

Enquiries and complaints

Information on matters the Commissioner can respond to and how and where to make individual complaints.

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Important note about individual complaints about NSW public sector agencies and where to get help

Enquiries and complaints to the Public Service Commissioner and Office of the Public Service Commissioner (OPSC)

Matters handled by the Public Service Commissioner

The Public Service Commissioner has certain powers to act in relation to matters relating to NSW government sector agencies. For example, the Commissioner may:

- issue directions for the purposes of exercising the Commissioner's functions or ensuring compliance with the Government Sector Employment Act 2013 (GSE Act), regulations or rules
- require a NSW government sector agency head to provide a report on matters relating to the employees or the employment policies and practices of the agency
- conduct an inquiry (or appoint someone else to conduct an inquiry) into any matter relating to the administration or management of a NSW government sector agency

The Commissioner has discretion to determine whether a complaint warrants the exercise of any of the Commissioner's powers, and is not required to conduct an inquiry. Please see the [**Guideline: Inquiries into the administration and management of government sector agencies**](#) for further information about the Commissioner's inquiry power.

The Commissioner **does not** have power to investigate or conciliate individual complaints about decisions by NSW public sector agencies or how they deliver their services or perform their functions.

- The Commissioner **does not** review or conciliate agency decisions in relation to individual employment matters or provide individual employment advice to current or former employees.
- The Commissioner **does not** review or conciliate agency decisions relating to services provided by an agency to a customer or member of the public.

Important note about individual complaints about NSW public sector agencies and where to get help

You should normally raise any complaint directly with the NSW public sector agency concerned, or with an oversight or enforcement body (for example, an investigating authority) with power to deal with your complaint, as they are normally best placed to resolve the matter.

Please see the table below for more guidance. Please note that this information may not be complete or necessarily apply to your particular circumstances.

Nature of enquiry or complaint	Where to get help
<p>All individual employment matters, including:</p> <ul style="list-style-type: none"> • Allowances • Leave arrangements • Excess employees • Fitness for duty assessments • Leave and conditions of employment • Performance management • Recognition of prior service for extended leave purposes • Recruitment processes & decisions • Retirement on medical grounds • Severance or redundancy payments and repayments upon re-employment in the public sector • Termination of employment • Transfers and secondments • Transfer of services to non-government sector • Workplace bullying 	<p>Please contact management or human resources area of your employing agency for advice. If you are a union member, you can also seek advice from your union.</p> <p>If you have already received advice from the agency and wish to take the matter further, please refer to your agency’s grievance policy and procedures.</p>
<p>Allegations of corrupt conduct</p>	<p>Independent Commission Against Corruption</p> <ul style="list-style-type: none"> • <u>Independent Commission Against Corruption website</u> • Call: (02) 8281 5999 (Australia) • + 61 2 8281 5999 (overseas) • Toll free: 1800 463 909

Allegations of criminal conduct

NSW Police

- [NSW Police website](#)
- Crime Stoppers
Call: 1800 333 000

Breaches of pecuniary interest provisions under the Local Government Act 1993 and about the conduct of local councillors

Office of Local Government

- [Office of Local Government website](#)
- Call: (02) 4428 4100
- Email: olg@olg.nsw.gov.au

Discrimination

Anti-Discrimination Board of NSW

- [Anti-Discrimination Board of NSW website](#)
- Call: (02) 9268 5544
- Toll free: 1800 670 812 (for regional NSW only)
- Email enquiries: adbcontact@justice.nsw.gov.au
- Email complaints: complaintsadb@justice.nsw.gov.au

Government Information (Public Access) Act 2009 (GIPA); or privacy by a NSW government agency

GIPA

You can apply to have an agency's decision on an access application internally reviewed by that agency or reviewed by:

- [Information and Privacy Commission](#)
- Email enquiries: ipcinfo@ipc.nsw.gov.au
- Call: 1800 472 679

NSW Civil and Administrative Tribunal

- [NSW Civil and Administrative Tribunal website](#)
- Call: 1300 006 228

Privacy

Complaints about breaches of an individual's privacy can be made to the Privacy Commissioner, at

- [Information and Privacy Commission](#)
- Email enquiries: ipcinfo@ipc.nsw.gov.au
- Call: 1800 472 679

Individual employment matters for employees covered by federal industrial instruments under the *Fair Work Act 2009 (Cth)* (e.g., modern awards and enterprise agreements)

Fair Work Ombudsman

- [Fair Work website](#)
- For enquiries about pay and entitlements call: 13 13 94

Maladministration of a NSW government agency, including unfair or unreasonable treatment by a NSW government agency

(Note: the NSW Ombudsman does not investigate individual employment matters)

NSW Ombudsman

- [NSW Ombudsman website - make a complaint](#)
- Call: 02 9286 1000
- Toll free: 1800 451 524
- General enquiries email: nswombo@ombo.nsw.gov.au

Public interest disclosures (PID)

A PID is a report by a public official about serious wrongdoing by a public authority or public official. Serious wrongdoing means corrupt conduct, a government information contravention, a local government pecuniary interest contravention, serious maladministration, a privacy contravention or a serious and substantial waste of public money.

The NSW Ombudsman provides advice and guidance to public sector staff about reporting serious wrongdoing.

NSW Ombudsman, PID Unit

- [NSW Ombudsman, PID Unit website](#)
- Call: (02) 9286 1000
- Toll free: 1800 451 524
- Email: pid@ombo.nsw.gov.au

More information about making a public interest disclosure is available on the Premier's Department and each agency website.

Police misconduct

Law Enforcement Conduct Commission

- [Law Enforcement Conduct Commission - contact page](#)
- Call: (02) 9231 6700
- Toll free: 1800 657 079
- General enquiries email: contactus@lecc.nsw.gov.au

Serious and substantial waste of NSW public money or government money

The Auditor-General

- [The Auditor-General website](#)
- Call: 02 9275 7100

Superannuation complaints

The superannuation fund concerned or, if that approach is not successful, please contact:

Australian Financial Complaints Authority

- [Australian Financial Complaints Authority website](#)
- Call: 1800 931 678

Unfair dismissal claims under the Industrial Relations Act 1996

NSW Industrial Relations Commission

- [NSW Industrial Relations Commission website](#)
- Call: (02) 9258 0866

Unfair dismissal claims under the Fair Work Act 2009 (Cth)

Fair Work Commission

- Fair Work Commission website
- Call: 1300 799 675

Individual employment matters for employees covered by federal industrial instruments under the Fair Work Act 2009 (Cth) (e.g., modern awards and enterprise agreements)

Fair Work Ombudsman

- [Fair Work website](#)
- Call: 13 13 94

Work health and safety obligations including bullying

SafeWork NSW

- [SafeWork NSW - Safety Complaints](#)
 - Call: 13 10 50
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Enquiries and complaints to the Public Service Commissioner and Office of the Public Service Commissioner (OPSC)

The Commissioner and OPSC are committed to responding to enquiries and complaints received by the Commissioner or OPSC fairly, efficiently and effectively. Complaints are handled in accordance with relevant legislation, legal requirements and applicable policies.

NSW Premier's Department policies apply to the handling of external complaints about the OPSC and the handling of public interest disclosures, and are available on the NSW Premier's Department website. You can **lodge an enquiry or complaint with the Commissioner or OPSC by contacting us**. Complaints should be acknowledged within 5 business days of receipt, and responded to in writing within 21 days unless otherwise advised.

Please note the Commissioner or OPSC may be required by law to refer your complaint to the agency concerned or to a law enforcement or oversight body.