



Australian Government



Inspector-
General of
Water
Compliance

Dispute and complaint management framework

A framework for the management disputes and complaints in relation to the performance of the Inspector-General of Water Compliance's regulatory roles and responsibilities under the *Water Act 2007* (Cth).

April 2024

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Table of Contents

Introduction	2
Prevention	3
Negotiation	3
Internal reviews	4
Types of disputes and complaints subject to internal review	4
Actions open to the Inspector-General on review	4
Responding to disputes and complaints	5
External reviews	5
Performance indicators	5
Review of framework	6
Contacts for disputes and complaints	6
Appendix 1: Dispute and complaint management diagram	7

Introduction

Nothing within this framework affects the Inspector-General of Water Compliance's performance of functions or exercise of powers under the *Water Act 2007*.

Australian Government agencies are expected to maintain effective dispute and complaint management arrangements, in line with good public administration practice. Effective dispute and complaint management can lead to reductions in expenditure and improvements to agency productivity, allowing agencies to focus on operational outcomes.

This framework sets out the approach the Inspector-General of Water Compliance uses to manage disputes and complaints raised in relation to the activities associated with the performance of the Inspector-General's roles and responsibilities under the *Water Act 2007* (Cth). The purpose of this framework is to advise interested persons of the Inspector-General's intentions for:

- Early engagement between the people or agencies involved to identify issues and options for addressing them
- Fostering a culture of active dispute and complaint management by:
 - Facilitating discussion and resolution where possible
 - Reviewing decisions or activities and escalating where resolution is not possible
- Collecting data about how disputes and complaints are managed and resolved, to improve the quality and effectiveness of the Inspector-General's governance arrangements.

The Inspector-General has established internal dispute and complaint management arrangements to deal with problems raised by affected persons or other stakeholders using three elements:

- Prevention of disputes and complaints by being open and operating on a no-surprises basis
- Negotiating, where possible, to optimise outcomes for all parties
- Conducting internal reviews of actions and decisions where necessary to ensure these reflect the highest level of integrity.

Where these internal mechanisms do not address the problem underpinning the dispute or complaint, it can be referred to the Commonwealth Ombudsman for external review.

Appendix 1 sets out how each of these elements contributes to the management of disputes and complaints in relation to the Inspector-General. The following sections set out each of the above elements in more detail.

Prevention

The Inspector-General prioritises the identification and management of issues before these rise to the level of needing to be resolved through dispute or complaint management. This is achieved by establishing a culture of:

- Ensuring a commonly understood purpose as a starting point
- Being open to other points of view
- Providing everyone a realistic opportunity to respectfully communicate their points of view
- Listening, to not just identify areas of difference but to obtain a detailed understanding of concerns raised by others
- Adopting the starting point that recognises:
 - Differences in views between people are not necessarily bad – they instead present opportunities to make sure activities or decisions are reasonable and robust
 - Accept some or all of the needs of the other people involved, where reasonable, and be clear if it is not possible.

Prevention of disputes and complaints therefore forms part of all activities undertaken by Inspector-General.

Negotiation

In regulation, optimal outcomes result where the interests of all parties are able to be maximised. As such, negotiation provides a useful mechanism to identify different interests, understand the trade-offs associated with different approaches, and negotiating an outcome that benefits all parties to the greatest extent.¹

Negotiation can be an effective process to resolve disputes or complaints where the purpose is to:

- Work out what the disputed issues are (by, among other things, identifying commonalities), to allow for more targeted discussions
- Work out what everyone agrees on
- Work out what is important to each person
- Aim to reach a workable agreement
- Develop options to resolve each issue
- Understand the next steps if an agreement through the negotiation is unable to be reached.

Failed negotiation processes may be subject to internal or external review.

¹ Nothing through a negotiation affects the operation or application of a law.

Internal reviews

Internal reviews provide assurance that everything that should have been considered in a decision or activity was considered. It can also provide confidence that irrelevant factors were not considered.

The Inspector-General adopts an independent, internal review mechanism, where disputes or complaints may be reviewed by an official or delegate who was not involved in or had oversight of the relevant activity or decision. Internal reviews may be conducted at the request of the person making the complaint or be initiated by the Inspector-General.

The three principles underpinning internal reviews are:

- **Impartiality** – For each dispute or complaint, the facts and contentions in support of a dispute or complaint are weighed objectively
- **Confidentiality** – A dispute or complaint is investigated in private, and disclosure of details of a dispute or complaint is avoided
- **Transparency** – A complainant is told about the steps in the dispute and complaint process and is given an opportunity to comment on adverse information or before a dispute or complaint is dismissed.

TYPES OF DISPUTES AND COMPLAINTS SUBJECT TO INTERNAL REVIEW

Dispute or complaints may be lodged in relation to material published by the Inspector-General (see *Contacts for disputes and complaints*). These disputes and complaints may be subject to a pre-assessment to determine whether an internal review is appropriate or necessary.

Disputes and complaints that may be subject to internal review could relate to activities being conducted for the Inspector-General or decisions that have been or are being proposed to be made by the Inspector-General. In these situations, an internal review will look at all the material that is relevant to the making of the decisions, including, but not limited to, how the activity was undertaken or why one decision over another was preferred.

ACTIONS OPEN TO THE INSPECTOR-GENERAL ON REVIEW

The actions open to the Inspector-General on review will depend on the matter being disputed or reconsidered. These may include:

- Issuing a better or fuller explanation
- Issuing an apology
- Changing or reconsidering a decision
- Expediting action
- Removing a debt or penalty.

Responding to disputes and complaints

Where a dispute or complaint has been made to the Inspector-General, the Inspector-General will take all reasonable steps to communicate the outcomes of the dispute or complaint management processes implemented by the Inspector-General. This will include the reasons for findings in relation to the dispute or complaint and options for escalation if the complainant is not satisfied with the outcome.

In general, if a dispute or complaint is made in confidence, the Inspector-General's response will also be provided in confidence. However, if there is public interest in making the response more widely available (for example, if it relates to an action or decision with general application), the Inspector-General may determine to publish the response.

In this case, the claimant will be provided with a notification of this intent at least two (2) business days prior to the publication of the response. This will provide the claimant an opportunity to request the response to be kept confidential, which will generally be granted.

External reviews

Anyone can make a complaint to the Commonwealth Ombudsman about the actions of Australian Government agencies, including the Inspector-General. The Ombudsman can review actions on the grounds those actions are wrong, unjust, unlawful, discriminatory or unfair.

In general, the Ombudsman suggests the following steps before raising a complaint with the Ombudsman's Office:

1. Raise a formal complaint with the agency and wait for a response (the Ombudsman will not, and in some cases cannot, accept your complaint if you have not made a complaint to the agency first)
2. If you are not satisfied with the way your complaint was handled or the outcome, discuss this with the agency first
3. If your issue remains unresolved, contact the Ombudsman's Office.

Details on how to lodge a complaint with the Ombudsman can be found on the Ombudsman's [website](#).

Performance indicators

The effectiveness of this framework will be assessed over time based on benchmarks for measuring timeliness of reviews, complainant satisfaction with process and escalation of disputes and complaints. The target indicators are set out in Table 1.

TABLE 1: PERFORMANCE INDICATORS DISPUTE AND COMPLAINT MANAGEMENT

Indicator	Measure	Target	
		2024-25	2025-26
Acknowledgement	< 5 business day of being made	80% of time	90% of time
Simple complaints resolved	≤ 5 business days of acknowledgement*	50% of time	60% of time
Priority/ urgent complaints resolved	≤ 10 business days of acknowledgement	60% of time	70% of time
Complex/ sensitive complaints resolved	≤ 20 business days of acknowledgement	60% of time	70% of time
Satisfaction with process	Good, satisfactory or excellent	80% of time	90% of time
	Unsatisfactory	20% of time	10% of time
Satisfaction with outcome	Good, satisfactory or excellent	80% of time	90% of time
	Unsatisfactory	20% of time	10% of time
Quality of initial decision	Decision upheld	80% of time	90% of time
	Decision opposed	20% of time	10% of time

* Feasibility of meeting target will be dependent on process, as dealing with in business activities may not be able to be feasibly delivered within this timing

Review of framework

This framework and the Inspector-General's approach to dispute and complaint management will be reviewed in two years (by mid-2026). The performance indicators for the effectiveness of the protocol will be reviewed and updated at that time in light of practical experience.

Contacts for disputes and complaints

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Appendix: Dispute and complaint management diagram



