



Information Sheet:

Cosmetic Treatment

Introduction to cosmetic treatment complaints

As an independent Statutory Authority providing a complaints resolution service, the Health and Disability Services Complaints Office (HaDSCO) receives complaints about health, disability and mental health service providers.

HaDSCO's functions are set out in the *Health and Disability Services (Complaints) Act 1995* (HaDSC Act), Part 6 of the *Disability Services Act 1993* and Part 19 the *Mental Health Act 2014*. The legislation outlines the types of complaints HaDSCO may deal with.

HaDSCO sometimes receives enquiries from consumers with complaints about cosmetic treatment or surgery that they received. Due to the nature of such complaints, cosmetic treatment may or may not be classed as a 'health service' and fit within HaDSCO's jurisdiction.

Whether HaDSCO may process a complaint on cosmetic treatment or surgery depends on whether the service received can be defined as a 'health service' under the HaDSC Act.

It is important that individuals understand whether or not the service they received can be classed as a health service before raising a complaint to HaDSCO. This section provides the relevant information with regards to cosmetic treatment complaints and links to alternative complaint organisations that may be able to assist.

What complaints HaDSCO can accept

Under the HaDSC Act, HaDSCO can accept complaints which relate to health services. In certain circumstances, cosmetic treatment may fall within the definition of a health service.

To constitute a health service, the cosmetic treatment must be a service provided in relation to the diagnosis or treatment of a physical or mental disorder or suspected disorder. Based on this definition, a complaint may fall within HaDSCO's jurisdiction if the cosmetic treatment or surgery was undertaken for a medical reason.

For example, if breast augmentation is required to correct a malformation of breast tissue, disease or trauma of the breast.

What complaints HaDSCO cannot accept

HaDSCO cannot accept a complaint if the treatment:

- was obtained predominantly for the improvement of the appearance of the individual;
- did not affect the functioning of the body; and/or
- did not correct a bodily dysfunction.

HaDSCO could not accept a complaint, for example, if a breast augmentation was undertaken purely for cosmetic purposes. In these cases, HaDSCO will refer the individual to an alternative and more suitable organisation such as the Department of Mines, Industry Regulation and Safety, Consumer Protection Division or the Australian Health Practitioner Regulation Agency.

How to make a complaint to HaDSCO

To make a complaint, you must provide HaDSCO with sufficient evidence to demonstrate that the treatment was required for medical reasons. Sufficient evidence should include at least one of the following:

- Original referral letter from the General Practitioner to the relevant provider setting out the history of the user and the health reasons for seeking the treatment.
- Report or opinion from the provider who performed the treatment being complained about confirming that the treatment was provided to correct or improve the functioning of the body.
- Copies of receipts or other documentation from Medicare confirming item numbers and rebate status of the particular treatment being complained about. Medicare does not have item numbers for purely cosmetic treatments.

Alternative complaint handling bodies for cosmetic surgery complaints

The Australian Health Practitioner Regulation Agency

AHPRA
G.P.O. Box 9958
Perth WA 6001

Telephone: 1300 419 495

Website: www.ahpra.gov.au

Department of Mines, Industry Regulation and Safety, Consumer Protection Division
Gordon Stephenson House
140 William Street
PERTH WA 6000

Telephone: 1300 304 054

Website: www.commerce.wa.gov.au/consumer-protection

Contact HaDSCO for more information

Complaints and enquiries: (08) 6551 7600

Free call: 1800 813 583 (free from landlines)

Fax: (08) 6551 7630

Email: mail@hadsco.wa.gov.au

Web: www.hadsco.wa.gov.au

Interpreter Service: 131 450 or www.tisnational.gov.au

National Relay Service: 1800 555 660 or www.relayservice.wa.gov.au

