item free. If there are several of the same items involved, you are usually entitled to get the first one free and the others at the lower price.

### Refunds

You can always get a refund if the product you bought had a fault that you could not have known about when you bought it, or does not do what you were led to believe it would do, or does not match the one you were shown or was not as it was described.

**CONSUMER AFFAIRS VICTORIA**  
121 Exhibition St, Melbourne 3000  
Walk-in service: 113 Exhibition St, Melbourne

**T:** 1300 558 181 (Callers can be referred to regional offices)

**Interpreter Service:** 131 450

**E:** [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)

**W:** [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

Consumer Affairs Victoria (CAV) deals with complaints about the supply of goods and services by a trader. (A trader can be a corporation, a small business or an individual.)

You can contact CAV if you are dissatisfied with a trader's response to your complaint about goods or services that have been misrepresented or do not work. CAV can give advice about how your complaint should be

handled and information about your consumer rights. CAV also offers a dispute resolution service.

You can get a complaint form by calling the helpline or visiting the CAV website. Someone can complain on your behalf if you authorise it.

Interpreters can be arranged.

**AUSTRALIAN COMPETITION AND CONSUMER COMMISSION**  
35th floor, 360 Elizabeth St, Melbourne 3000

**T:** 1300 302 502

**E:** [infocentre@accc.gov.au](mailto:infocentre@accc.gov.au)

**W:** [www.accc.gov.au](http://www.accc.gov.au)

The Australian Competition and Consumer Commission (ACCC) acts to protect consumers and encourage a fair and competitive business environment. It deals with consumer complaints about misleading or deceptive conduct in the provision of goods and services by companies trading in Victoria and interstate.

Complaints can be lodged over the telephone, in person, or in writing. Written complaints will be responded to within 28 days. A complaint form can be found on the ACCC website.

You can have someone approach the ACCC on your behalf.

Interpreters can be arranged.

You can buy a car or motorbike from a private seller or a trader. The laws are different depending on who you buy from.

### Private seller

The contract you enter into with a private seller is a matter for the two of you to agree on. The law simply says that you have to get from the seller the transfer of registration papers and a current roadworthiness certificate, if the vehicle is registered.

The certificate does not mean that the vehicle is good. It is only a test to make sure it is safe on the road.

Unless you know a lot about cars or motorbikes, get a mechanic or the RACV to check the vehicle before you buy it. You must also check that the person selling the vehicle is the real owner and that there is no finance owing on the vehicle.

Before handing over any money, make a phone call to the Vehicles Securities Register at VicRoads on 131 171 and get a certificate stating the vehicle has a clear title. You can get this certificate at [www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)

### Dealer

If buying from a dealer, they must be licensed. You must complete the transfer of registration papers and give them, with the transfer fee, to the dealer. The dealer must give you a copy of the sale contract and other relevant documents.

Whether you are buying a new or used vehicle, your sale contract should include

information on the dealer, the make and year of the vehicle, the price and other charges to be paid, and the engine number of the vehicle.

If you are buying a used vehicle, the sale contract should also set out the mileage and registration number, if it is registered. For a used car or motorbike, the dealer must supply a roadworthiness certificate. It is worth getting an independent mechanical check on vehicles from a dealer's yard.

After you sign a contract to buy a used vehicle from a dealer, you have a cooling-off period of three days in which you can change your mind and return it to the dealer. If you change your mind you will be refunded all the money, except for \$100 or one per cent, whichever is greater, of the price of the vehicle.

Sometimes the dealer may ask you to sign a form saying you give up, 'waive', your right to a cooling-off period. You do not have to sign this form. The form is only valid if you take delivery of the vehicle immediately after you sign the waiver notice.

### Loans

If you get a loan or other credit to help pay for the car, then consumer credit laws usually apply. These laws protect borrowers and make sure that they know exactly how much a loan will cost, including interest, charges and the length of the loan.

Make sure you read all documents and do not sign anything unless you fully understand it.



## VICROADS

60 Denmark St, Kew 3101

T: 9854 2666 or 1800 816 727

W: [www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)

VicRoads handles complaints about the accuracy of roadworthiness certificates for used cars and motorbikes bought privately or from a used car or motorbike dealer.

There is no specific format for a complaint, but a clear, written explanation of the problem accompanied by an independent roadworthiness inspection sheet listing all the defects needs to be lodged with your complaint.

The independent inspection should be done as soon as possible after buying the vehicle, as time delays can affect its condition and reduce the chances of resolution. If the faults relate to the failure of suspension, steering or brakes you should immediately telephone VicRoads and follow up in writing.

The role of VicRoads is to regulate licensed vehicle testers and it does not have the power to force the other party to repair any defect. However when VicRoads finds a tester to be at fault, testers often repair the vehicle for you. You will be advised of the outcome of the investigation if it favours you.

## CONSUMER AFFAIRS VICTORIA

121 Exhibition St, Melbourne 3000

Walk-in service: 113 Exhibition St, Melbourne

T: 1300 558 181 (Callers can be referred to regional offices)

Interpreter Service: 131 450

E: [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)

W: [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

Consumer Affairs Victoria (CAV) deals with complaints about contracts, refusal to carry out warranty work, poor quality repair work or any other breaches of the *Motor Car Traders Act* or the *Fair Trading Act*.

It also publishes a guide for car buyers called 'Better car deals – your guide to buying a new or used car'. The guide can be downloaded from the CAV website.

## Child care

All children's services must be licensed with the State Government. This includes kindergarten and child care services that cater for five or more children under six years of age. These services are inspected by staff from the Department of Human Services to ensure they comply with the requirements of the *Children's Services Act* 1996 and *Children's Services Regulations* 1998.

A good child care centre should be well run, safe and have clear policies and procedures.

Complaints about child care and kindergarten services should be made to the service managers or owners of the service. If the matter is not resolved to your satisfaction, contact a children's services adviser at your local Department of Human Services office.

The Department of Human Services will investigate any complaints about the health, safety or wellbeing of children attending a children's service or where there may have been a breach of the act or regulations relating to children's services.

## DEPARTMENT OF HUMAN SERVICES

50 Lonsdale St, Melbourne 3000

T: 1300 650 172

W: [www.dhs.vic.gov.au](http://www.dhs.vic.gov.au)

The Department of Human Services (DHS) also has a number of suburban and regional offices, which handle child care complaints. Check 'The White Pages' to find your nearest office.



## Contracts and consumer rights

Most transactions in everyday life involve some aspect of contract law.

A contract is an agreement, between two or more people or businesses. Once the agreement has been reached, whether it is written or verbal, it is enforceable.

Some contracts must be in writing. The law says that verbal agreements are not good enough for the following:

- agreements about buying, selling or mortgaging houses and land
- consumer credit agreements
- agreements to buy a vehicle from a licensed motor car trader
- door-to-door sales agreements
- agreements for things to be done more than one year away from the date of the agreement being made.

If you are in dispute with a business, trader or a professional, they may be a member of a professional association which offers a complaints service. There are inexpensive ways of trying to solve contract disputes, without going to court.

See 'Victoria Civil and Administrative Tribunal'

For example, the Legal Ombudsman receives complaints about lawyers, and the banks offer a Banking Ombudsman. It is worth trying these solutions, because it is usually quicker and cheaper than going to court.

Contract law is complicated. There are many laws that apply to particular types of goods, transactions and services, such as door-to-door contracts and laybys. Get legal advice.

See 'Buying goods'

**CONSUMER ACTION LAW CENTRE**  
7th floor, 479 Little Collins St,  
Melbourne 3000  
T: 03 9629 6300  
W: [www.consumeraction.org.au](http://www.consumeraction.org.au)

The Consumer Action Law Centre (CALC) is a campaign-focused consumer advocacy, litigation and policy organisation.

CALC gives free legal advice and representation to vulnerable and disadvantaged consumers across Victoria.

If you are an individual consumer in a dispute with a business or trader, CALC can give you free advice on your rights and obligations.

As well as working with consumers directly, CALC provides legal assistance and professional training to community workers who advocate on behalf of consumers.

Interpreters can be arranged.

**AUSTRALIAN COMPETITION AND CONSUMER COMMISSION**  
35th floor, 360 Elizabeth St, Melbourne 3000  
T: 1300 302 502  
E: [infocentre@acc.gov.au](mailto:infocentre@acc.gov.au)  
W: [www.accc.gov.au](http://www.accc.gov.au)

The Australian Competition and Consumer Commission (ACCC) protects consumers and encourages a fair and competitive business environment. It deals with consumer complaints about misleading or deceptive conduct in providing goods and services by companies in Victoria and interstate.

Complaints can be lodged over the telephone, in person, by email via the ACCC website or in writing. Email complaints will normally be responded to within seven working days. Written complaints will be responded to within 28 days.

You can have someone approach the ACCC on your behalf.

Interpreters can be arranged.

**CONSUMER AFFAIRS VICTORIA**  
121 Exhibition St, Melbourne 3000  
Walk-in service: 113 Exhibition St, Melbourne  
T: 1300 558 181 (Callers can be referred to regional offices)  
Interpreter Service: 131 450  
E: [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)  
W: [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

Consumer Affairs Victoria (CAV) deals with complaints about contracts signed in Victoria for the supply of goods or services. CAV also deals with complaints about the supply of goods and services by a trader where no document has been signed. (A trader can be a corporation, a small business or an individual.)

You can contact CAV if you are not satisfied with a trader's response to your complaint. CAV can give advice about how your complaint should be handled and information on your consumer rights. CAV also offers a dispute resolution service.

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL CIVIL CLAIMS LIST**  
55 King St, Melbourne 3000  
T: 9628 9830 or 1800 133 055  
E: [vcats@vcats.vic.gov.au](mailto:vcats@vcats.vic.gov.au)  
W: [www.vcats.vic.gov.au](http://www.vcats.vic.gov.au)

The Civil Claims List hears disputes from anybody about the sale, supply or hire of goods and services of any value, including debt recovery. You can make your claim



under Acts relating to fair trading, domestic building contracts, motor car trading, retail leases or small claims.

Applications can be made on the form available from VCAT. You will be notified of the details and status of your application in writing.

Domestic building disputes in the Civil Claims List tend to be less complex and parties represent themselves.

Parties pay their own legal costs whether they win or lose.

Interpreters can be arranged.

## Where to go for more help or information

### FINANCIAL AND CONSUMER RIGHTS COUNCIL

**T:** 9663 2000 or 1800 134 139

**E:** [admin@fcrc.org.au](mailto:admin@fcrc.org.au)

**W:** [www.fcrc.org.au](http://www.fcrc.org.au)

Contact this organisation for referral to your closest consumer support worker. Their services are free. Consumer support workers are based throughout the state and can help with initial information, referral and advice on how to approach the organisation concerned.

## Credit and debt

If you are borrowing money on credit, check the contract before signing. If you are in debt the laws are complicated so get advice quickly.

### Credit

When borrowing money read the fine print on the documents. Make sure you get a copy of the documents or proof of the arrangement for your records.

If you have any doubts about what you are getting into, do not sign without getting advice from a lawyer or financial counsellor. If you are considering going guarantor, get advice.

If disputes arise about any aspect of the agreement, write down your concerns and contact the lender to discuss them. Always write down who you spoke to, the date and the time, and everything that was said in the conversation. Follow up by confirming the conversation in writing. Keep a copy of your letter in case there is a disagreement about what was said later on.

If you cannot resolve your credit dispute, there are a number of options open to you. Get legal advice early. You may have fewer options as time goes by.

If you are borrowing money with another person, you are both responsible for payment of the whole of the loan.

### Debt

If you are having trouble making payments on a credit contract get legal advice early. As time passes you could have fewer options.

You may be able to negotiate with the lender to:

- extend the length of the contract and lower your repayments
- postpone the due dates for payments for a specific time
- extend the length of the contract and postpone the due dates for payments for a specific time.

*Note:* The interest rate usually cannot be changed in these situations.

Other options may include refinancing the loan, for example, getting another loan on more affordable terms to pay out the existing loan, or bankruptcy.

Get your credit contract checked by a financial counsellor or a lawyer, as you may be entitled to compensation if the contract is not drawn up properly. For other debts see a financial counsellor as soon as possible.

### PUBLICATIONS

Victoria Legal Aid, together with the Financial and Consumer Rights Council, produce two free publications called 'Falling on hard times' and 'Weighing it up – a consumer guide to bankruptcy'. To order copies go to [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au) or call 9269 0223.





## CONSUMER ACTION LAW CENTRE

7th floor, 479 Little Collins St,  
Melbourne 3000

T: 9629 6300

W: [www.consumeraction.org.au](http://www.consumeraction.org.au)

The Consumer Action Law Centre (CALC) is a campaign-focused consumer advocacy, litigation and policy organisation.

CALC gives free legal advice and representation to vulnerable and disadvantaged consumers across Victoria.

If you are an individual consumer in a dispute with a credit provider, CALC can give you free advice on your rights and obligations.

As well as working with consumers directly, CALC provides legal assistance and professional training to community workers who advocate on behalf of consumers.

Interpreters can be arranged.

## CONSUMER AFFAIRS VICTORIA

121 Exhibition St, Melbourne 3000  
Walk-in service: 113 Exhibition St,  
Melbourne

T: 1300 558 181 (Callers can be referred to regional offices)

Interpreter Service: 131 450

E: [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)

W: [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

Consumer Affairs Victoria (CAV) receives complaints from consumers about credit providers and finance brokers relating to a contract for the provision of credit. You can get information via telephone, but if the complaint is to be investigated details must be provided in writing. However, in some instances complaints can be taken over the phone.

CAV enquiries staff can also refer you to a financial counsellor.

## CREDIT OMBUDSMAN SERVICE LIMITED

PO Box A252, Sydney South NSW 1235  
Level 7, 287 Elizabeth St, Sydney NSW 2000

T: 1300 780 808 or 02 9273 8400

F: 02 9261 2698

E: [info@creditombudsman.com.au](mailto:info@creditombudsman.com.au)

W: [www.creditombudsman.com.au](http://www.creditombudsman.com.au)

The Credit Ombudsman Service Limited (COSL) is a free independent dispute resolution scheme. It provides consumers with an alternative to legal proceedings for resolving disputes with COSL members in the credit marketplace. The ombudsman can hear claims up to \$250,000.

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

T: 1300 300 630

E: [infoline@asic.gov.au](mailto:infoline@asic.gov.au)

W: [www.asic.gov.au/complain](http://www.asic.gov.au/complain)

ASIC's consumer website: [www.fido.gov.au](http://www.fido.gov.au)

The Australian Securities and Investments Commission (ASIC) is the federal consumer protection regulator for financial services, including credit. ASIC deals with complaints about misleading or unfair conduct by firms that lend money to consumers, investors and small businesses. ASIC and the ACCC have jointly published 'Dealing with debt: your rights and responsibilities'. Call ASIC on 1300 300 630 for your free copy.

## VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL CREDIT LIST

55 King St, Melbourne 3000

T: 9628 9790

E: [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au)

W: [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

The Credit List hears applications made by debtors and credit providers about credit contracts that are regulated by the *Credit Act* and the Consumer Credit Code.

Contracts may involve mortgages over homes or goods, or may be continuing credit contracts, such as credit cards. They can also include disputes about credit statements, compensation claims and reviews and changes in interest rates or fees and charges.

Applications can be made on the form available from VCAT. There is a fee for making an application to the Credit List. This fee varies and details are available from VCAT. Legal representation is allowed.

The Credit List can impose penalties and reduce credit charges. This area is complicated so get legal advice as quickly as possible.

Interpreters can be arranged.

## CREDIT UNION DISPUTE RESOLUTION CENTRE

GPO 3, Melbourne 3001

T: 1300 780 808

E: [info@cudrc.com.au](mailto:info@ cudrc.com.au)

W: [www.cudrc.com.au](http://www.cudrc.com.au)

The Credit Union Dispute Resolution Centre (CUDRC) responds to complaints and inquiries about the Credit Union Code of Practice and the Electronic Funds Transfer Code of Conduct.

CUDRC provides a free, accessible and independent dispute resolution service to individual and small business members of participating credit unions. The CUDRC is approved by the Australian Securities and Investments Commission and has more than 140 credit unions participating in the scheme.





**INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA**  
**Level 16, 300 La Trobe St, Melbourne 3000**  
**T:** 1300 364 785  
**E:** [itsa.melbourne@itsa.gov.au](mailto:itsa.melbourne@itsa.gov.au)  
**W:** [www.itsa.gov.au](http://www.itsa.gov.au)

The Insolvency and Trustee Service Australia (ITSA) administers personal and insolvency laws.

ITSA can inform you of alternatives to bankruptcy and give you information about what you will and will not be able to do if you go bankrupt.

If you are already bankrupt, and you have a problem with a decision made by your bankruptcy trustee, you should first try and resolve that problem with your trustee. If that fails ITSA can review your trustee's decision. Complaints should be in writing and you should get a response within 28 days advising of ITSA's findings and the action they intend to take.

If you are unhappy with ITSA's findings, you can ask the Administrative Appeals Tribunal to review its decision. If you are still not satisfied, you may then appeal to the Federal Court. Get legal advice before proceeding to the Federal Court.

See 'Government departments'

Where to go for more help or information

**FINANCIAL AND CONSUMER RIGHTS COUNCIL**  
**T:** 9663 2000 or 1800 134 139  
**E:** [admin@fcrc.org.au](mailto:admin@fcrc.org.au)  
**W:** [www.fcrc.org.au](http://www.fcrc.org.au)

Contact this organisation for referral to your closest financial counsellor or consumer support worker. Their services are free. Financial counsellors can help with credit and debt problems and advocate on your behalf. Consumer support workers can help with initial information, referral and advice on how to approach the organisation regarding your credit contract.

**VEDA ADVANTAGE**  
**T:** 02 9464 6000  
**W:** [www.vedaadvantage.com.au](http://www.vedaadvantage.com.au)

Veda Advantage is a private credit reporting agency. It holds the credit history of around 13 million Australian individuals and businesses. If you have not used or applied for credit in the past five years, Veda Advantage is unlikely to have a file on you.

The *Privacy Act* gives you the right to get a copy of your credit report from Veda Advantage. If you disagree with what is on your credit report, you can have it investigated by Veda Advantage. Contact a financial counsellor if you are unable to resolve the matter or need assistance.

## Disability and discrimination

It is a fundamental part of our law that everyone is equal and there is legislation that defines discrimination.

### Equal opportunity

The *Equal Opportunity Act 1995* makes it unlawful to discriminate against someone on the basis of age, breast feeding, carer status, impairment, gender identity, industrial activity, lawful sexual activity, marital status, parental status, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association with someone who has, or is assumed to have, one of these personal characteristics.

Acts of discrimination, including sexual harassment, are unlawful when they occur in employment, accommodation, educational facilities, clubs, sporting activities and in the provision of goods and services.

For example, it is unlawful to refuse to serve someone because of their colour, sex or disability, just as it is unlawful to refuse rental accommodation to people from a particular country or unmarried couples.

The *Racial and Religious Tolerance Act 2001*, makes it also unlawful to incite racial hatred. This covers things like racist graffiti and making racist speeches in a public space.

If you believe you have been discriminated against, it is important to try and get proof. If you have witnesses, for example if you are refused service in a shop and there are people watching, ask for their names and

addresses, just as you would after a car accident. They may be needed later on if the shopkeeper denies having done anything wrong.

### Physical, psychiatric or mental discrimination

Physical, psychiatric or mental discrimination is unlawful under federal and state laws. Choosing whether to make a complaint about disability discrimination under either the Commonwealth *Disability Discrimination Act* or Victoria's *Equal Opportunity Act* is complex.

### PUBLICATIONS

You can get a free copy of 'Using disability discrimination law – a booklet for people who have a disability' from Victoria Legal Aid. This booklet clarifies the options for anyone who experiences discrimination on the grounds of disability and can be ordered via the website at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

Other booklets of interest from VLA are 'Take control – a guide to powers of attorney and guardianship', 'Securing their future – for parents of children and adult children with a decision-making responsibility', and 'Over the rainbow – a guide to the law for lesbian, gay and transgender communities in Victoria'.



## VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION

3rd floor, 380 Lonsdale St, Melbourne 3000

**T:** 9281 7100 or  
1800 134 142 - country callers  
**TTY:** 9281 7110  
**E:** [complaints@humanrightscommission.vic.gov.au](mailto:complaints@humanrightscommission.vic.gov.au)  
**W:** [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

The Equal Opportunity and Human Rights Commission helps people resolve complaints of discrimination, sexual harassment and racial and religious vilification by offering a conciliation process that is confidential, impartial, free and simple.

Once a complaint is lodged it is investigated by staff within 60 days. If the commission finds that the complaint has substance, it starts a process of conciliation between the two parties to try and reach a solution. The commission is not a tribunal or court. Conciliation gives each person involved in the complaint an opportunity to have their say and resolve the matter by mutual agreement.

The commission does not prosecute, make judgements for or against either side, nor can it award compensation. Conciliation may include job reinstatement, an agreement to provide what was previously refused, an apology, policy changes or compensation.

If the complaint is not settled at conciliation either party can have the matter referred to the Anti-Discrimination List, Victorian Civil and Administrative Tribunal. The tribunal has the power to hear evidence and make a determination.

Interpreters are available.

## VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE

44 Bellerine St, Geelong 3220  
**T:** 5229 2925  
1800 014 111 - Advice line for disability related legal issues only  
Monday - Friday 1pm - 3pm  
(closed on Wednesday mornings)  
**TTY:** 1800 014 333  
**E:** [legal@villamanta.org.au](mailto:legal@villamanta.org.au)  
**W:** [www.villamanta.org.au](http://www.villamanta.org.au)

Villamanta Disability Rights Legal Service (VDRLS) is a statewide community legal service that works only on disability related legal issues. Its services include free telephone information, advice and referral, casework and community education. VDRLS also sells books on disability rights issues. Its website includes free information on disability related legal issues.

Interpreters can be arranged, free of charge.

## HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

GPO Box 5218, Sydney NSW 2001

**T:** 1300 656 419 - Complaints Infoline  
**E:** [newcomplaints@humanrights.gov.au](mailto:newcomplaints@humanrights.gov.au)  
**W:** [www.humanrights.gov.au](http://www.humanrights.gov.au)

The Human Rights and Equal Opportunity Commission investigates and conciliates complaints about race, sex, age and disability discrimination, alleged breaches of human rights and other matters.

## VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL GUARDIANSHIP LIST

55 King St, Melbourne 3000  
**T:** 9628 9911 - 24 hour for emergencies or  
1800 133 055  
**W:** [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

The Guardianship List hears applications for the appointment of a guardian and/or administrator for a disabled adult who is unable to make reasonable personal or financial decisions.

The list also deals with applications to revoke enduring powers of attorney under the Instruments Act and to revoke or suspend powers of attorney under the Medical Treatment Act. Applications are made in writing by filling out the form available from the Victorian Civil and Administrative Tribunal (VCAT).

Medical reports establishing that the person has a disability, should be provided. Any competent adult can make an application on behalf of a person with a disability. A response should be received within 30 days.

The expected outcome of an application to VCAT would be the appointment of a guardian and/or administrator to manage the personal and/or financial affairs of a disabled adult.

## VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ANTI-DISCRIMINATION LIST

55 King St, Melbourne 3000  
**T:** 9628 9900  
**E:** [vcats@vcats.vic.gov.au](mailto:vcats@vcats.vic.gov.au)  
**W:** [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

The Anti-Discrimination List deals with disputes for people who believe they have been discriminated against in areas such as accommodation, employment or education or have been a victim of sexual harassment in a similar area. Disputes of racial or religious vilification are also heard in this list.

Complaints must first be taken to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC). If you are not happy with the outcome, you may then ask the VEOHRC to refer your complaint to the Anti-Discrimination List. You must do this within 60 days of VEOHRC's decision.



The list also hears applications for exemptions from provision of the *Equal Opportunity Act*.

Applications forms are available from VCAT.

Interpreters can be arranged.

## OFFICE OF THE PUBLIC ADVOCATE

5th floor, 436 Lonsdale St, Melbourne 3000

T: 9603 9500 or

1300 309 337 - 24 hour for emergencies

TTY: 9603 9529

E: [publicadvocate@justice.vic.gov.au](mailto:publicadvocate@justice.vic.gov.au)

W: [www.publicadvocate.vic.gov.au](http://www.publicadvocate.vic.gov.au)

The Office of the Public Advocate (OPA) can help with complaints about services, care and treatment, neglect or exploitation of people with disabilities. It also provides information and advice about applications to the Guardianship List of the Victorian Civil and Administrative Tribunal (VCAT) and about enduring powers of attorney. It can act as an advocate at such hearings.

OPA also coordinates the Community Visitors Program. Community visitors regularly visit government funded institutions, for example, psychiatric hospitals and other residential facilities and services for people with disabilities to ensure adequate care is being provided. OPA can investigate complaints on behalf of others.

Interpreters can be arranged.

## MENTAL HEALTH REVIEW BOARD

30th floor, 570 Bourke St, Melbourne 3000

T: 8601 5270 or 1800 242 703

F: 8601 5299

E: [mhrb@mhrb.vic.gov.au](mailto:mhrb@mhrb.vic.gov.au)

W: [www.mhrb.vic.gov.au](http://www.mhrb.vic.gov.au)

The Mental Health Review Board is a statutory tribunal established under the *Mental Health Act* 1986. The board conducts reviews of, and hears appeals by, patients with a serious mental illness being treated involuntarily either as inpatients or on community treatment orders.

The board conducts regular reviews of all involuntary and security patients. As well, patients have the right to appeal at any time against their treatment as involuntary patients or detention as security patients. The board's function is to review the involuntary or security status of the patient, but it does not have the power to vary a patient's treatment.

Appeals may be made in writing, by email or by completing an appeal form, which is available from the board or any area mental health service. A friend, relative or community visitor may appeal on behalf of a patient. There is no cost in lodging an appeal.

Hearings are held at the area mental health service or clinic where the patient is being treated, and they are informal and closed to the public. Anyone, with the patient's consent, can go to the hearing to give

information, support or speak for the patient, such as a lawyer, advocate, relative or friend. When needed, the board will arrange an interpreter.

The board's decision is binding, but patients can appeal again to the board or seek a review of the decision by VCAT.

## INTELLECTUAL DISABILITY REVIEW PANEL

30th floor, 570 Bourke St, Melbourne 3000

T: 8601 5244 or 1800 641 038 - free call

E: [idrp@dhs.vic.gov.au](mailto:idrp@dhs.vic.gov.au)

W: [www.idrp.vic.gov.au](http://www.idrp.vic.gov.au)

The Intellectual Disability Review Panel (IDRP) assists people with an intellectual disability, their families, friends, guardians or advocates to challenge certain decisions made by the Department of Human Services.

Decisions which can be reviewed are:

- whether or not a person is intellectually disabled or a child under six years old is developmentally delayed
- the content or review of a general service plan
- whether or not a person should be admitted to a residential institution
- issues related to the care or detention of a security resident
- the use of restraint or seclusion
- whether a person is eligible to receive services.

Applications for review should be lodged within 30 days of receiving the letter advising of the decision. There is a special application form available from the Disability Services branch of Human Services or from the IDRP. Include a copy of all information relevant to the decision in the application.

Family, friends, advocates or carers can apply on behalf of someone who has an intellectual disability.

Interpreters are available free of charge.

The IDRP can make recommendations to the Department of Human Services on whether the decision should be changed. A report including the recommendations will be forwarded to all parties.

If the department does not accept the recommendations, the president of the IDRP can ask the Minister for Health to seek a change directly.

Interpreters are available free of charge.

*Note:* The Intellectual Disability Review Panel will stop on 30 September 2007. It will be replaced by the Disability Services Commissioner, which starts on 1 July 2007.



Where to go for more help or information

**VICTORIA LEGAL AID HUMAN RIGHTS AND CIVIL LAW SERVICE**  
**350 Queen St, Melbourne 3000**  
**T:** 9269 0416  
**W:** [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

Victoria Legal Aid's Human Rights and Civil Law service provides free legal advice about guardianship and administration issues. It also provides free legal advice and representation for people with an intellectual or mental disability and can represent people at Mental Health Review Board hearings.

**DISABILITY DISCRIMINATION LEGAL SERVICE**  
**c/o Ross House Association Inc.**  
**2nd floor, 247 Flinders Lane, Melbourne, 3000**  
**T:** 03 9654 8644 or 1300 882 872 - country callers  
**TTY:** 03 9654 6817  
**F:** 03 9639 7422  
**E:** [info@ddls.org.au](mailto:info@ddls.org.au)  
**W:** [www.communitylaw.org.au/ddls](http://www.communitylaw.org.au/ddls)

The Disability Discrimination Legal Service provides free legal advice and assistance to anyone who experiences discrimination on the grounds of their disability and wants to lodge a complaint under the *Disability Discrimination Act* or the *Equal Opportunity Act*. Telephone, TTY or email for an appointment.

An interpreter can be arranged, if notice is given, free of charge.

**MENTAL HEALTH LEGAL CENTRE INC**  
**4th floor, 520 Collins St, Melbourne 3000**  
**T:** 9629 4422 or 1800 555 887  
**E:** [mental\\_health\\_VIC@clc.net.au](mailto:mental_health_VIC@clc.net.au)

The Mental Health Legal Centre provides free and confidential telephone advice and legal advocacy. The centre also provides community legal education and law reform services.

The centre's main work is representing people on Community Treatment Orders at the Mental Health Review Board. It provides advice and, depending on workload, representation on other legal matters such as problems with the mental health system, administrators, criminal law, child protection, family law matters involving children, unfair discrimination and accessing medical files.

## Food poisoning

Food poisoning can result from person to person contact, from people sneezing and coughing, from pets and other animals, from drinking water and from eating contaminated food.

State Government legislation and food industry codes of practice exist to ensure standards are maintained wherever food is prepared or sold.

This includes cafés, restaurants and fast food outlets. If you believe the food you are eating may be contaminated, try to keep some of it as evidence. Never eat food that looks suspicious.

All food poisoning incidents should be reported to the local city council.

The council will have its health inspector investigate the report.

**DEPARTMENT OF HUMAN SERVICES FOOD SAFETY & REGULATORY ACTIVITIES UNIT**  
**50 Lonsdale St, Melbourne 3000**  
**T:** 1300 364 352  
**E:** [Foodsafety@dhs.vic.gov.au](mailto:Foodsafety@dhs.vic.gov.au)  
**W:** [www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety)

The food safety unit is part of the Public Health Branch of the Department of Human Services. Its role is to protect and support a safe food system in Victoria.

**VICTORIAN POISONS INFORMATION CENTRE**  
**T:** 131 126 - free call  
**W:** [www.rch.org.au/poisons](http://www.rch.org.au/poisons)

If you or your child have eaten anything that is poisonous contact the Poisons Information Centre immediately or seek medical assistance.

Where to go for more help or information

Contact the environmental health officer at the local council in the area where the food poisoning happened. Their number can be found in 'The White Pages' of the telephone directory.



## Freedom of information

You have the right to look at files that relate to a government department or agency. You can do this if you are in dispute with a department, you are simply interested or if you want to check that the records are accurate.

There is one set of freedom of information laws for the state government and a separate set of similar laws for federal government. These laws ensure that anyone in the community can get copies of all, or part, of government files, if they ask.

Requests to look at government files must be made in writing. Each government department has its own freedom of information officer. Most departments have their own application forms. Contact departments directly if you are interested in making an application and to get a form. Be precise about what you want to see.

There is often a small fee to pay to cover the cost of making copies, as well as an application fee. You can ask not to pay the fees if it is going to cause you hardship.

The government department or agency must respond to you within a certain time. After accepting the application the agency has no more than 45 days to communicate its decision.

Your application may not be accepted if you do not pay the fee or if you are not clear enough about the documents you want. If you are not given the documents that you want, or the material given is incomplete or censored, you can appeal to the General List at the Victorian Civil and Administrative Tribunal. The list can order the government department or agency concerned to hand over the papers.

### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL GENERAL LIST

**55 King St, Melbourne 3000**

**T:** 9628 9755

**E:** [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au)

**W:** [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

The General List reviews many administrative decisions made by the Victorian government and associated government bodies. The list also deals with requests under freedom of information laws about access to a variety of documents held by government bodies.

To find out whether the General List can hear a dispute, contact the government body you are dealing with and ask what appeal rights exist in your case. Application forms are available from VCAT.

**OMBUDSMAN (COMMONWEALTH)**  
**Level 10, 2 Lonsdale St, Melbourne 3000**  
**T:** 1300 362 072  
**E:** [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)  
**W:** [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Freedom of Information Act empowers the ombudsman to investigate complaints about the actions of Australian Government agencies.

The Commonwealth Ombudsman is also the Defence Force Ombudsman, Immigration Ombudsman, Postal Industry Ombudsman and Taxation Ombudsman.

Complaints can be in person, by phoning or by writing to the ombudsman. The ombudsman's services are free of charge.

Interpreters can be arranged.

**OMBUDSMAN (VICTORIA)**  
**Level 9, North Tower, 459 Collins St, Melbourne 3000**

**T:** 9613 6222 or

1800 806 314 - country callers

**E:** [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

**W:** [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

The State Ombudsman provides an independent, impartial and free service that deals with certain freedom of information (FOI) matters relating to Victorian government departments, statutory authorities and local councils, particularly where agencies fail to respond within 45 days to a request and where agencies advise that a document does not exist or cannot be located.

Complaints should be set out in writing with copies of relevant documentation including the original FOI application sent to the agency and any responses received. Officers of the ombudsman can give advice or help to lodge complaints.

The time it takes to get a decision depends on the complexity of the complaint.

The ombudsman can refuse complaints that are more than 12 months old. Each complaint is considered on its merit. If in doubt, contact the ombudsman's office.

Interpreters can be arranged free of charge.



## Government departments

If you have a complaint about a government department or a statutory authority, it is best to complain directly to that department. If the complaint is about a decision, ask how the decision was reached, whether another person in that department can review it, whether there are any time limits for reviews or appeals and where you can go from there.

See 'Guide to making a complaint'

### OMBUDSMAN (VICTORIA)

**Level 9, North Tower, 459 Collins St, Melbourne 3000**

**T:** 9613 6222 or  
1800 806 314 - country callers  
**E:** [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)  
**W:** [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

The State Ombudsman provides an independent, impartial and free service that investigates complaints about administrative actions or procedures of Victorian government departments, statutory authorities and local councils. The ombudsman can make recommendations for remedial action and changes in procedures. The ombudsman also deals with complaints under the *Whistleblowers Protection Act 2001* and with certain freedom of information matters.

The time it takes to get a decision depends on the complexity of the complaint.

The ombudsman can refuse complaints that are more than 12 months old. Each complaint is considered on its merit. If in doubt, contact the ombudsman's office.

Interpreters can be arranged free of charge.

### OMBUDSMAN (COMMONWEALTH)

**Level 10, 2 Lonsdale St, Melbourne 3000**

**T:** 1300 362 072  
**E:** [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)  
**W:** [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Commonwealth Ombudsman investigates complaints about administrative decisions, or a failure to make one, actions or procedures of Commonwealth government departments and authorities that affect individuals.

For example, the Commonwealth Ombudsman is also the Defence Force Ombudsman, Immigration Ombudsman, Postal Industry Ombudsman and Taxation Ombudsman.

Complaints can be in person, by phoning or by writing to the ombudsman. The ombudsman's services are free of charge.

Possible outcomes include an apology or a change to a decision. On some occasions, offers of compensation may be made.

### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL GENERAL LIST

**55 King St, Melbourne 3000**

**T:** 9628 9755  
**E:** [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au)  
**W:** [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

The General List reviews many administrative made decisions by the Victorian Government and associated government bodies. The list also deals with requests under freedom of information laws to see a variety of documents held by government bodies.

To find out if the General List can hear a dispute, contact the government body you are dealing with and ask what appeal rights exist in your case.

Appeals can be made against decisions such as compensation awarded to victims of crime, decisions by the Transport Accident Commission or the charges levied by the Metropolitan Fire Brigade if called out for a false alarm. Applications can be made on the form available from VCAT.

### ADMINISTRATIVE APPEALS TRIBUNAL

**16th floor, 40 City Rd, Southbank 3006**

**T:** 9282 8444 or 1300 366 700

**W:** [www.aat.gov.au](http://www.aat.gov.au)

This tribunal hears applications to review some federal government decisions. You do not need to have legal representation. However, it may be useful to get legal advice.

You can get an application form from the Administrative Appeals Tribunal (AAT) registry or via the AAT's website. Depending on the type of case and your financial circumstances, there may be a fee. Fees may be refunded if the appeal is successful.

Most applications should be lodged within 28 days of receiving notification of the decision. However, in some cases you have between 60 days and three months in which to apply. A response to a written complaint should be received within 20 working days. Complaints submitted in a language other than English take up to 30 days.

The AAT can organise and pay for an interpreter.

### AUSTRALIAN TAXATION OFFICE

**Casselden Place, 2 Lonsdale St, Melbourne 3000**

**T:** 132 870  
**TTY:** 133 677  
**W:** [www.ato.gov.au](http://www.ato.gov.au)

It's important that you are aware of your rights and obligations when dealing with the Australian Taxation Office (Tax Office).

When they make a decision about your tax affairs, they will tell you about your rights and obligations. They will also give you contact details in case you have any queries or need more information.



There is information under 'Your rights' on the Tax Office website. To order a copy of the 'Taxpayers' Charter – what you need to know', phone 1300 720 092.

If you are dissatisfied with a particular decision, service or action of the Tax Office, you have the right to complain.

The Tax Office recommends that you first, try to sort it out with the tax officer you have been dealing with, or phone the number you have been given. If you're not satisfied, talk to the tax officer's manager. If you're still not satisfied with the way your complaint is being handled, phone the Tax Office's complaints line on 132 870.

You can also make a complaint by writing to Complaints, Australian Taxation Office, at Locked Bag 40, Dandenong 3175 or by sending a freefax on 1800 060 063 or by using the online complaints form on the Tax Office's website.

If you are not satisfied with the Tax Office's decisions or actions, you can raise the matter with the Commonwealth Ombudsman.

## Health

Whether you are a private or public patient there are a range of actions you can take if your health service provider has not cared for you satisfactorily, has not been respectful of your dignity or privacy, or has been negligent or unprofessional.

These health service providers include specialists, doctors, dentists, hospitals, public and private, physiotherapists, occupational therapists, social workers in a health setting, nurses and ambulances.

Always approach your health service provider first to discuss your concern. If you are still unhappy, there are different complaint agencies to contact depending on which service provider, or branch of the medical profession, is involved.

The Health Services Commissioner can help.

**HEALTH SERVICES COMMISSIONER**  
30th floor, 570 Bourke St, Melbourne 3000  
**T:** 8601 5200 or 1800 136 066  
**F:** 8601 5219  
**E:** [hsc@dhs.vic.gov.au](mailto:hsc@dhs.vic.gov.au)  
**W:** [www.health.vic.gov.au/hsc](http://www.health.vic.gov.au/hsc)

The Health Services Commissioner (HSC) accepts complaints about a wide range of health service providers. These include:

- doctors and other medical practitioners
- hospitals, public and private
- occupational therapists
- dentists
- physiotherapists

- optometrists
- alternative therapists
- nurses
- chiropractors
- anybody providing you with a health service.

The HSC also has responsibility for the administration of the *Health Records Act 2001*. This establishes standards for the collection, use, disclosure, quality, security, access, retention and transfer of health information.

The HSC accepts complaints about privacy of health information held by any person or organisation in Victoria including:

- health service providers
- fitness centres
- schools
- kindergartens
- employers
- government agencies.

Application forms should be completed and are available from the HSC's office. Complaints can be made by telephone, but must be later put in writing. Staff can help or you can visit their website. Always collect evidence to support your complaint. The complaint should be acknowledged within one week.





Complaints may be resolved informally, or by confidential negotiation. Possible outcomes include an apology, an explanation or a procedural or policy change. If appropriate, compensation may be awarded. Some complaints are investigated, or referred to registration boards in cases of professional misconduct or when other methods of resolution are not appropriate.

Complaints about nursing homes and special accommodation houses can be dealt with by several agencies including the Aged Care Complaints Resolution Scheme, Residential Care Standards Branch of the Department of Human Services, Office of the Public Advocate and the Older Person's Action Centre. Phone for a referral.

Interpreters can be arranged, free of charge.

## MEDICAL PRACTITIONERS BOARD OF VICTORIA

16th floor, 150 Lonsdale St, Melbourne 3000

T: 03 9655 0500 or 1800 016 151

E: [info@medicalboardvic.org.au](mailto:info@medicalboardvic.org.au)

W: [www.medicalboardvic.org.au](http://www.medicalboardvic.org.au)

The Medical Practitioners Board of Victoria is a statutory authority established to protect the community and guide the medical profession. The board registers doctors, investigates complaints about doctors, monitors the health of doctors who are ill and may be unfit to practise medicine, and develops guidelines for the profession.

Complaints to the board can be made by members of the community and involve any aspect of medical practice, including the doctor's conduct, communication breakdowns and issues with medical certificates, reports or records. The board does not have power to award compensation, damages or costs, ask a medical practitioner to reimburse payments made, or mediate or negotiate between a medical practitioner and a patient. If you want one of these outcomes, you can contact the office of the Health Services Commissioner of Victoria.

The board takes seriously all the complaints it gets. Investigations can be progressed most efficiently when the board gets your complaint in writing. If this is not possible for you, please talk to the board's staff so they can refer you to someone who can help.

The board has a form so it is clear what information you need to provide. The form can be downloaded from the board's website at [www.medicalboardvic.org.au](http://www.medicalboardvic.org.au). Copies of the form are also available from the board's office or you can telephone the board and ask for a form to be sent to you.

The board's staff will keep you informed of the progress of your complaint. When the preliminary investigation is complete, the board may decide that:

- the investigation will not proceed further
- a hearing – either an informal hearing or a formal hearing – will be held to investigate the matter further

- the medical practitioner will undergo a medical examination
- the medical practitioner's performance will be assessed or reviewed.

An independent support team, funded by the board, can assist the person making a complaint and witnesses when the matter is referred to a hearing.

The board can take action against unprofessional, unqualified, incompetent or sick doctors by placing conditions on their registration, reprimanding, fining or suspending them from practice. In very serious cases the board can cancel a doctor's registration, to prevent the doctor from practising.

An interpreter can be arranged, free of charge.

## AGED CARE COMPLAINTS RESOLUTION SCHEME DEPARTMENT OF HEALTH AND AGEING

T: 1800 550 552

The scheme deals with complaints about aged care services that are funded by the Commonwealth Government. The scheme is free and accessible and the service is operated by the Department of Health and Ageing. Complaints can be made by telephone or in writing. They can be open, confidential or anonymous; and can be lodged by anyone.

An interpreter can be arranged, free of charge.

## PSYCHOLOGISTS' REGISTRATION BOARD OF VICTORIA

PO Box 358, Collins St West, Melbourne 8007

T: 9629 8722

E: [complaints@psychreg.vic.gov.au](mailto:complaints@psychreg.vic.gov.au)

W: [www.psychreg.vic.gov.au](http://www.psychreg.vic.gov.au)

The Psychologists Registration Board of Victoria (PRBV) regulates the psychology profession in Victoria and investigates complaints about the professional conduct of psychologists.

Complaints should be made to the PRBV in writing. A complaint form is available on the PRBV website or by contacting the board's offices. Others can complain on your behalf but this will make investigation more difficult. Complaints should be lodged as soon as possible after the incident.

The complaint will be acknowledged within seven days but the final decision can take time. If the PRBV finds a psychologist has engaged in unprofessional conduct it may decide to reprimand, fine, suspend registration or cancel their registration.

An interpreter can be arranged, if required.



## THE ROYAL AUSTRALIAN & NEW ZEALAND COLLEGE OF PSYCHIATRISTS

309 La Trobe St, Melbourne 3000

T: 9640 0646

E: [ranzcp@ranzcp.org](mailto:ranzcp@ranzcp.org)

W: [www.ranzcp.org](http://www.ranzcp.org)

Most consultant psychiatrists in Victoria are fellows of the Royal Australian & New Zealand College of Psychiatrists (RANZCP). The college cannot investigate complaints about its members because it has no legal or statutory powers to do so. The college relies on bodies with appropriate authority to investigate complaints made against psychiatrists.

The college has a Professional Conduct Committee that reviews adverse findings made against psychiatrists by the Medical Practitioners Board of Victoria. This may result in a fellow's membership of the college being suspended or terminated.

Complaints against psychiatrists who are not members of the RANZCP should be forwarded to the Medical Practitioners Board of Victoria or the Health Services Commissioner.

## MEDICARE AUSTRALIA

GPO Box 9822, Melbourne 3001

T: 1800 465 717

W: [www.medicareaustralia.gov.au](http://www.medicareaustralia.gov.au)

Complaints about the administrative actions of Medicare and the Pharmaceutical Benefits Scheme should be directed to Medicare Australia.

Complaints can also be directed to the Commonwealth Ombudsman. You should make your complaint in writing. Another person can lodge a complaint on your behalf if you give them formal authority. You will be informed in writing of the outcome of your complaint.

## CHINESE MEDICINE REGISTRATION BOARD OF VICTORIA

727 Heidelberg Rd, Alphington 3078  
(PO Box 5088) Alphington 3078

T: 9499 3800

F: 9499 8688

E: [admin@cmrb.vic.gov.au](mailto:admin@cmrb.vic.gov.au)

W: [www.cmrb.vic.gov.au](http://www.cmrb.vic.gov.au)

The primary purpose of the Chinese Medicine Registration Board of Victoria (CMRB) is to protect the public. The board registers practitioners of Chinese medicine and investigates complaints about the conduct and fitness to practice, of registered practitioners.

If you plan to have acupuncture or Chinese herbal medicine make sure the practitioner is suitably qualified and registered.

You can check on the CMRB website to see if your practitioner is registered with CMRB.

CMRB also issues practice standards covering matters such as advertising, dispensing herbs, communication, professional indemnity insurance and infection control.

Complaints are referred directly to the registrar. More detailed information is available from the website, under 'How to make a complaint'.

You may call first to discuss the situation but a written and signed complaint will be requested.

### Where to go for more help or information

#### VICTORIA LEGAL AID HUMAN RIGHTS AND CIVIL LAW SERVICE

350 Queen St, Melbourne 3000

T: 9269 0416

W: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

VLA's Human Rights and Civil Law service provides free legal advice about health service issues.

#### RESIDENTIAL CARE RIGHTS INC

Level 4, 140 Queen St, Melbourne 3000

T: 9602 3066 or 1800 700 600

E: [rcr@rcr.org.au](mailto:rcr@rcr.org.au)

W: [www.vic.agedrights.asn.au](http://www.vic.agedrights.asn.au)

Residential Care Rights (RCR) provides free information and confidential advice. RCR will assist with making complaints about nursing

homes and hostels and advocate for anyone getting a community care package at home or anyone who has been assessed by an aged care assessment service. You can have someone approach RCR on your behalf.

Interpreters can be arranged.

### COMMUNITY HEALTH CENTRES

Community health centres may be able to help you to make your complaint.

See 'The White Pages'



## Health insurance

Any health insurance policy will contain conditions, exclusions, limits and explanations. Before signing up with a private health fund, it is important to read the fine print. Apart from accidents, there are usually waiting periods before you can claim for particular treatments. If you are changing from one health fund to another there may be extra waiting times for certain benefits.

Before entering hospital for treatment, check if the hospital is recognised by your health fund. Otherwise you may be up for more out of pocket expenses. Your health insurance policy can be cancelled if you miss more than two monthly premiums in a row. Claims should be lodged within two years unless other arrangements have been made with the health fund.

### PRIVATE HEALTH INSURANCE OMBUDSMAN

Level 7, 362 Kent St, Sydney NSW 2000

T: 1800 640 695

Speech Impaired: 132 544

Interpreter: 131 450

E: [info@phio.org.au](mailto:info@phio.org.au)

W: [www.phio.org.au](http://www.phio.org.au)

The Private Health Insurance Ombudsman (PHIO) is independent of government, hospitals and the health funds. It deals with enquiries and complaints about any aspect of private health insurance. Complaints can be made by a health fund member, health fund, health care provider or health insurance broker.

Complaints can be made via PHIO's Freecall 1800 number, website or letter. PHIO's website has a number of brochures to help consumers with understanding private health insurance and how the complaints process works. Advocates, including a family member or social worker, can contact the PHIO on your behalf.

Your complaint should be acknowledged within seven days. The time taken for a final reply depends on its complexity.

### Where to go for more help or information

#### VICTORIA LEGAL AID HUMAN RIGHTS AND CIVIL LAW SERVICE

350 Queen St, Melbourne 3000

T: 9269 0416

W: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

VLA's Human Rights and Civil Law service provides free legal advice about health insurance.

#### HEALTH SERVICES COMMISSIONER

See 'Health'

## Housing

There are several agencies that deal with housing and accommodation issues. If you are not happy with the resolution of your problem there are also various avenues of appeal.

### Private renting

When you rent a property to live in, there are a range of things that you can expect from the owner. These include:

- That the property will be kept by the owner in a safe and habitable condition.
- That urgent repairs will be carried out quickly, and all other repairs within 14 days of notice.
- That your privacy will be respected and that the owner does not visit the property more than a couple of times a year and not without giving you at least a day's notice.
- That the owner does not force you to move out of the property without good reason and without proper notice.

There should be an agreement between you and the owner of the property. The agreement should outline such things as how much rent you will pay and how long you can live in the property.

The agreement can be in writing or it can be verbal. It can be for a fixed period, such as six or 12 months, or it can be periodic, such as on a month to month basis. Usually you will be asked to pay a bond of one month's rent when you move into a property. You should get the bond back when you leave,

unless you have damaged the property and money from the bond is needed to pay for the repairs.

You do not have to pay for repairs that are needed because of normal wear and tear. When you first move into the property, you and the owner should fill out a 'Condition Report'. This outlines the condition of the property and is signed by you and the owner. This can help avoid arguments later on about whether or not you have caused damage to the property.

If you are in dispute about any of the above matters you should contact the Tenants Union of Victoria or Consumer Affairs Victoria.

### Public housing

If you are on a low income and cannot find suitable housing to rent privately, you can apply to rent public housing. If your application has been rejected you can appeal.

See 'Department of Human Services'

### Body corporate

If you own a property, which is managed by a body corporate, there are state government regulations setting out their duties, functions, rights and liabilities.

Advice on body corporate issues is available from Consumer Affairs Victoria (CAV). You can get a brochure on buying into a body corporate by calling the helpline or visiting the CAV website.



Comprehensive information on bodies corporate is available on the website of the Law Institute of Victoria: [www.liv.asn.au](http://www.liv.asn.au) Helpful publications on this topic, including the Victoria Law Foundation's 'The body corporate manual: a complete guide to the law in Victoria', are also available from the Law Institute of Victoria's bookshop (phone 9607 9348, web [www.bookshop.liv.asn.au](http://www.bookshop.liv.asn.au)).

If your body corporate is run by a licensed real estate agent, and there is a problem that cannot be resolved, contact the Real Estate Institute of Victoria.

**CONSUMER AFFAIRS VICTORIA**  
**121 Exhibition St, Melbourne 3000**  
**Walk-in service: 113 Exhibition St, Melbourne**

**T:** 1300 558 181 (Callers can be referred to regional offices)  
**Interpreter Service:** 131 450  
**E:** [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)  
**W:** [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

Consumer Affairs Victoria (CAV) administers laws regarding all residential tenancies in Victoria including rooming houses and caravan parks. The organisation provides advice and information via telephone, at the counter or in writing. CAV can also provide inspection services for repairs, rent increases and goods left behind.

CAV offers a variety of booklets, brochures and fact sheets on residential tenancies in English and other languages. Publications are listed on the CAV website at

[www.consumer.vic.gov.au](http://www.consumer.vic.gov.au) and can be ordered by calling the helpline on 1300 558 181.

Advice on retirement village disputes is also available from CAV. Residents or their representatives may also lodge a formal complaint with CAV.

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL RESIDENTIAL TENANCIES LIST**  
**55 King St, Melbourne 3000**  
**T:** 9628 9800 or 1800 133 055  
**E:** [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au)  
**W:** [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

The Residential Tenancies List hears disputes between tenants and owners. The list can make orders forcing the owner or tenant to do something, such as to make repairs or pay some money, or to stop doing something, such as causing a nuisance. The list can make orders about bonds or compensation.

**ESTATE AGENTS RESOLUTION SERVICE**  
**121 Exhibition St, Melbourne, 3000**  
**Walk-in service: 113 Exhibition St, Melbourne**  
**T:** 1300 737 030 (Callers can be referred to regional offices)  
**Interpreter Service:** 131 450  
**W:** [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

The Estate Agents Resolution Service (EARS) is part of Consumer Affairs Victoria (CAV). It offers advice, information, a complaints service and dispute resolution on real estate matters.

If you wish to make a complaint about the conduct of a real estate agent, first call the EARS enquiry line. Further information is available on the CAV website.

**DEPARTMENT OF HUMAN SERVICES**  
**HOUSING APPEALS, COMPLAINTS**  
**MANAGEMENT AND HOME FINANCE**  
**REVIEW OFFICE**  
**1st floor, 50 Lonsdale St, Melbourne 3000**  
**T:** 9096 7426 or 1800 807 702 - Appeals  
 1800 155 743 - Complaints  
**W:** [www.dhs.vic.gov.au/housing](http://www.dhs.vic.gov.au/housing)

If you have applied for public housing, bond assistance or any other type of rental housing assistance that Department of Human Services provides, and been refused, you can appeal. You need to appeal on a special form provided by the Housing Appeal Office. Your appeal will be judged on the information you provide. You will be informed in writing of the outcome of your appeal. You cannot appeal eviction orders, requests for emergency maintenance or tenancy responsibility charges. These matters are dealt with by VCAT.

If you have a complaint about the way you have been dealt with by Office of Housing staff or a service delivery problem, contact the Complaints Management Unit who will help with lodging a complaint.

Interpreters can be arranged for either telephone or office interviews, free of charge.

**Where to go for more help or information**

**TENANTS UNION OF VICTORIA**  
**55 Johnston St, Fitzroy 3065**  
**T:** 9416 2577 - private, caravan park and rooming house residents  
 1800 068 860 - public housing tenants  
**W:** [www.tuv.org.au](http://www.tuv.org.au)

The Tenants Union of Victoria provides legal advice and assistance for tenants and can help negotiate with owners, estate agents and government departments. It can assist in making an application and preparation for a hearing to the Residential Tenancies List at VCAT. It can also assist in making complaints to Consumer Affairs Victoria, about landlords, estate agents, rooming house owners or caravan park owners. It does not assist with body corporate disputes.

Interpreters can be arranged, free of charge.



## Immigration

Immigration law covers the rules about coming to Australia permanently, staying here temporarily and bringing family or employees to Australia from overseas.

The federal government sets limits on the number of people who can come to live in Australia. There are rules about temporary and permanent entry, which are strictly enforced. The permit that allows entry to Australia is called a visa.

### Short term entry

Short term entry is allowed for tourists, but they are not allowed to work while here as tourists. There are special schemes for working holiday visa holders, which have to be arranged before you arrive in Australia.

There are rules that may prevent people who come as tourists from staying permanently, although tourist visas can be extended for up to 12 months. This is generally only possible if you apply before the visa expires.

Most people wanting to migrate to Australia have to apply from their own country. It is important for people to get accurate information about things like job opportunities, social security and whether your qualifications will be recognised, before making an application.

This type of information should be available from the Australian Embassy or diplomatic office in each country. The three main ways of applying to migrate are family reunion, business migration and humanitarian or refugee entry.

### Family reunion

Family reunion allows people who are already permanent residents or citizens of Australia, to ask the government to let their brothers, sisters, parents, children and so on, join them in Australia.

The exact categories of family members who can sponsor and how this is done is complicated and the rules need to be studied in detail. They may also change so get advice if these rules apply to you.

### Business or economic migration

Business or economic migration covers business migrants and people who pass the 'skilled independent points test'. This test allocates points based on qualifications, work experience, English language skills and age.

It is also possible to be nominated by an organisation that wants to employ you when you get here.

### Refugees

Refugees have to be able to show that they will be persecuted in their own country if they were to return. It is not enough to say you will be put in jail if you return. It must be for reasons to do with your political, religious, ethnic background, nationality or membership of a particular social group.

For a free brochure about applying for a visa as a refugee go to [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

### Refugee and special humanitarian program

When a person comes to Australia under the Refugee and Special Humanitarian Program, or if they get a permanent protection (refugee) visa after arriving in Australia, their spouse and children can apply to join them in Australia. It is possible, but very difficult, to bring other family members such as brothers, sisters, parents and extended family.

#### MIGRATION REVIEW TRIBUNAL

Level 12, 460 Lonsdale St,  
Melbourne 3000

T: 8600 5800 or 1300 361 969

F: 8600 5801

E: [enquiries@mrt.gov.au](mailto:enquiries@mrt.gov.au)

W: [www.mrt.gov.au](http://www.mrt.gov.au)

Decisions made by the Department of Immigration and Citizenship (DIAC) may be appealed to the Migrant Review Tribunal (MRT). There are strict time limits for appeals depending on the type of decision or whether the visa applicant is in immigration detention. The time limit cannot be extended or waived. Immigration law is complicated. Get legal advice before making an appeal.

The tribunal can overturn vary or affirm decisions made by DIAC.

Appeals must be on a form provided by the tribunal. There is a substantial fee (\$1400 in 2007), which is refundable if the tribunal decision supports your case. This fee must be paid before the tribunal will consider the application. You may not have to pay the fee if you can show you cannot afford it.

Applications for review may be lodged at any registry of the MRT or posted or faxed to the tribunal.

After you lodge your application the tribunal will invite you to a hearing. It is very important to go to the hearing. Most applicants who do not go to their hearing have their case refused by the tribunal.

No fee is payable for a review of a decision to refuse or cancel a bridging visa if a person is in immigration detention as a result of the decision. Applicants can be assisted by a friend, family member or registered migration agent.

Interpreters can be arranged, free of charge.

#### REFUGEE REVIEW TRIBUNAL

Level 12, 460 Lonsdale St, Melbourne 3000

T: 8600 5800 or 1300 361 969

F: 8600 5801

E: [rrtinfo@rrt.gov.au](mailto:rrtinfo@rrt.gov.au)

W: [www.rrt.gov.au](http://www.rrt.gov.au)

A decision refusing a protection visa from the Department of Immigration and Citizenship (DIAC) can be appealed to this independent tribunal. You must use the 'review application' form to appeal. These forms are available from the department and the tribunal.

If you are in immigration detention, you have seven days to appeal and if not in detention, 28 days.



A 'review application' must be made by the person who was refused the protection visa. It is not possible for another person to apply on their behalf.

Where an applicant is in detention the case is usually allocated to a tribunal member within a few days. The tribunal aims to finalise a detention and non-detention cases within 90 days from the date the case is allocated to the date of decision.

After you lodge your application the tribunal will invite you to a hearing. It is very important to go to the hearing. Most applicants who do not go to their hearing have their case refused by the tribunal.

The tribunal can affirm, vary or set aside a decision made by DIAC or refer the application back to DIAC for further consideration. Applicants are notified of the tribunal's decision and reasons in writing.

If the applicant is successful they will be contacted by DIAC and provided with information about what they need to do to get a protection visa. There is no application fee but if the review is unsuccessful, there is a charge of \$1400.

Interpreters can be arranged, free of charge.

## MIGRATION AGENTS REGISTRATION AUTHORITY

**PO Box Q1551, QVB, NSW 1230**

**T:** 02 9299 5446

Monday - Friday 9am - 5pm

**E:** [themara@themara.com.au](mailto:themara@themara.com.au)

**W:** [www.themara.com.au](http://www.themara.com.au)

The Migration Agents Registration Authority (MARA) handles complaints about the conduct of registered migration agents.

Registered migration agents are required by law to comply with a code of conduct.

If you are dissatisfied with the service you receive or feel your agent has breached the Code of Conduct, you can lodge a complaint with the MARA.

Where agents are found to be dishonest, incompetent or in breach of the Code of Conduct, they can be cautioned or their registration can be suspended or cancelled.

It is important to note that the MARA does not have the power to award refunds or determine compensation, impose a penalty or fine, impose criminal sanctions or give legal advice.

Complaints must be in writing and forms are available from the MARA or its website. You can telephone the MARA to discuss how to make a complaint before lodging application forms.

Most complaints are handled within six months but may take up to 12 months.

Interpreters can be arranged free of charge.

If you do not use a registered migration agent, the MARA can't help you with any problems you may have with them.

The MARA also cannot offer advice or assistance with visa applications.

## OMBUDSMAN (COMMONWEALTH)

**Level 10, 2 Lonsdale St, Melbourne 3000**

**T:** 1300 362 072

**E:** [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

**W:** [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Commonwealth Ombudsman investigates complaints about decisions, or a failure to make one, actions or procedures of Commonwealth government departments, including the Department of Immigration and Citizenship.

Interpreters can be arranged, free of charge.

Where to go for more help or information

## REFUGEE & IMMIGRATION LEGAL CENTRE

**95 Brunswick St, Fitzroy 3065**

**T:** 9483 1140 - advice line

9483 1144 - general enquiries

Phone advice is available

Wednesdays 10am - 4pm and

Fridays 2pm - 4pm

**W:** [www.rilc.org.au](http://www.rilc.org.au)

The centre provides legal advice and assistance in areas of sponsorship, migrant entry from overseas, change of status for persons in Australia wanting permanent

residence, permission to work, resident return visas, citizenship, obtaining lawful status for overstayers.

The centre also provides advice and assistance to people seeking protection visas, refugee status or residence on humanitarian grounds and to those nominating people in refugee-like situations overseas.

## VICTORIA LEGAL AID HUMAN RIGHTS AND CIVIL LAW SERVICE

**350 Queen St, Melbourne 3000**

**T:** 9269 0416

**W:** [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

VLA's Human Rights and Civil Law service provides free legal information and advice about immigration and refugee law and, in some cases, assistance in relation to Federal Court and High Court applications.

## MIGRANT RESOURCE CENTRES

### Altona North

**78-82 Second Ave**

**T:** 9391 3355

**E:** [info@wmrc.org.au](mailto:info@wmrc.org.au)

### Box Hill

**2/27 Bank St**

**T:** 9285 4888

**E:** [sherbst@miceastmelb.com.au](mailto:sherbst@miceastmelb.com.au)

**W:** [www.miceastmelb.com.au](http://www.miceastmelb.com.au)



## Broadmeadows

60 Belfast St

T: 9351 1278

E: [mrcnw@mrcnorthwest.org.au](mailto:mrcnw@mrcnorthwest.org.au)

W: [www.mrcnorthwest.org.au](http://www.mrcnorthwest.org.au)

## Coburg

13 Munro St

T: 9384 7900

W: [www.mrcne.org.au](http://www.mrcne.org.au)

## Dandenong

Level 1, 314 Thomas St

T: 9706 8933

E: [sermrc@sermrc.org.au](mailto:sermrc@sermrc.org.au)

W: [www.sermrc.org.au](http://www.sermrc.org.au)

## Geelong West

153 Pakington St

T: 5221 6044

E: [gmrc@diversitac.org.au](mailto:gmrc@diversitac.org.au)

W: [www.diversitac.org.au](http://www.diversitac.org.au)

## Morwell

100-102 Barkly St

T: 5133 7072

E: [gms@gmsinfo.com.au](mailto:gms@gmsinfo.com.au)

W: [www.gmrc.com.au](http://www.gmrc.com.au)

## Narre Warren

60 Webb St

T: 9705 6966

E: [sermrc@sermrc.org.au](mailto:sermrc@sermrc.org.au)

## Oakleigh

18 Chester St

T: 9563 4130

E: [enquiry@southcentralmrc.org.au](mailto:enquiry@southcentralmrc.org.au)

## Prahran

40 Grattan St

T: 9510 5877

E: [enquiry@southcentralmrc.org.au](mailto:enquiry@southcentralmrc.org.au)

## Preston

251 High St

T: 9496 0200

E: [mrcne@mrcne.org.au](mailto:mrcne@mrcne.org.au)

W: [www.mrcne.org.au](http://www.mrcne.org.au)

## St. Albans

45 Main Rd West

T: 9367 6044

E: [mrcnw@mrcnorthwest.org.au](mailto:mrcnw@mrcnorthwest.org.au)

W: [www.mrcnorthwest.org.au](http://www.mrcnorthwest.org.au)

## Werribee

2/14 Station Pl

T: 9742 3900

E: [mrcwerribee@bigpond.com](mailto:mrcwerribee@bigpond.com)

## Insurance, investment and superannuation

Insurance can be bought to cover a range of circumstances, theft, unemployment, health, car accidents, just about anything of value. Superannuation is an amount of money set aside in a special fund by employers for your retirement.

### Insurance

When getting a quote for insurance you will be asked for personal details. Answer the questions truthfully and fully. Ask questions about what the company will pay in the event of a claim being made, such as, will it pay for replacement of an item or only what the item was worth at the time of the claim. If you are having problems with your insurance company then seek assistance from the following organisations.

### Superannuation

Federal laws make it compulsory for employers to pay a percentage of your pay into a superannuation fund. Some employees not covered are those:

- under 18 years who work less than 30 hours a week
- over 65 years
- who earn less than \$450 gross a month
- who do domestic work for less than 30 hours a week
- paid according to the Community Development Employment Program.

If you believe your employer should be making payments to a superannuation fund on your behalf, you can contact the

Australian Taxation Office superannuation hotline on 131 020. The ATO has the power to investigate your complaint.

**INSURANCE OMBUDSMAN SERVICE**  
GENERAL INSURANCE ENQUIRIES  
AND COMPLAINTS SCHEME  
**PO Box 561, Collins St West,  
Melbourne 8007**

T: 9613 6300 or 1300 780 808

E: [ios@insuranceombudsman.com.au](mailto:ios@insuranceombudsman.com.au)

W: [www.insuranceombudsman.com.au](http://www.insuranceombudsman.com.au)

The scheme is approved by the Australian Securities and Investments Commission. It handles enquiries and complaints and it resolves disputes between consumers and their general insurance companies. It can help if you have a dispute with another person's general insurance company about motor vehicle property damage, ie. third party claim.

You must first try to resolve the dispute with your insurance company. If you are still not happy, contact the Insurance Ombudsman Service within three months of the insurance company's Internal Dispute Resolution decision.

The scheme is free to consumers. It can determine disputes about claims and non-claims. Determinations are binding on participating insurers if the amount in dispute is no more than \$280,000. It usually takes three to four months for a dispute to be determined.

Interpreters can be arranged, free of charge.



## FINANCIAL INDUSTRY COMPLAINTS SERVICE

PO Box 579, Collins St West,  
Melbourne 8007

T: 1300 780 808

W: [www.fics.asn.au](http://www.fics.asn.au)

The Financial Industry Complaints Service gives free advice and assistance with complaints about life insurance, managed investments, financial planning, stock broking, some 'friendly societies' and financial and investment advice.

The service is an industry based, alternative dispute resolution scheme approved by ASIC. A complaint should be made direct to the service provider. If this does not resolve the issue, you can contact the service by telephone or writing.

The service has some monetary and other limits, \$250,000 or \$6,000 per month for life insurance and \$100,000 for managed investments and financial advice.

Complaints are dealt with by investigation and conciliation. The service can also make decisions which, if accepted by the consumer, are binding on the members of the service. You have six years to lodge a complaint.

Interpreters can be arranged, free of charge.

## SUPERANNUATION COMPLAINTS TRIBUNAL

Locked Bag 3060 GPO, Melbourne 3001

T: 1300 780 808

W: [www.sct.gov.au](http://www.sct.gov.au)

The Superannuation Complaints Tribunal (SCT) is an independent tribunal set up by the Commonwealth Government.

All complaints about superannuation should be first made to your particular fund. If, after 90 days, the complaint has not been resolved to your satisfaction, you can make a complaint to the SCT.

The complaint should be made in writing on a form and sent to the tribunal with a copy of the fund's original decision and a copy of your letter of complaint. The tribunal will try to resolve complaints by agreement between you and your fund. Time limits apply for particular complaints.

There are some types of complaints that the tribunal cannot deal with. It is best to ring the tribunal to check on this before lodging a complaint.

## INSURANCE BROKERS DISPUTES LIMITED

Level 5, 31 Queen St, Melbourne 3000

T: 1300 780 808

F: 9620 0166

E: [info@ibdLtd.com.au](mailto:info@ibdLtd.com.au)

W: [www.ibdLtd.com.au](http://www.ibdLtd.com.au)

Insurance Brokers Disputes Limited (IBD) handles most problems that can arise out of a broker's handling of domestic insurance matters: home building, home contents, motor vehicle, travel, sickness and accident, consumer credit, pleasure craft, valuables and personal property. IBD can also consider disputes about small business policies, life insurance and superannuation.

Other policies may be included, if the financial service provider and their professional indemnity insurer agree.

IBD does not handle matters relating directly to insurance companies. These should be referred to the Insurance Ombudsman Service.

IBD handles disputes involving claims up to \$100,000, except where the financial service provider and their professional indemnity insurer agree to waive this limit.

If you make a complaint, the financial service provider must first try to resolve the problem. If the problem is unresolved after 20 working days, the financial service provider should refer you to IBD.

IBD will refer your dispute to the broker and if it remains unresolved, it will then be investigated by a case manager. The case manager usually issues a written decision, called a finding. Both you and the broker may appeal the finding to the referee.

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

T: 1300 300 630

E: [infoline@asic.gov.au](mailto:infoline@asic.gov.au)

W: [www.asic.gov.au](http://www.asic.gov.au)

ASIC's consumer website:  
[www.fido.gov.au/super](http://www.fido.gov.au/super)

The Australian Securities and Investments Commission (ASIC) deals with complaints about misconduct or illegal activity by companies and the financial services industry. This includes complaints about insurance companies, insurance brokers, superannuation funds and financial advisers.

ASIC publishes 'Super Choices', a booklet to help people understand more about super, make better super choices and find extra help and information. They also publish 'Super and Us Mob!', a factsheet about super issues for indigenous Australians.

Contact your local community legal centre for advice. Contact the Federation of Community Legal Centres on 9654 2204.



## Lawyers and legal help

If you need legal help, you have several choices.

Victoria Legal Aid's (VLA) Legal Information Service can provide legal information and can make appointments for free legal advice. Ring 9269 0120 or 1800 677 402 - country free call.

This service is provided in English and a range of community languages. They include Arabic, Cantonese, Croatian, Greek, Italian, Macedonian, Mandarin, Polish, Russian, Serbian, Spanish, Turkish, Ukrainian and Vietnamese.

VLA's head office in the city has a library that is open to the public. Self help classes and workshops are also available to assist people manage many types of legal problems, including representing themselves in the Family Court.

The Law Institute of Victoria (LIV) has a legal referral service that will help find a lawyer for you. The service can also arrange an initial 30-minute free consultation. Visit the LIV website to search their online database or phone the referral service on 9607 9550 for more personal advice.

Community legal centres provide free legal advice. Contact the Federation of Community Legal Centres on 9654 2204 to find the centre closest to you.

Some private lawyers provide legal advice free of charge. Community Information Victoria can usually provide access to local lawyers who give free legal advice and referral, call them on 9670 1233.

If you visit a lawyer always ask how much the visit will cost. You can also ask for a quote for the whole job.

You should also ask the lawyer to help you apply for assistance from VLA.

If your application to VLA is unsuccessful, and you satisfy certain conditions, you can apply for assistance from LIV's legal assistance scheme. Details of the scheme, including eligibility requirements and application forms, are available on the LIV website. You can also call 9225 6675.

If you have a problem with the legal advice or service that has been provided, contact the Legal Services Commissioner.

**LEGAL SERVICES COMMISSIONER**  
**Level 9, 330 Collins St, Melbourne 3000**  
**T:** 9679 8001  
1300 796 344 - free call  
**F:** 9679 8101  
**W:** [www.lsc.vic.gov.au](http://www.lsc.vic.gov.au)

Anyone can complain or make a complaint to the Legal Services Commissioner (LSC) about a lawyer. The LSC deals with complaints such as:

- delays caused by your lawyer
- poor communication
- incompetence
- inadequate service
- ethical issues (such as conflict of interest).

You can also contact LSC if you are concerned about the costs you have been charged by your lawyer or think that your lawyer's action has caused you financial loss.

Complaints to the LSC must be made in writing. This can be done on a complaint form (available from the office or download from the LSC website) or in a letter providing all relevant details. Your complaint will be dealt with by the LSC confidentially, impartially, at no cost and as quickly as possible.

The LSC may refer disputes to the Law Institute of Victoria or to the Victorian Bar.

For further details see the LSC website.

**LAW INSTITUTE OF VICTORIA**  
**470 Bourke St, Melbourne 3000**  
**T:** 9607 9550 - Referral Service  
9225 6675 - Legal Assistance Scheme  
**W:** [www.liv.asn.au/public](http://www.liv.asn.au/public)

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL LEGAL PRACTICE LIST**  
**T:** 9628 9081  
**E:** [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au)  
**W:** [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

The Legal Practice List at VCAT hears disciplinary charges and disputes between legal practitioners and their clients. A dispute can only be referred to the tribunal if the Legal Services Commissioner is unable to resolve the dispute.

Hearings are open to the public unless the tribunal orders otherwise. The tribunal can make an order for compensation or reduce an account under investigation.

**VICTORIA LEGAL AID**  
**350 Queen St, Melbourne 3000**  
**T:** 9269 0234  
**W:** [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

If you are dissatisfied by a decision made by Victoria Legal Aid (VLA) about an application for aid you can ask for that decision to be reconsidered. Contact the VLA officer responsible for making the decision, within 14 days. Outline the reasons for requesting reconsideration.

If the officer does not change the decision, another officer will reconsider the decision. You will be informed in writing of the outcome of the reconsideration. If you are still unhappy, you have the right to have the decision reviewed by an independent reviewer. You should do this within 21 days of receiving the reconsidered decision.

Complaints about the conduct of VLA staff should be directed to the Managing Director. Complaints about VLA's procedures and conduct which do not comply with the *Legal Aid Act* should be referred to VLA's Client Services Officer or the State Ombudsman.

To get a copy of the VLA client service charter call 9269 0234.



## Neighbourhood disputes

The home can be host to a range of legal problems. Although these can be serious in their effect on everyday life, legal intervention can take a long time and can be expensive. Alternative methods of dispute resolution are more likely to solve the problem and keep some sort of friendship with the people involved.

### Fences

Because a fence divides the property on either side, any problems are the joint responsibility of the owners of the properties on each side. If the fence needs repair or replacement the owners need to discuss this, make decisions together and share any costs that arise.

Disputes may happen when one owner wants to replace the fence and the other thinks it is fine, or if one owner wants the fence replaced with a more expensive type of fence than the old one. If a timber fence is to be replaced by a brick fence, because one property owner insists on it, then the other owner need only contribute half the cost of a fence similar to the one being replaced. If the property owners cannot agree, they can ask the local Magistrates' Court to decide for them. However, you may pay lawyers more than the cost of the fence.

The Dispute Settlement Centre may be able to help in a less expensive and more cooperative way than the court.

### Trees

Overhanging trees can cause problems between neighbours, as can tree roots growing into drains and pipes. The legal principles are clear. It is a property owner's responsibility to make sure nothing escapes from their land into the land adjoining.

If trees do overgrow onto your property you can cut off the offending branches and place it on the neighbour's side of the fence. But make sure you discuss it with your neighbour first, they may be happy to do it themselves. The same principles apply for tree roots.

Expert opinions from people such as engineers and plumbers are often needed to resolve disputes about what is causing the damage, so be prepared to get this assistance before taking any action. Once you confirm the problem is caused by something coming from the neighbour's land, then a simple discussion may resolve things. If necessary, the Magistrates' Court will hear the case.

### Noise

It may be possible to take action if there is a noise problem. Generally there are council by-laws to resolve problems caused by unreasonable noise levels from cars, dogs that bark constantly and lawn mowers, power tools, air conditioners and musical instruments.

See 'Pollution'

### Where to go for more help or information

Contact your local council in 'The White Pages' of the telephone directory.

#### DISPUTE SETTLEMENT CENTRE OF VICTORIA

Level 4, 456 Lonsdale St, Melbourne 3000

T: 9603 8370 or 1800 658 528

E: [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au)

W: [www.justice.vic.gov.au/disputesinfo](http://www.justice.vic.gov.au/disputesinfo)

The Dispute Settlement Centre is a free telephone service that will work with you to try and resolve your dispute. They will talk about your problem with you, discuss options, suggest negotiation strategies and organise mediation, if required.



## Pets

Although the law allows people to keep what are commonly called domestic animals, it does not allow people to keep dangerous or wild animals on a suburban block or in a flat.

Even keeping ordinary pets like dogs, cats and some fish is not free of legal problems. People can be held responsible for any damage their pets cause, on or off their own property.

There are a range of special laws for dogs, cats and other animals. These laws cover noisy animals and the number of pets that can be kept on an individual's property.

If a pet wanders onto the road and causes an accident, then the owner of that animal can be held responsible for the damage. This can include damage to things like fences if a car swerves to avoid hitting a dog and hits a fence instead.

All dogs and cats have to be registered with the local council or the owner can be fined hundreds of dollars. If a dog bites someone, even a burglar, the owner is responsible. A 'beware of the dog sign' does not release the owner from responsibility, although it does help if there is a dispute.

If you have a problem with a neighbour's pet, try talking to the neighbour about the problem before making a formal complaint to your local council or police station.

Contact your local council in 'The White Pages' of the telephone directory.

### DISPUTE SETTLEMENT CENTRE OF VICTORIA

Level 4, 456 Lonsdale St, Melbourne 3000

T: 9603 8370 or 1800 658 528

E: [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au)

W: [www.justice.vic.gov.au/disputes](http://www.justice.vic.gov.au/disputes)

The Dispute Settlement Centre is a free telephone service that will work with you to try and resolve your dispute. They will talk about your problem with you, discuss options, suggest negotiation strategies and organise mediation, if required.

## Planning

At the local neighbourhood level, the actions of a land owner or occupier may affect others. Planning laws exist to ensure that land is used and developed in a fair, orderly and environmentally sound manner.

Every municipality has a planning scheme that sets out controls and policies for land use, planning and development. The scheme may require you to get a planning permit before changing the use of your land or extending or constructing a new building. In an inner urban area there is not much that can be done without first getting a planning permit and probably a separate building permit.

All Victorian planning schemes have been amended to include the State government's ResCode provisions. These apply to the construction and extension of dwellings and the subdivision of land in residential, mixed use and township zones. They also apply to single dwellings in heritage areas.

Issues taken into consideration include whether the building is respectful of the character of the neighbourhood and whether new buildings will overshadow or overlook other properties.

Usually, a local council requires the person seeking a permit to give notice of their application to neighbours and place a sign on the front of their property. Neighbours can visit the local council office to view the plans and may make written submissions either in support of, or objecting to, the application.

If the council decides to grant a permit and you had objected, you are able to apply for the decision to be reviewed by the Victorian Civil and Administrative Tribunal.

### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL PLANNING AND ENVIRONMENT LIST

55 King St, Melbourne 3000

T: 9628 9777

E: [vcat@vcat.vic.gov.au](mailto:vcat@vcat.vic.gov.au)

W: [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

The Planning List hears applications, mostly about local government decisions, about the use or development of land. The applications are made by an objector to the grant of a permit or by the permit applicant.

Permit applicants can seek review of a refusal of a permit, of conditions to be included on a permit or on the failure of council to decide an application for permit within 60 days. A council, or indeed any person, may also apply for an enforcement order against a person who has contravened the planning scheme or a condition of a permit granted under the scheme. In certain circumstances, for example, where there has been a substantial failure to comply with permit conditions or where an affected person was not notified of the application for permit, a request can be made for VCAT to cancel or amend the permit.



Applications should be made on the forms available from VCAT. These forms can also be downloaded from VCAT's website.

Interpreters can be arranged, usually free of charge.

## DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT DIVISION OF BUILT ENVIRONMENT

**Ground floor, 8 Nicholson St,  
East Melbourne 3002**

**T:** 136 186

**W:** [www.doi.vic.gov.au/planning](http://www.doi.vic.gov.au/planning)

The department can provide information on specific planning issues. They also have a range of publications that give advice on specific issues, including ResCode. Contact its Planning Information Centre on 9655 8830.

## ENVIRONMENT DEFENDERS OFFICE VICTORIA

**Level 3, 60 Leicester St, Carlton 3053**

**T:** 03 8341 3100

**F:** 03 8341 3111

**E:** [edovic@edo.org.au](mailto:edovic@edo.org.au)

**W:** [www.edo.org.au/edovic](http://www.edo.org.au/edovic)

The Environment Defenders Office (EDO) is a community legal centre working in the area of environmental and planning law. The EDO provides legal advice on environmental and planning issues to individuals and groups. The EDO will only act as a legal representative in cases that are in the public interest.

## Police

Police have the power to arrest people, charge them with a crime, take them to court and to carry guns. Together with these powers come special responsibilities.

When dealing with the police it is important to know that you have rights.

If you want to make a complaint against police you should, get legal advice first, especially if you have been charged with an offence. You can get free legal advice from a community legal centre or Victoria Legal Aid. Do this as soon as possible.

Before making a complaint, try and write down everything that happened to you. This includes the names of the police officers involved, the time and date of the incident, what actually happened, and who said what.

If you have been injured:

- see a doctor as quickly as possible
- get someone to photograph the injuries
- write down as much information as you can about the person or people who injured you including name, rank, police station if applicable
- write down what actually happened, who said what and the names and contact details of any witnesses
- write down the name of the last person to see you before you were injured and the first person to see you afterwards
- contact a lawyer who will help you make a formal complaint.

## ETHICAL STANDARDS DEPARTMENT POLICE CONDUCT UNIT Complaints & Compliments

**2nd floor, Flinders Tower, World Trade Centre, 637 Flinders St, Melbourne 3005**

**T:** 1300 363 101

Monday - Friday 8am - 5pm

Phone messaging system operates 24 hours a day, seven days a week.

**W:** [www.police.vic.gov.au](http://www.police.vic.gov.au)

Complaints about police are handled by the Customer Assistance Police Conduct Unit. This unit is part of the police force. Complaints will be referred to an officer or district supervisor for action. Where an investigation is required, you will be asked to make a written statement to fully describe the incident. Legal advice may help.

There is no specific format for lodging a complaint. Someone can make a complaint on your behalf. You would still need to make a statement.

You, or the person who complained on your behalf, will be notified of the outcome in writing. If the complaint is proved, police members are subject to a range of disciplinary action depending on the circumstances of the case.

Interpreters are available, free of charge.



## OFFICE OF POLICE INTEGRITY

Level 3, South Tower, 459 Collins St,  
Melbourne 3000

**T:** 8635 6188 or  
1800 818 387 - country callers  
**E:** [opi@opi.vic.gov.au](mailto:opi@opi.vic.gov.au)  
**W:** [www.opi.vic.gov.au](http://www.opi.vic.gov.au)

Complaints about police can be made to the Office of Police Integrity (OPI) instead of, or as well as, making a complaint directly to the police. The OPI is impartial and independent of the Victoria Police. The OPI receives and investigates complaints against police, as well as monitoring and reviewing investigations undertaken by the police. A formal statement of complaint may be taken by the OPI or arrangements can be made for police to take a statement of complaint. If in doubt, contact the OPI.

Interpreters can be arranged free of charge.

## OMBUDSMAN (COMMONWEALTH)

Level 10, 2 Lonsdale St, Melbourne 3000

**T:** 1300 362 072  
**E:** [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)  
**W:** [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

Complaints about the Australian Federal Police are handled by the Commonwealth Ombudsman.

Complaints can be made in person, by phoning or by writing to the ombudsman. Complaints about treatment by the Federal Police can also be made to the officer in charge of the station. This should be done as soon as possible. Any injuries should be seen by a doctor as soon as possible.

Interpreters can be arranged, free of charge.

## VICTORIAN ABORIGINAL LEGAL SERVICE

6 Alexandra Parade, Fitzroy 3065

**T:** 9419 3888  
**E:** [vals@vals.org.au](mailto:vals@vals.org.au)  
**W:** [www.vals.org.au](http://www.vals.org.au)

If a Koori is taken into custody the police must notify Victorian Aboriginal Legal Service (VALS). VALS will contact a client services officer who will try and contact you to offer support and advice. If there is an Aboriginal Community Justice Panel operating locally then the police must also contact them.

The panel member can provide support and advice. You may be released into their care if the offence is minor.

## Where to go for more help or information

A community legal centre, Victoria Legal Aid or a private lawyer can help you make a complaint.

See 'Lawyers and legal help'

## PUBLICATIONS

These Victoria Legal Aid booklets have more information about police powers:

- 'Your rights – police powers in Victoria'
- 'Am I old enough?' a booklet for 14-16 year olds
- 'Overdoses, the law, safer injecting' a small pamphlet for intravenous drug users.

These free booklets can be ordered via the VLA website at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au) or phone 9269 0223.



## Pollution

State government environmental laws protect air, water and land from pollution. This includes monitoring the transportation of pollutants and industrial pollution. Problems can include machinery noise, offensive industrial odours and paint, or oil spills in rivers and creeks. These laws cover noise from neighbours, cars and litter in the environment.

### ENVIRONMENT PROTECTION AUTHORITY VICTORIA INFORMATION CENTRE 40 City Rd, Southbank 3006

**T:** 9695 2722  
**Pollution watch line:** 9695 2777 - 24 hours or 1800 444 004 - country callers  
**Litter report line:** 1800 352 555 - 24 hours  
**Smoky vehicle report line:** 9695 2755 or 1800 444 051 - country callers  
**W:** [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

You can call the pollution watch line when you notice smoke or smells from an industry or business, spills or slicks in waterways, illegal dumping of wastes, or noise from a factory or industrial complex.

Brochures such as 'Annoyed by noise?' and 'Littering – that's rubbish!' explain people's rights and pollution reporting options. These brochures are available from the Environment Protection Authority (EPA) Victoria Information Centre, the EPA website, your local council and some police stations.

### Where to go for more help or information

#### LOCAL COUNCIL OR SHIRE

Local councils or shires also handle complaints about pollution. Your local council is the best contact for noise pollution problems.

See 'The White Pages'

#### ENVIRONMENT DEFENDERS OFFICE VICTORIA

**Level 3, 60 Leicester St, Carlton 3053**  
**T:** 03 8341 3100  
**F:** 03 8341 3111  
**E:** [edovic@edo.org.au](mailto:edovic@edo.org.au)  
**W:** [www.edo.org.au/edovic](http://www.edo.org.au/edovic)

The Environment Defenders Office (EDO) is a community legal centre working in the area of environmental and planning law. The EDO provides legal advice on environmental and planning issues to individuals and groups.

The EDO will only act as a legal representative in cases that are in the public interest.

## Privacy

Victorian and Commonwealth government departments and agencies must comply with the *Privacy Act Victoria 2000* and the *Privacy Act Commonwealth* and *Health Records Act 2001*.

Each agency is required to manage personal information according to the privacy principles, have an accessible privacy policy, and have a method of dealing with complaints about breaches of privacy.

If you have a privacy complaint about a government department or statutory authority it is best to first complain directly to that department. If you are still not satisfied you could contact the state or federal privacy commissioners.

#### PRIVACY COMMISSIONER (STATE) Level 11, 10-16 Queen St, Melbourne 3000

**T:** 8619 8719 or 1300 666 444  
**E:** [enquiries@privacy.vic.gov.au](mailto:enquiries@privacy.vic.gov.au)  
**W:** [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)

The independent Victorian Privacy Commissioner (also known as Privacy Victoria) oversees the way state and local government agencies handle your personal information, apart from health information.

Individuals whose personal information is held by a state or local government agency can complain to the Privacy Commissioner about an act or practice that may interfere with their privacy. The Privacy Commissioner will try to conciliate complaints. If appropriate, complaints may be redirected

to regulators, for example, the State Ombudsman or Health Services Commissioner. A serious breach of privacy may result in a compliance notice from the Privacy Commissioner to the organisation.

Where conciliation is not possible, or is tried but fails, complaints may go to the Victorian Civil and Administrative Tribunal. If the tribunal upholds a complaint, it can issue an order that information be corrected and order compensation of up to \$100,000.

#### PRIVACY COMMISSIONER (FEDERAL) GPO Box 5218, Sydney NSW 2001

**T:** 1300 363 992  
**W:** [www.privacy.gov.au](http://www.privacy.gov.au)

The Privacy Commissioner assists with complaints about privacy issues about Commonwealth or ACT government agencies, consumer credit reporting, tax file numbers and old convictions. You can also complain if you think a private business has not handled personal information about you properly. You need to complain directly to the organisation involved first and give it 30 days to respond.

Complaints to the commissioner do not require an application form. Generally you need to lodge the complaint yourself, however the commissioner will accept a complaint if an agent has a signed authority from you.



## Social security (Centrelink)

Centrelink provides almost all pensions and allowances and has pamphlets to explain how these work. Staff at Centrelink offices can help you apply for a payment.

To assess whether you are entitled to a payment or any other assistance, Centrelink needs to collect information about your circumstances. It is important to contact Centrelink as soon as you think you might be entitled to a payment.

To get a social security payment, it is important to make a claim in writing even if Centrelink believes you are not eligible for a payment.

You can appoint someone to act for you if you give them a written authority saying which issues they will be dealing with and how long they have this authority.

There are eligibility tests for all payments. If you believe you should have received a payment, your payment has been stopped or Centrelink is claiming it overpaid you then you can appeal.

Contact Centrelink if your circumstances change, such as going back to work or getting married.

### **CENTRELINK** **GPO Box 3, Melbourne 3000**

**T:** 131 021

**Interpreter:** 131 202

**Customer Relations Line:** 1800 050 004 -  
for feedback on Centrelink services

**TTY:** 133 677

**W:** [www.centrelink.gov.au](http://www.centrelink.gov.au)

If you are unhappy about a decision made about your Centrelink entitlements you need to talk to the person who made the original decision. If you are still unhappy about the decision, you can then ask for a review by an authorised review officer.

These officers may change a decision if it is wrong. This request should be made within 13 weeks of the original decision. If the decision is in your favour, back payment is usually only paid if the request is lodged within this 13 weeks. If you are still unhappy with the decision you can appeal to the Social Security Appeals Tribunal.

Anyone unhappy with the service provided by Centrelink can complete a customer comment card or telephone the Customer Relations Line. Centrelink will keep you informed of the progress of your complaint and advise you of the resolution, decision or options for further action.

Interpreters are available in most community languages, free of charge.

### **SOCIAL SECURITY APPEALS TRIBUNAL** **14th floor, 628 Bourke St, Melbourne 3000**

**T:** 9954 0700 or 1800 011 140

**W:** [www.ssat.gov.au](http://www.ssat.gov.au)

The Social Security Appeals Tribunal (SSAT) hears appeals about decisions made by Centrelink regarding pensions, benefits, allowances and student assistance. The SSAT also hears appeals about Austudy, Austudy debts, Abstudy, family assistance payments and decisions made by the Child Support Agency.

Appeals to the tribunal can be made in writing or by telephone. Appeal forms are available from Centrelink offices and the tribunal. To receive full back-payment, you need to make your appeal within 13 weeks of the Centrelink decision. Successful appeals, made after the 13 weeks, may only be back-paid from the date the appeal was lodged. Either you or Centrelink may appeal to the Administrative Appeals Tribunal if you are dissatisfied with the SSAT decision.

Interpreters can be arranged, free of charge.

### **ADMINISTRATIVE APPEALS TRIBUNAL** **FOR CENTRELINK AND DISABILITY** **ASSESSMENT DECISIONS** **16th floor, Herald and Weekly Times Tower** **40 City Rd, Southbank 3006**

**T:** 9282 8444 or 1300 366 700

**W:** [www.aat.gov.au](http://www.aat.gov.au)

Applications to the Administrative Appeals Tribunal (AAT) must usually be lodged in writing within 28 days of receiving notification of the SSAT's decision.

Appeal forms are available from the AAT registry and via the AAT's website. Decisions made by the AAT are binding on the parties. Either party can lodge an appeal against a decision of the AAT to the Federal Court but only on a question of law.

The AAT may be more formal than the SSAT, but legal representation is not always necessary. However you should get legal advice.

For further details about the AAT see 'Government departments'.



Where to go for more help or information

## VICTORIA LEGAL AID HUMAN RIGHTS AND CIVIL LAW SERVICE

**350 Queen St, Melbourne 3000**

**T:** 9269 0416

**W:** [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

VLA's Human Rights and Civil Law service provides free legal advice about social security issues. The service can also provide representation at Administrative Appeals Tribunal hearings and Social Security Appeals Tribunal hearings.

## WELFARE RIGHTS UNIT

**T:** 9416 1111 or  
1800 094 164 - country callers  
Monday - Friday 9.30am - 12.30pm

**E:** [wru@welfarerights.org.au](mailto:wru@welfarerights.org.au)

**W:** [www.welfarerights.org.au](http://www.welfarerights.org.au)

The Welfare Rights Unit provides independent information and advice on social security matters. It can also provide some SSAT representation and referral to a community legal centre.

## GEELONG WELFARE RIGHTS SERVICE 73 Pakington St, West Geelong 3218

**T:** 5223 1232

**E:** [info@geelegal.org.au](mailto:info@geelegal.org.au)

**W:** [www.communitylaw.org.au/geelong](http://www.communitylaw.org.au/geelong)

This service gives information, advice and assistance to people dealing with social security and Centrelink matters.

## Tradespeople

There are a range of state acts and regulations setting standards for domestic building work, electricians, plumbers and other tradespeople, and providing for the resolution of disputes. These acts and regulations aim to ensure a fair outcome for builders and building owners. They include the *Building Act*, Building Regulations, the *Domestic Building Contracts Act* and the *House Contracts Guarantee Act*.

### Builders

If you engage a builder to carry out domestic building work, and the work exceeds \$12,000, then the builder must be registered and provide insurance for the work done. You must also enter into an appropriate contract. You can check if your builder is registered by ringing the Building Practitioners Board on 1300 360 320. You can also get the information at [www.buildingcommission.com.au](http://www.buildingcommission.com.au)

### Electricians, plumbers and roof repairers

If you engage an electrician, roof repairer or plumber and you are not happy with their work, talk with the trade person first and see if they can fix the problem. If they refuse and you are still unhappy with the work they have done, you will need to get an independent assessment of their work. Contact Consumer Affairs Victoria.

## CONSUMER AFFAIRS VICTORIA 121 Exhibition St, Melbourne 3000 Walk-in service: 113 Exhibition St, Melbourne

**T:** 1300 558 181 (Callers can be referred to regional offices)

**Interpreter Service:** 131 450

**E:** [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)

**W:** [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

Consumer Affairs Victoria (CAV) deals with disputes about contracts, failure to meet completion dates and other complaints related to the *Domestic Building Contracts Act*. CAV can also assist tradespeople who have questions about how to comply with the Act. Complaints may be lodged in writing or via the CAV website. Someone can complain on your behalf.

Interpreters can be arranged free of charge.

## VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL DOMESTIC BUILDING LIST 55 King St, Melbourne 3000

**T:** 9628 9999

**E:** [vcac@vcac.vic.gov.au](mailto:vcac@vcac.vic.gov.au)

**W:** [www.vcac.vic.gov.au](http://www.vcac.vic.gov.au)

The Domestic Building List hears disputes about building, renovating, extending or repairing a home, including landscaping and paving. Homeowners and builders can apply for a hearing if they have a dispute with each other or with subcontractors, insurers, engineers, draftspeople or architects.



Most of the disputes heard are about money owing, defective work or appeals against decisions by insurers.

Application forms for the Domestic Building List are available from VCAT. If an application is about a decision made by an insurer, the form must be lodged within 28 days of the insurer's decision.

General domestic building disputes in the Domestic Building List are more complex and parties are legally represented. A losing party will often pay the legal costs of the winning party. People represent themselves in the Civil Claims List and each party pays their own legal costs, if any.

**VICTORIAN MANAGED INSURANCE AUTHORITY BUILDERS WARRANTY PROGRAM**  
(formerly Housing Guarantee Fund Ltd)  
5th floor, 478 Albert St,  
East Melbourne 3002  
T: 9660 6111  
W: [www.vmia.vic.gov.au](http://www.vmia.vic.gov.au)

Before contacting the Victorian Managed Insurance Authority (VMIA) (Builders Warranty Program), home owners should make every effort to contact the builder or find their insurance certificate or bond issued by HIH, FAI or Homesafe Equities. To see if you are eligible to make a claim, visit the VMIA website.

Claim forms can be downloaded from the VMIA website, specifically in the builders warranty section.

There are no interpreters provided so alternative arrangements should be made.

**MASTERS BUILDERS ASSOCIATION OF VICTORIA**  
332 Albert St, East Melbourne 3002  
T: 9411 4555  
W: [www.mbav.com.au](http://www.mbav.com.au)

Builders who join the Master Builders Association of Victoria (MBAV) agree to be bound by MBAV's code of ethics and the national code of practice. If you have a complaint about a registered MBAV builder, contact the MBAV.

## Travel

With train, bus or tram travel, the first place to complain to should be Metlink.

Metlink will record your complaint and advise the relevant transport operator who will respond to you directly. Metlink can be contacted on 131 638 between 6.00am and 10.00pm seven days a week.

### PUBLICATIONS

The Victoria Legal Aid booklet 'Fines' outlines your options for dealing with fines and infringement notices, including public transport infringements. The booklet can be ordered via [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

### PUBLIC TRANSPORT OMBUDSMAN (VICTORIA)

PO Box 538, Collins St West,  
Melbourne 8007  
T: 03 8623 2111 or 1800 466 865 - free call  
TTY: 1800 809 623  
F: 03 8623 2100  
E: [enquiries@ptovic.com.au](mailto:enquiries@ptovic.com.au)  
W: [www.ptovic.com.au](http://www.ptovic.com.au)

The Public Transport Ombudsman (PTO) deals with complaints about Victorian public transport if you have been unable to resolve it directly with the public transport operators.

The PTO provides a free service, independent of both public transport operators and the government.

If you are dissatisfied with Metlink's or the operator's response, or do not get a response, you can then make a complaint to the PTO.

The PTO handles complaints about: service delivery, ticketing, cleanliness, graffiti, vandalism, and the conduct of transport officers.

The PTO will investigate and conciliate complaints, and can make binding determinations where appropriate. There is no cost to you for having a case investigated by the ombudsman. For further details visit [www.ptovic.com.au](http://www.ptovic.com.au)

Complaints may be referred to the PTO by mail, email, fax or telephone.

**CIVIC COMPLIANCE VICTORIA**  
GPO Box 1916, Melbourne 3000  
T: 9200 8111

If you disagree with an infringement notice issued by Victoria Police you can apply to have the infringement reviewed. For more information visit [www.fines.vic.gov.au](http://www.fines.vic.gov.au) or [www.justice.vic.gov.au](http://www.justice.vic.gov.au)

If you get a Citylink infringement and believe it was unfair, you can write to Civic Compliance stating why you think the fine should be withdrawn. They will then put the matter on hold until your arguments are investigated and considered. You will get a reply in writing.



## CITYLINK CUSTOMER RESOLUTIONS

Locked bag 28, South Melbourne 3205

**T:** 132 629  
**E:** assist@citylink.com.au  
 resolve@citylink.com.au  
**W:** www.citylink.com.au

In most cases Citylink expects to solve your concern the first time you speak to Citylink. If you are not satisfied you can contact the Citylink Customer Resolutions service. The third step, if required, would be to contact the Citylink customer ombudsman.

## CITYLINK CUSTOMER OMBUDSMAN

Level 3, IBM Tower, 60 City Rd,  
 Southgate 3006

**T:** 9626 2443  
**E:** admin@citylinkombudsman.com.au  
**W:** www.citylinkombudsman.com.au

The Citylink Customer Ombudsman (CCO) handles complaints that have not been resolved by the Citylink Customer Resolutions service. The CCO is a free independent dispute resolution service.

An interpreter can be arranged if needed.

## TRANSPORT ACCIDENT COMMISSION

GPO Box 2751, Melbourne 3001

**T:** 1300 654 329 or  
 1800 332 556 - country callers  
**E:** info@tac.vic.gov.au  
**W:** www.tac.vic.gov.au

If you have been injured in a transport accident, you are eligible to make a claim with the Transport Accident Commission (TAC).

## TRAVEL COMPENSATION FUND

Level 3, 15 Castlereagh St, Sydney 2000

**T:** 1300 658 165  
**E:** mail@tcf.org.au  
**W:** www.tcf.org.au

The Travel Compensation Fund (TCF) monitors the financial security of all licensed travel agents. If you have paid a licensed travel agent, and it closes or fails to pass on your money to the relevant airline or hotel, then you can lodge a compensation claim with the TCF. To make a claim, you need to complete a form from the TCF.

A claim on the TCF must be made within 12 months of the collapse of a business, otherwise the TCF is not obliged to accept it. Also, the TCF is not obliged to pay more than \$25,000 for any one claim, but may pay above that in some circumstances. The TCF has published several guidelines on how it deals with different kinds of claims. These guidelines are available on the TCF website or by contacting the TCF.

## Utilities

### ENERGY AND WATER INDUSTRY OMBUDSMAN (VICTORIA)

GPO Box 469, Melbourne 3001

**T:** 1800 500 509 - free call  
**Translation and interpreting service:**  
 131 450  
**National Relay Service for hearing/speech impaired:** 133 677  
**F:** 1800 500 549 - free fax  
**E:** ewovinfo@ewov.com.au  
**W:** www.ewov.com.au

Dealing with your electricity, gas (natural or LPG) or water provider is usually a simple matter, but sometimes problems arise. If these problems cannot be sorted out, the Energy and Water Ombudsman (Victoria) (EWOV) can help. EWOV investigates and resolves disputes between Victorian electricity, gas and water customers and their providers.

EWOV is independent of government and of the electricity, gas and water companies.

The ombudsman has the power to make a binding decision, including compensation of up to \$20,000 and up to \$50,000 if you and the provider agree.

EWOV's services are free and available to everyone. Your complaint will be dealt with independently, and in a confidential, informal and speedy manner.

Some of the more common issues EWOV handles include:

- billing
- disconnections and restrictions
- supply interruptions
- credit and payment services
- refundable advances - security deposits
- issues to do with changing electricity or gas retailer
- land and property issues about electricity, gas and water services.

Before you contact EWOV with your complaint, try to resolve the issue with your electricity, gas or water provider. If you are not sure who your provider is, check your bill.

If you have talked to your provider and you are still unhappy with the situation, EWOV's conciliators can investigate your issue. You can contact EWOV by telephone, letter, email or through the online complaint form on its website. Your complaint does not have to be put in writing. You can also have someone lodge a complaint on your behalf.

Interpreter services are available, free of charge.



**TELECOMMUNICATIONS INDUSTRY OMBUDSMAN**  
Level 3, 595 Collins St, Melbourne 3000  
T: 1800 062 058  
**Translating and interpreting service:**  
131 450  
TTY: 1800 675 692  
E: [tio@tio.com.au](mailto:tio@tio.com.au)  
W: [www.tio.com.au](http://www.tio.com.au)

The Telecommunications Industry Ombudsman (TIO) offers a free service to anyone who has been unable to resolve a complaint directly with their telephone company or internet provider. The TIO is independent of industry and government.

The TIO is an office of last resort and handles complaints about issues including billing, directory services, faults, internet access, mobile services and privacy. You can have someone complain on your behalf.

Complaints may be made by telephone or in writing, including email. The TIO will investigate complaints based on facts provided by both sides and will make a decision.

Complaints should be lodged as soon as possible. Most complaints are resolved within two weeks but if your complaint is complex it may take several weeks to resolve.

**CONSUMER AFFAIRS VICTORIA**  
2nd floor, 452 Flinders St, Melbourne 3000  
T: 1300 558 181  
E: [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)  
W: [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

Consumer Affairs Victoria provides telephone advice and accepts written complaints about all consumer issues, including those involving electricity, gas and water providers.

#### Where to go for more help or information

**FINANCIAL AND CONSUMER RIGHTS COUNCIL**  
T: 9663 2000 or 1800 134 139  
E: [admin@fcrc.org.au](mailto:admin@fcrc.org.au)  
W: [www.fcrc.org.au](http://www.fcrc.org.au)

Contact this organisation for referral to your closest financial counsellor or consumer support worker. Their services are free. Financial counsellors can help with credit and debt problems and advocate on your behalf. Consumer support workers can help with initial information, referral and advice on how to approach the organisation concerned.

## Veterans

If you have served in the armed services you may be entitled to a pension. If you need help contact RSL, Legacy or the Vietnam Veterans' Association. If you believe you should get a pension or you are having problems with your pension you can have the matter reviewed.

**DEPARTMENT OF VETERANS' AFFAIRS**  
300 La Trobe St, Melbourne 3000  
T: 133 254 or 1800 555 254  
W: [www.dva.gov.au](http://www.dva.gov.au)

Decisions made by the department can be reviewed internally or by the Veterans' Review Board or the Administrative Appeals Tribunal.

See 'Government departments'

**VETERANS' REVIEW BOARD**  
14th floor, 300 La Trobe St, Melbourne 3000  
T: 9602 8000  
1800 550 460 - country callers  
1300 550 460 - country callers  
W: [www.vrb.gov.au](http://www.vrb.gov.au)

The Veterans' Review Board (VRB) can review a decision made by the Repatriation Commission about your entitlement to a pension or assessment of incapacity and pension level. An application for a review of a decision may be made by the veteran, one of their dependants or by any other person approved by the veteran or their dependant.

The Returned & Services League, Legacy or the Vietnam Veterans' Association are among those who can help veterans prepare their case and represent them at the board hearing.

You can apply in writing or on a form available from the Department of Veterans' Affairs. For review of an assessment decision, you must apply within three months of receiving notification of the decision. For review of an entitlement decision, you must apply within 12 months of the decision.

The VRB may uphold, vary or set aside the commission's decision that is under review. A copy of the board's decisions and reasons will be posted to you. If the veteran or applicant is not satisfied with the decision of the board, an application may be made to the Administrative Appeals Tribunal.

See 'Government departments'

An interpreter can be arranged.



Where to go for more help or information

**VETERANS' AFFAIRS NETWORK**  
300 La Trobe St, Melbourne 3000  
T: 1300 551 918 for nearest office

**VICTORIA LEGAL AID HUMAN RIGHTS  
AND CIVIL LAW SERVICE**  
350 Queen St, Melbourne 3000  
T: 9269 0416  
W: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

VLA's Human Rights and Civil Law service provides free legal advice about war veteran's matters. Representation may also be available.

**RETURNED & SERVICES LEAGUE**  
Anzac House, 4 Collins St,  
Melbourne 3000  
T: 9650 5050  
W: [www.rslvic.com.au](http://www.rslvic.com.au)

**LEGACY**  
293 Swanston St, Melbourne 3000  
T: 9663 3564  
W: [www.legacy.com.au](http://www.legacy.com.au)

**VIETNAM VETERANS' ASSOCIATION  
OF AUSTRALIA**  
Anzac House, 4 Collins St, Melbourne 3000  
T: 9655 5588  
E: [vvaavic@bigpond.net.au](mailto:vvaavic@bigpond.net.au)  
W: [www.vvaavic.org.au](http://www.vvaavic.org.au)

## Victims of crime

Victims of crime can get free counselling sessions from a psychologist or approved counsellor through the Victims' Counselling Scheme.

If you have been a victim of crime, and would like support, such as counselling, contact the Victims Support Agency.

Financial compensation is also available to victims of crime through the Victims of Crime Assistance Tribunal.

A victim of crime can not claim compensation for 'pain and suffering' from the tribunal. Compensation for 'pain and suffering' can be claimed as part of a civil law case. Get Legal advice.

Alternatively, if the defendant is found guilty of the crime, the victim can apply to the sentencing judge for compensation for pain and suffering and property damage. The offender must pay any compensation awarded by the judge. Talk to a lawyer as early as possible.

**VICTIMS OF CRIME ASSISTANCE  
TRIBUNAL**  
2nd floor, 233 William St, Melbourne 3000  
T: 9628 7855 or 1800 882 752  
Monday - Friday 9am - 4.30pm  
W: [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au)

A Victims of Crime Assistance Tribunal (VOCAT) is located at most country and suburban Magistrates' Courts. Victims of crime, and dependents of deceased victims, can claim assistance for medical expenses,

lost wages, counselling and funeral expenses. Applications for assistance are generally made at the tribunal closest to where you live.

Applications must be made on the form available from any Magistrates' Court, community legal centre, police, community information centre, or Victoria Legal Aid offices. Forms are also available from the VOCAT website.

The application form should be easy to fill in but if you need help you can get advice from the Magistrates' Court, a lawyer, social worker or other adviser. The application form must include details of the criminal offence and the police officer who received the report.

A person applying for assistance must be over 18 years. If the victim is under 18, then a person over 18 must lodge the application on behalf of the victim.

Claims should be made within two years of the incident and must be reported to the police. Claims can be made two years after the incident if there are exceptional circumstances.



Where to go for more help or information

## **VICTORIA LEGAL AID HUMAN RIGHTS AND CIVIL LAW SERVICE**

**350 Queen St, Melbourne 3000**

**T:** 9269 0416

**W:** [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

VLA's Human Rights and Civil Law service provides free legal advice about personal injury and crimes compensation.

## **VICTIMS SUPPORT AGENCY**

**Level 20, 121 Exhibition St, Melbourne 3000**

**T:** 8684 6700 or 1800 819 817

**W:** [www.justice.vic.gov.au/victimsofcrime](http://www.justice.vic.gov.au/victimsofcrime)

The Victims Support Agency advises victims of their rights, provides access to counselling, referrals to other support services and information about legal services and financial assistance for victims of crime. They also publish, free of charge, fact sheets for victims of crime. Contact the service for more information.

## **FEDERATION OF COMMUNITY LEGAL CENTRES**

To find the community legal centre closest to you phone 9654 2204.

## Work and WorkCover

Every kind of job is covered by laws that decide what is, and what is not, allowed in the workplace. There are laws that cover the hours of work, the number of holidays, overtime, working conditions and shift allowances.

Similarly, all employers are required to pay for employees to be insured against any injury they may suffer at work. An independent system called 'WorkCover' decides if the injured person gets paid for their injury.

### **PUBLICATIONS**

'People and work' is a free booklet that provides extensive information on your employment rights. To order copies go to the Victoria Legal Aid website at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

### **WORKCHOICES INFOLINE DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS**

**T:** 1300 363 264

**W:** [www.workchoices.gov.au](http://www.workchoices.gov.au)

The WorkChoices Infoline is a free telephone service run by the Department of Employment and Workplace Relations (DEWR). It provides information about wages and conditions of employment under the federal workplace relations system (WorkChoices).

The WorkChoices Infoline deals with enquiries about terms and conditions of employment, including wage rates and leave entitlements. The infoline also helps

employees and employers understand their obligations and rights under workplace relations legislation. It can also help apprentices, juniors and trainees with enquiries about wages and general employment entitlements.

When handling calls, WorkChoices Infoline advisors may become aware of suspected breaches of federal awards, the minimum standards, agreements and other federal instruments. In these circumstances, the advisor can refer you to the Office of Workplace Services' (OWS) claim resolution service and send out a claim kit which includes information on advice and assistance.

Interpreters are available, free of charge.

A full range of workplace relations information including some wage rates is available on their website [www.workchoices.gov.au](http://www.workchoices.gov.au)

### **ACCIDENT COMPENSATION CONCILIATION SERVICE**

**Level 9, 460 Lonsdale St, Melbourne 3000**

**T:** 9940 1111 or 1800 635 960

**E:** [info@conciliation.vic.gov.au](mailto:info@conciliation.vic.gov.au)

**W:** [www.conciliation.vic.gov.au](http://www.conciliation.vic.gov.au)

The Accident Compensation Conciliation Service (ACCS) is a dispute resolution service for Victorian workers, employers and insurers with workers' compensation disputes. It is independent of the Victorian WorkCover Authority and all other parties to a dispute.



The conciliation process is informal, involving all parties to achieve an agreement. Legal representation is not necessary, however legal support before a conciliation conference may help.

You may have an assistant, such as a union representative, to help you with the process. A legal representative can only assist you at a conciliation conference if all parties agree.

WorkCover claimants who are unhappy with a decision of the insurer must make a request for ACCS conciliation within 60 days of receiving notice of the decision. However, in certain circumstances, permission can be given by the senior conciliation officer for an extension of time.

Application forms must be completed and are available by telephoning the ACCS. You must sign the request for conciliation. The 'Notice of the Decision' and 'Reasons for Decision' of the insurer should also be included.

You should get a response to your initial application within one week.

There are no costs involved in lodging a request for conciliation. Where a dispute is not able to be resolved at conciliation, you can make an application to either the Magistrates' or County Court.

In some circumstances the matter may be referred to a medical panel for a medical opinion.

Interpreters can be arranged, free of charge.

## AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**National hotline:** 1300 799 675

### VICTORIAN REGISTRY

**Level 4, 11 Exhibition St, Melbourne 3000**

**T:** 8661 7777

**E:** melbourne@air.gov.au

**W:** www.airc.gov.au

The commission is an independent, federal tribunal that deals with a range of work issues including dispute resolution, unfair and unlawful dismissal, award rationalisation and simplification and industrial action.

The commission does not give legal advice but can give information about procedures and appearing in conferences and hearings.

Legal advice about unfair dismissal or unlawful termination can be organised through the Legal Referral Service at the Law Institute of Victoria on 9607 9550 or Job Watch on 9662 1933 or 1800 331 617.

The National Association of Community Legal Centres – Australia website [www.naclc.org.au](http://www.naclc.org.au) has a detailed list of community legal centres who may be able to offer assistance.

Union members who believe they have been unfairly dismissed should contact their union for advice as soon as possible.

Complaints about unfair dismissal or unlawful termination need to be made on an application form, available from the

commission's registry, by calling 1300 799 675 or on the AIRC website, look under 'forms' in the Quick Links section. You can complete the application yourself or have someone do it for you. You can complete the application and pay the application fee online. The fee can be refunded or waived in some cases.

The application should be lodged within 21 days of the termination coming into effect.

A video providing an overview of the conciliation process is available from the Victorian registry. Other information is available on the commission's website under 'termination of employment' in the Quick Links section.

The commission can arrange an interpreter if necessary. There is no charge.

## DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS CUSTOMER SERVICE

**Reply Paid 9879, Melbourne 8060**

**T:** 1800 805 260

The Customer Services Line deals with all Department of Employment and Workplace Relations (DEWR) employment services: Job Network, Work for the Dole, Drought Force, Transition to Work, Indigenous Employment Centres, Harvest Labour, Community Development Employment Programme, NEIS, Personal Support Programme, Job Placement Employment and Training, GreenCorps, and Voluntary Work Initiative.

Complaints about the delivery of employment services should firstly be made to the employment services provider. If you are still not satisfied please contact the department's free Customer Service Line on 1800 805 260. You should normally get a response within 20 working days.

Complaints regarding the Disability Employment Network and Vocational Rehabilitation Services can be made by calling 1800 880 052.

## OFFICE OF TRAINING AND TERTIARY EDUCATION THE APPRENTICESHIP ADMINISTRATION BRANCH

**Level 3, 2 Treasury Place, Melbourne 3000**

**T:** 1300 722 603

**W:** [www.otte.vic.gov.au](http://www.otte.vic.gov.au)

Most apprentices and trainees enjoy their training but sometimes problems do occur. If you are experiencing a problem the best thing to do is to seek advice from an Apprenticeship Field Officer.

These officers:

- investigate disputes between apprentices/trainees and employers
- support apprentices/trainees who are victims of workplace violence and harassment
- help providers of training and further education about apprenticeships and traineeships
- advise and counsel apprentices/trainees and employers on training and other matters.



Contact details for your local Apprenticeship Field Officer are available at [www.otte.vic.gov.au](http://www.otte.vic.gov.au) or you can ring 1300 722 603 and follow the prompts to be referred to your local Field Officer.

If you think you are being underpaid contact the WorkChoices Hotline on 1300 363 264.

If you think your workplace is unsafe visit the WorkSafe Victoria website at [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)

## WORKCOVER ADVISORY SERVICE

24th floor, 222 Exhibition St,  
Melbourne 3000

T: 9641 1555 or 1800 136 089

E: [info@workcover.vic.gov.au](mailto:info@workcover.vic.gov.au)

W: [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au)

The WorkCover Advisory Service offers:

- Detailed recorded information service 24 hours a day, covering the most frequently asked questions for compensation including the option to speak to an advisor during business hours.
- Answers to general occupational health and safety enquiries.
- Advice to workers of their WorkCover rights, including health and safety and what to do if they are injured.
- Employer advice on WorkCover premium and WorkCover policy issues.
- Details on return to work and rehabilitation rights and obligations.

- Help to resolve worker and employer concerns that could not be sorted out with the WorkCover agent.
- Enquiries about all WorkCover and WorkSafe publications.

## Where to go for more help or information

### JOB WATCH

T: 9662 1933 or 1800 331 617

Monday - Friday 9am - 5pm  
(except Tuesday 12pm - 2pm),  
Wednesday evening 6pm - 8pm

E: [jobwatch@job-watch.org.au](mailto:jobwatch@job-watch.org.au)

W: [www.job-watch.org.au](http://www.job-watch.org.au)

Job Watch is an employment rights legal centre that provides free and confidential information and assistance to Victorian workers through its telephone inquiry line.

Telephone operators can speak directly with workers about issues such as unfair dismissal, unlawful dismissal, unpaid entitlements, unpaid wages, workplace agreements, superannuation, workplace violence and bullying, workcover, discrimination in the workplace, sexual harassment, unfair work practices, apprenticeships and traineeship issues, misleading advertising, employment contracts, awards and occupational health and safety.

When calling Job Watch, it is helpful to have all relevant documentation with you, such as employment contracts and position descriptions.

An interpreter can be organised if needed free of charge.

### OFFICE OF THE EMPLOYMENT ADVOCATE GPO Box 9842, Melbourne 3001

T: 1300 366 632

W: [www.oea.gov.au](http://www.oea.gov.au)

The Office of the Employment Advocate (OEA) provides advice, assistance, information and education on workplace agreements made under the *Workplace Relations Act* 1996. Workplace agreements include Australian Workplace Agreements, collective agreements (employee and union), greenfields agreements (union and employer) and multiple business agreements.

The Employment Advocate reports to the Commonwealth Minister for Employment and Workplace Relations.

The OEA can help employees, employers and organisations in relation to all types of workplace agreements. This includes advice about awards and the Australian Fair Pay and Conditions Standard. The OEA encourages parties to take account of the needs of workers in disadvantaged bargaining positions, including women, people from a non-English speaking background, young people, apprentices, trainees and outworkers.

All workplace agreements are lodged with the OEA.

If the issue remains unresolved contact the OEA staff member you have been dealing with in the first instance, and their manager. If you feel your concern has not been resolved by raising it with the OEA, you can contact the Commonwealth Ombudsman on 1300 362 072. The ombudsman is an independent officer who can investigate your feedback.

### TRANSPORT ACCIDENT COMMISSION GPO Box 2751, Melbourne 3001

T: 1300 654 329 or

1800 332 556 - country callers

E: [info@tac.vic.gov.au](mailto:info@tac.vic.gov.au)

W: [www.tac.vic.gov.au](http://www.tac.vic.gov.au)

If you have been injured in a transport accident, you are eligible to make a claim with the Transport Accident Commission (TAC). If you disagree with a TAC decision, there are a number of steps you can take to have the decision reviewed. Your first step should be to call your TAC officer. They will explain the reasons why the decision was made and consider any other information you can offer. If you are not satisfied, you have two further options.

# RIGHT A WRONG

These include having the decision reviewed by the:

- TAC review manager
- Victorian Civil and Administrative Tribunal.

For further information about the claim process contact the TAC.

## YOUR TRADE UNION

Trade unions can help members with most areas of employment issues, including pay conditions, unfair dismissals and apprenticeship and traineeship disputes, under state and federal awards. They can also help members with workers' compensation disputes under state and federal awards.



Where, when and how to complain in Victoria

### ***Victoria Legal Aid offices***

**MELBOURNE**  
350 Queen St  
Melbourne VIC 3000  
Tel: 9269 0234 / 1800 677 402

**BAIRNSDALE**  
101A Main St  
Bairnsdale VIC 3875  
Tel: 5153 1975

**CENTRAL HIGHLANDS**  
Area A, Level 1,  
75 Victoria St  
Ballarat VIC 3350  
Tel: 5329 6222

**LODDON-CAMPASPE**  
424 Hargreaves St  
Bendigo VIC 3550  
Tel: 5448 2333 / 1800 254 500

**NORTH WESTERN SUBURBS**  
Level 1, Building 1  
Broadmeadows Station Centre  
1100 Pascoe Vale Rd  
Broadmeadows VIC 3047  
Tel: 9302 8777

**WESTERNPORT**  
Level 1, 9-15 Pultney St  
Dandenong VIC 3175  
Tel: 9767 7111

**PENINSULA**  
Cnr O'Grady Ave & Dandenong Rd  
Frankston VIC 3199  
Tel: 9784 5222

**BARWON**  
Level 1, Busport,  
48 Brougham St  
Geelong VIC 3220  
Tel: 5226 5666 / 1800 196 200

**WIMMERA**  
29 Darlot St  
Horsham VIC 3400  
Tel: 5381 6000 / 1800 177 638

**GIPPSLAND**  
Cnr Chapel & George St  
Morwell VIC 3840  
Tel: 5134 8055

**NORTH EASTERN SUBURBS**  
42 Mary St  
Preston VIC 3072  
Tel: 9416 6444

**OUTER EASTERN SUBURBS**  
23 Ringwood St  
Ringwood VIC 3134  
Tel: 9259 5444

**GOULBURN**  
36-42 High St  
Shepparton VIC 3630  
Tel: 5823 6200

**WESTERN SUBURBS**  
1/474 Ballarat Rd  
Sunshine VIC 3020  
Tel: 9300 5333

### ***Roundtable Dispute Management***

**MELBOURNE**  
338 La Trobe St  
Melbourne VIC 3000  
Tel: 9269 0500 / 1800 136 832