

Information sheet: Cosmetic treatment

Introduction to cosmetic treatment complaints

As an independent complaint resolution body, HaDSCO receives complaints regarding health and disability service providers. This service is governed by the *Health and Disability Services (Complaints) Act 1995* (the Act), which outlines the types of complaints HaDSCO may process.

Frequently HaDSCO receives calls 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 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 can HaDSCO accept?

Under the Act, HaDSCO can accept complaints which relate to health or disability 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.

HaDSCO may not process a complaint if the treatment:

- was obtained predominantly for the improvement of the appearance of the user
- did not affect the functioning of the body
- 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 complainant to an alternative and more suitable organisation such as the Department of Commerce or Australian Health Practitioner Regulation Agency.

Those wishing to raise a complaint 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 user's GP to the relevant provider (eg. plastic surgeon) 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.

Who else might deal with cosmetic surgery complaints?

The Australian Health Practitioner Regulation Agency

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

T: 1300 419 495

Department of Commerce, Consumer Protection

Locked Bag 14
CLOISTERS SQUARE WA 6850

1300 30 40 54