

General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

WARNING: Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action, you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support or money you should see a lawyer before making a complaint.

General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

Discrimination	Disability and NDIS services	Policing, Custody and Detention
Seniors and Aged Care Supports and Services	Consumer and Business Disputes	Phone and Internet Services
Banking, Insurance and Superannuation	Energy and Water Services	Housing and Real Estate
Health Care Services	Employment Issues	Education and Training Providers
Government Agencies and Departments	Child Safety and Protection	State Fines and Debts
Corruption	Privacy and Access to Information	Media and Publications

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to different bodies to have all of your concerns addressed.

The online triage tool on this website can help you to identify the different complaint bodies that may be able to assist you.

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.

Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that are about discrimination. If your situation involves discrimination, you should consider making a discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality; relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

WARNING: The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint bodies, but they may decide to not address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to anti-discrimination NSW, it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

Victorian Health Complaints Commissioner

In this fact sheet, we introduce the **Victorian Health Complaints Commissioner (HCC)**. We outline how complaints can be made by people to the HCC.

The HCC manages complaints about healthcare and the handling of health information in Victoria. Its overarching aim is to protect the health and safety of individuals and the community. The HCC deals with complaints about any health care provider in Victoria including public or private hospitals, community health services, registered providers such as doctors and dentists or non-registered providers such as counsellors and alternative therapists. A complaint can be made about how your health information is handled.

Legislation and Key Terms

Below are links to legislation that are relevant to the HCC complaint handling work:

- [Health Complaints Act 2016 \(Vic\)](#)
- [Health Records Act 2001 \(Vic\)](#)
- [Health Records Regulations 2023 \(Vic\)](#)
- [Privacy and Data Protection Act 2014 \(Vic\)](#)
- [Freedom of Information \(Access Charges\) Regulations 2014 \(Vic\)](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Wrongs Act 1958 \(Vic\)](#)

Key terms:

Complaint: An expression of dissatisfaction where a response or resolution is wanted, expected or required.

Complainant: A person who has made a complaint.

Health Organisations: A body that provides health service (not being a health practitioner) such as public and private hospitals, medical centres, imaging and radiation services.

Health Service: As defined in section 3 of the *Health Complaints Act 2016 (Vic)*.¹

¹ <https://content.legislation.vic.gov.au/sites/default/files/2020-08/16-22aa008%20authorised.pdf>

Registered Health Practitioners: A person who provides a health service such as medical practitioners, nurses, dentists and pharmacists.

General Health Service Practitioners: A person who provides a health service but does not require Australian Health Practitioner Regulation Agency (**AHPRA**) registration such as counsellors, speech therapists, massage therapists and alternative health care providers.

Step 1: What type of Complaints can be made to this body?**1. General Health Service Providers**

The code obligations below are set out in Schedule 2 of the *Health Complaints Act 2016* (Vic) and represent the minimum legal standards that all **general health service providers** in Victoria must comply with. You may complain if you believe a general provider has failed to meet any of the below obligations in how they have provided a service to you or another person. This includes:

Sub-Category	Examples of Breaches
Unsafe or Unethical Health Services <i>Health Complaints Act 2016</i> (Vic) Sch 2(1)	<p>You should make a complaint if the health service you received was unsafe, unprofessional, or not provided ethically. This includes poor hygiene, lack of safety procedures, or providers acting outside their qualifications.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Nicole, a counsellor, diagnosed a patient with bipolar disorder despite not being qualified.</i> • <i>Linda, a speech therapist, didn't offer any translation services for a patient who barely spoke English.</i>
No Consent Given <i>Health Complaints Act 2016</i> (Vic) Sch 2(2)	<p>You should make a complaint if a treatment was done without your clear and informed consent. Consent must include understanding risks, benefits, and other options.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Matthew, a naturopath, gave a supplement without discussing side effects.</i> • <i>Peter, a massage therapist, ignored a patient's request and gave a deep tissue massage instead.</i>
Not Enough Information to Make a Proper Choice <i>Health Complaints Act 2016</i> (Vic) Sch 2(3)	<p>You should make a complaint if you weren't given enough clear and accurate information to make a decision.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Ricky, a naturopath, told patients to stop seeing their GP and take alternative remedies instead.</i> • <i>Denis, a nutritionist, claimed he could treat cancer through diet and discouraged medical treatment.</i>
Failure to report concerns about the conduct of other health service providers <i>Health Complaints Act 2016</i> (Vic) Sch 2(4)	<p>You should make a complaint if a provider knew another provider was acting dangerously and didn't report it.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Nicole, a counsellor, didn't report a GP prescribing dangerous levels of antidepressants.</i> • <i>Evan, a non-registered provider, knew a naturopath was giving risky supplements and said nothing.</i>

<p>Failure to take appropriate action in response to something going wrong</p> <p><i>Health Complaints Act 2016 (Vic) Sch 2(5)</i></p>	<p>You should make a complaint if a provider didn't respond properly after something harmful happened.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Bob didn't tell his patient to stop taking herbs after an allergic reaction.</i> • <i>Laura, a counsellor, ignored a client's suicidal thoughts without assessing risk or offering help.</i>
<p>Failure to adopt standard precautions for infection control</p> <p><i>Health Complaints Act 2016 (Vic) Sch 2(6)</i></p>	<p>You should make a complaint if a health provider didn't follow proper hygiene or infection control procedures.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Jessica reused massage stones and linen without disinfecting them.</i> • <i>Steven, a paramedic, didn't wear gloves around a COVID-positive patient.</i>
<p>Providing Services While Infectious</p> <p><i>Health Complaints Act 2016 (Vic) Sch 2(7)</i></p>	<p>You should make a complaint if a provider gave care while having an infectious illness.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Thalia gave massages while she had chickenpox.</i> • <i>Peter visited aged care homes while COVID-positive.</i>
<p>False Claims to Cure Serious Illness</p> <p><i>Health Complaints Act 2016 (Vic) Sch 2(8)</i></p>	<p>You should make a complaint if someone claimed they could cure cancer, diabetes, or another serious illness using unproven methods.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Jane's wellness clinic advertised cures for cancer using natural therapies.</i> • <i>Tyler said his supplements could cure heart disease.</i>
<p>False or Misleading Information</p> <p><i>Health Complaints Act 2016 (Vic) Sch 2(9)</i></p>	<p>You should make a complaint if a provider gave you false or misleading information about their qualifications or services.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>A massage therapist claimed to be a physiotherapist without being registered.</i> • <i>Lexie promised weight loss from her herbal mix with no scientific backing.</i>
<p>Being Under the Influence While Working</p> <p><i>Health Complaints Act 2016 (Vic) Sch 2(10)</i></p>	<p>You should make a complaint if a provider treated you while drunk, drug-affected, or impaired by medication.</p>
<p>Working While Mentally or Physically Unfit</p>	<p>You should make a complaint if a provider worked while suffering from a health condition that affected their ability to safely treat you.</p>

<i>Health Complaints Act 2016 (Vic) Sch 2(11)</i>	<i>Example: Melanie, a counsellor with untreated depression, continued seeing vulnerable clients.</i>
Overcharging or Financial Exploitation <i>Health Complaints Act 2016 (Vic) Sch 2(12)</i>	You should make a complaint if a provider charged unfair fees or didn't clearly explain the costs. <i>Examples:</i> <ul style="list-style-type: none"> • Emma, on a low income, was denied a payment plan and couldn't access necessary care. • Mark advertised 60-minute massages but only gave 45 minutes and charged full price.
Sexual Misconduct or Boundary Violations <i>Health Complaints Act 2016 (Vic) Sch 2(13)</i>	You should make a complaint if a provider acted in a sexually inappropriate way or crossed personal boundaries. <i>Examples:</i> <ul style="list-style-type: none"> • Dr. Smith began a relationship with a patient during therapy. • Johnson sent suggestive messages to a current patient.
Breach of Privacy <i>Health Complaints Act 2016 (Vic) Sch 2(14)</i>	You should make a complaint if a provider mishandled your personal or health information. <i>Examples:</i> <ul style="list-style-type: none"> • Your diagnosis was sent to the wrong person. • You found your medical records dumped in a public place.
Poor Record-Keeping <i>Health Complaints Act 2016 (Vic) Sch 2(15)</i>	You should make a complaint if a provider didn't keep proper records or stored them carelessly.
No Insurance Coverage <i>Health Complaints Act 2016 (Vic) Sch 2(16)</i>	You should make a complaint if a health provider is practising without proper insurance.
No Access to Code of Conduct or Complaint Info <i>Health Complaints Act 2016 (Vic) Sch 2(17)</i>	You should make a complaint if a provider didn't give you clear info on your rights or how to complain.
Unfair Treatment of Carers	You should make a complaint if, as a carer, you were ignored, excluded or treated badly. <i>Example: A father helping his daughter with mental health care was denied updates, even with her consent.</i>
Culturally Unsafe or Disrespectful Care	You should make a complaint if you were treated in a way that was culturally unsafe, disrespectful or discriminatory by a health provider.

	<i>Example: Leila, a First Nations woman, was told she was “too sensitive” when she asked for a female doctor and cultural support during an appointment.</i>
Ignoring an Advance Care Directive or Refusal of Treatment	<p>You should make a complaint if a provider ignored your Advance Care Directive or failed to respect your right to refuse treatment.</p> <p><i>Example: Tom had a signed Advance Care Directive refusing life-prolonging treatment, but the hospital ignored it and admitted him to ICU.</i></p>
Ignoring or Disrespecting Gender Identity or Pronouns	<p>You should make a complaint if a provider refused to use your correct pronouns or misgendered you during care.</p> <p><i>Example: Alex, a non-binary person, told staff their pronouns were they/them, but staff kept calling them “he” and put “female” on all medical forms.</i></p>
Access Barriers or Discrimination in Booking or Entry	<p>You should make a complaint if you were refused service, overcharged, or treated differently because of who you are.</p> <p><i>Example: Priya, who uses a wheelchair, was told the clinic had “no time” for her because she “takes too long” to examine.</i></p>
Refusal to Provide a Service Without Reason	<p>You should make a complaint if a health provider refused to treat you or let you access a service without a valid reason.</p> <p><i>Example: Jamal was refused a routine GP appointment after disclosing he was on a mental health plan, with no explanation.</i></p>
General Concerns About Registered Health Practitioners	<p>You should make a complaint if a registered practitioner treated you in a way that was unprofessional, disrespectful or harmful.</p> <p>Examples of issues:</p> <ul style="list-style-type: none"> • Unprofessional or negligent care • Poor communication • Refused access or referral • Disrespect or privacy breaches • Mishandling of your health records <p>Note: HCC may refer the complaint to AHPRA and the relevant National Board if required under Health Practitioner Regulation National Law (Victoria)</p>
Exclusions	<p>HCC Victoria will not consider the following complaint types:</p> <ul style="list-style-type: none"> • Services Provided Outside Victoria: The HCC only deals with health services provided in Victoria. Complaints about services received in another state or country must be made to the relevant body in that location. • Complaints About Registered Practitioners That Require Referral to AHPRA: If a complaint involves a

	<p>registered health practitioner (e.g. doctors, nurses, dentists) and relates to issues of professional misconduct or serious risk to the public, the matter may be referred to AHPRA and the relevant National Board under the Health Practitioner Regulation National Law.</p> <ul style="list-style-type: none"> • Requests for Financial Compensation or Damages: The HCC cannot award money, damages, or financial compensation. Legal action through the courts or another tribunal may be required for those outcomes. • Employment Disputes Between Health Staff: The HCC does not handle complaints about workplace or employment disputes between staff members at health services. • Criminal Offences: Matters involving criminal offences (such as assault, fraud, or sexual offences) should be reported to Victoria Police. The HCC cannot investigate or prosecute crimes. • Complaints Already Decided by a Court or Tribunal: If a court, tribunal, or another statutory authority has already made a decision on the issue, the HCC cannot consider the same matter again. • Private Health Insurance Disputes: Complaints about private health insurance policies, coverage decisions, or premiums must be made to the Commonwealth Ombudsman. • Medicare or Centrelink Complaints: The HCC cannot assist with complaints about Medicare services or Centrelink decisions. These must go to Services Australia or the relevant Commonwealth agency. • Complaints About Public Hospital Funding or Government Policy: System-level concerns like government policy, funding decisions, or hospital resource allocations are outside the HCC's scope. • Complaints About the Conduct of Legal or Financial Professionals: The HCC cannot deal with concerns about lawyers, accountants, or financial advisers - even if they were involved in health-related matters. These must go to their relevant oversight bodies.
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Step 2: What is the Jurisdiction of the complaints body?

Jurisdiction	Description
State	This complaints body has powers to hear complaints under the law of Victoria.
Geographical Scope	In order for the HCC to have jurisdiction to hear a complaint, the complaint must relate to a health service provided in Victoria.

Time Limitations	<p>The HCC has jurisdiction to hear complaints that are made within 1 year after the health service was performed or sought.</p> <p>Extensions may be considered by the Commissioner under certain circumstances.</p>
Exclusions <i>Health Complaints Act 2016 (Vic) Part 2, Div 3</i>	<p>In some instances, the HCC may determine that the complaint should be referred to another body more appropriate to the nature of the complaint (for example, the Australian Health Practitioner Regulation Agency).</p> <p>The HCC will not deal with complaints relating to abuse or neglect of people with disability where another specialist body is responsible. Depending on the service or worker, complaints should be directed to:</p> <ul style="list-style-type: none"> • NDIS supports and services: the NDIS Quality and Safeguards Commission. • Victorian Disability Act services (funded by DFFH, TAC or WorkSafe): the Disability Services Commissioner. • Disability workers (all settings): the Victorian Disability Worker Commission.
Additional information you need to know	<p>You need to consider whether your complaint crosses over into other areas such as discrimination as you may be eligible to make a complaint via more than one body/pathway.</p>

Step 3: Who can you make a complaint against?

Respondent	Description
Registered Health Practitioners	<p>The Commissioner can receive complaints about registered health service providers who are from one of the 14 health professions registered under the <i>Health Practitioner Regulation National Law 2009</i> (Vic). These include:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander health practice; • Chinese medicine (acupuncturists, Chinese herbal medicine practitioners and Chinese herbal dispenser); • Chiropractic; • Dental (dentists, dental specialists, dental hygienists, dental prosthetists, dental therapists and oral health therapists); • Medical; • Medical radiation practice (diagnostic radiographers, nuclear medicine technologists and radiation therapists); • Nursing and midwifery (registered nurses, enrolled nurses, nurse practitioners, and midwives); • Occupational therapy; • Optometry; • Pharmacy;

	<ul style="list-style-type: none"> • Physiotherapy; • Podiatry; and • Psychology.
Unregistered Health Practitioners	The HCC manages complaints about unregistered health practitioners. Unregistered health practitioners include counsellors, speech therapists, naturopaths, massage therapists and alternative health care providers.
Health Organisations	Public or private entities that provide health services, such as hospitals, clinics, medical centres, dental clinics, pathology and diagnostic services, aged care providers, and day procedure centres.
Aged Care Service Providers	Organisations or individuals delivering residential or in-home aged care services (when not otherwise covered by the Aged Care Quality and Safety Commission), provided they are delivering a health service.
Mental Health Services	Public and private mental health providers, including inpatient, community, or private mental health clinics or practitioners (if delivering a health service).
Disability Service Providers (when delivering a health service)	Disability services that involve healthcare treatment or therapeutic support, such as occupational therapy, physiotherapy, or psychological support.
Health Record Holders	Any individual or organisation that holds personal health information, including health practitioners, hospitals, schools, gyms, sports clubs, insurers, or workplaces, who may have breached privacy or mishandled health records.
Pathology and Imaging Services	Providers offering diagnostic services like blood testing, MRIs, CT scans, and X-rays.
Community Health Services	Government-funded or not-for-profit services providing health care to the community, including Aboriginal health services (when not excluded under jurisdiction).
Telehealth and Online Health Services	Platforms or individuals offering remote or online health consultations, advice, or treatments that fall within the definition of a health service under Victorian law.
Allied Health Providers (If Not AHPRA-Registered)	<p>These may include audiologists, dietitians, exercise physiologists, diabetes educators, and others not registered with AHPRA, but still delivering a health service.</p> <p><i>Example: A dietitian gave unsafe dietary advice without proper assessment, leading to hospitalisation.</i></p>
Corporate Health Providers or Franchise Clinics	Large organisations that deliver health services through chains or franchises (like national physiotherapy brands or workplace health clinics).

	<i>Example: A workplace injury provider refused follow-up treatment and blocked access to records across multiple branches.</i>
Schools or Education Institutions (when delivering a health service)	<p>If a school nurse, counsellor, or in-house therapist provides a health service and something goes wrong, the school may fall under HCC's scope.</p> <p><i>Example: A student was harmed after the school nurse gave medication without checking allergies.</i></p>
Exclusions	<p>HCC won't take complaints about:</p> <ul style="list-style-type: none"> • Health Practitioners Based Outside Victoria: Providers who delivered the service outside Victoria are not within the HCC's jurisdiction. • Professionals Not Delivering a Health Service: Individuals such as lawyers, accountants, financial advisers, or life coaches, unless they are providing something that legally qualifies as a health service. • Employers in Workplace Disputes: The HCC does not deal with employment-related matters between staff (e.g., HR grievances or bullying claims between employees at a hospital). • Health Funds and Insurers (for financial disputes): Complaints about policy coverage, premiums, or refunds must go to the Commonwealth Ombudsman or relevant authority. • Government Departments (for funding or policy decisions): The HCC cannot consider complaints about broader government policy, such as funding cuts or systemic issues not linked to a specific health service. • Commonwealth-Aged Care Service Providers (regulated under Aged Care Quality and Safety Commission): Where a provider is regulated under the Aged Care Quality and Safety Commission Act 2018, complaints should be made to that federal body. • WorkSafe or TAC for Claims Handling: If the issue is about how WorkSafe or the Transport Accident Commission (TAC) managed your claim or payments, it is outside HCC's scope unless it relates directly to a health service they arranged or provided. • Criminal Offenders (for criminal behaviour): If the complaint relates to a crime (e.g., assault, sexual abuse), it must be reported to Victoria Police.

Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint	<p><u>Anyone</u> can make a complaint to the HCC, including:</p> <ul style="list-style-type: none"> • you as the person who experienced the problem.

<i>Health Complaints Act 2016 (Vic) Part 2, Div 1</i>	<ul style="list-style-type: none"> • a parent or guardian of the person or child concerned. • a relative, friend or representative of your choice. • a health service provider or other concerned person. • the Commission, who can initiate an “own motion” complaint if it becomes aware of significant risks to public health and safety or significant concerns about a health service provider.
<p>Who cannot make a complaint?</p>	<p>Some eligibility exclusions apply, including:</p> <ul style="list-style-type: none"> • Anonymous Complaints Without Enough Detail: The HCC cannot investigate a complaint if it’s made anonymously and doesn’t contain enough information to assess or act on the issue. • Complaints Made by Someone Without Proper Authority: If you’re complaining on behalf of another person (like a family member or client), you must have legal authority or their consent — unless there’s a valid reason they can’t provide it. Without this, your complaint may not be accepted. • Vexatious or Misleading Complaints: The HCC may reject a complaint if it believes it is made to cause harm, is clearly unreasonable, or includes deliberately false or misleading information. • Complaints Outside the 12-Month Time Limit: In most cases, the HCC requires complaints to be made within 12 months of when the issue happened, unless there’s a good reason for the delay (e.g. the person was unwell or unaware of their rights). • Complaints Already Decided or Dealt With: If the same issue has already been decided by a court, tribunal, or another formal body, the HCC cannot investigate it again.
<p>Additional information you need to know</p> <p><i>Health Complaints Act 2016 (Vic) s 14, 23</i></p>	<p>If you are making a complaint on behalf of someone else, you should get their authority to do so.</p> <p>You may withdraw a complaint at any time after making it by giving written notice to the Commissioner.</p> <p>The Commissioner has the power to refuse to deal with a complaint if they believe:</p> <ul style="list-style-type: none"> • the complaint is frivolous, vexatious, misconceived, lacking in substance or otherwise does not warrant action • the complaint is not made in good faith • the complaint is made for an improper purpose • the complaint is not in the public interest • there is no reasonable prospect of resolving the complaint by the conduct of a complaint resolution process • the subject matter of the complaint comes within the jurisdiction of a court, tribunal or other body

	<ul style="list-style-type: none"> the subject matter of the complaint is or has been determined before a court, tribunal or other body the health service provider has taken action that the Commissioner is satisfied has resolved the complaint reasonable attempts have not been made to seek to resolve the complaint with the health service provider
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Step 5: What remedies are available at this body?

Power	Description
Public health warning statement <i>Health Complaints Act 2016 (Vic) s 84</i>	The HCC can issue a public statement warning the community about a person or organisation delivering unsafe or unethical health services, especially if there's a risk to public health and safety.
Interim prohibition order (IPO) <i>Health Complaints Act 2016 (Vic) s 90</i>	The HCC can issue a temporary ban to stop a person from providing health services while an investigation is underway. This order is typically implemented when there is an immediate risk to the public or significant concerns about the practitioner's ability to provide safe care.
Prohibition Order (Permanent Ban) <i>Health Complaints Act 2016 (Vic) s 95</i>	Following an investigation, the HCC can permanently ban a person or organisation from providing any or specific health services if they have breached the Code of Conduct or pose a serious risk.
Referring to another body <i>Health Complaints Act 2016 (Vic) Part 2, Div 3</i>	The HCC can refer your complaint to another body that is more suitable to deal with the complaint. For example, if your complaint is in relation to disability, it can be referred to the Disability Commissioner.
Referring the complaint for conciliation or complaint resolution	The HCC has a Conciliation Service in which an independent facilitator can assist with resolving your complaint with the health care provider. The independent facilitator will facilitate a conversation to help come to a better understanding and agreement on action. A conciliation can only occur if both parties have agreed to participate.
Advice and explanation	The HCC can make recommendations about how to break down a complex complaint against an entity or practitioner and clarify who each separate issue related to. They can help you take each element of the complaint to the relevant people to resolve it with them directly, outside of the formal complaint resolution process.

Apology	The HCC can issue an apology to individuals who have been affected by a complaint regarding a health service or practitioner. This apology is part of the HCC's role in resolving complaints and promoting accountability within the healthcare system.
Access to records	Where a person has requested their health records and have been rejected, the HCC can contact the practice or practitioner and ensure that they comply with regulations regarding access to personal health information.
Recommendation for compensation	<p>The HCC can facilitate discussions about compensation between the parties but cannot require or formally recommend compensation.</p> <p>If you're considering a specific case or situation, it might be helpful to seek legal guidance.</p>
Investigating the complaint	<p>Investigations are formal and detailed examinations used for highly complex matters. Unlike with complaints resolution, the parties are required to participate in the investigation.</p> <p>The HCC can oblige parties to produce evidence and attend hearings and a final report is provided when completed. Both public and private organisations, as well as individuals, can be investigated. An investigation can only occur if the Commissioner agrees to conduct an investigation in the particular circumstances.</p> <p>The HCC has the power to investigate complaints that raise a significant risk to public health or safety.</p> <p>In some cases, your complaint could result in disciplinary action against the practitioner.</p>
Change in Practice or Policy	The HCC can suggest or recommend that a provider or organisation change internal procedures, policies, or staff training to prevent future complaints and improve service delivery.
Service Delivery Improvements	If a complaint reveals wider issues in how a health service is run, the HCC can make formal recommendations to the organisation to improve systems, practices, or quality of care.
Education and Counselling for the Provider	In some cases, the HCC may recommend or facilitate education or further training for an individual health provider, particularly where misconduct was unintentional or due to a lack of knowledge.
Facilitated Access to a More Appropriate Complaints Body	The HCC can help you understand if another body is more suitable for your complaint and guide you to the right place.
Clarification of Complaint Pathways (Breakdown of	The HCC can help you break a complicated complaint into separate issues and advise where each part should go.

Complex Complaints)	
Systemic Review or Escalation for Widespread Failures	The HCC can escalate matters when your experience reveals a broader issue in how a health service operates.
Exclusions	<p>The VHCC:</p> <ul style="list-style-type: none"> • Can't make someone pay you money: The HCC can suggest compensation, but they can't force a provider to pay you. • Can't make someone say sorry: They can't force a health worker or service to apologise or admit they were wrong. • Can't give you legal advice: The HCC can explain your options, but they won't act as your lawyer. • Can't fine or punish people: The HCC isn't a court. They can't charge people, give fines, or send anyone to jail. • Can't force services to make changes: The HCC can recommend improvements, but they can't always make a provider change their rules or systems. • Can't make legal decisions: The HCC can't give you a final ruling like a court or tribunal can. • Can't make someone take part in conciliation: Both sides have to agree to conciliation. The HCC can't force anyone to join in. • Can't change court or tribunal decisions: If your issue has already been decided by a court, the HCC can't look at it again.

Step 6: Preparing your complaint. What should your complaint look like? What should it include?

Requirement	Description
Format <i>Health Complaints Act 2016 (Vic) s 9</i>	Complaints can be made orally or in writing. The easiest way to lodge a complaint is through the HCC online portal: https://hcc.resolve.hosting/prd?EntityType=Case&LayoutCode=HCCComplaintWebForm&Refresh=True
Personal Details	When lodging a complaint, you will be required to provide some personal details, including your: <ul style="list-style-type: none"> • full name and date of birth; • address; and • contact details and preferred contact method.

	If you are lodging your complaint on behalf of someone else, you will also be required to provide the personal details for that person.
Respondent's Details	You will also need to provide details about the health organisation or practitioner you want to complain about, including their name (if they are an individual) and business details (if an organisation).
Relevant Facts	<p>You will be required to identify the nature of your complaint and what you are complaining about, including details of:</p> <ul style="list-style-type: none"> • what happened; • when it happened; • who was involved; • any person who witnessed or has knowledge about what has occurred. <p>If you would like to submit any supporting documents or information, you can attach copies of these documents to your complaint for the HCC to consider.</p> <p>To assist with the assessment of your complaint, it is helpful for you to clearly identify your concerns and include as much relevant information as you can. You can contact the HCC by telephone for assistance in completing your complaint on 1300 582 113.</p>
Additional information you need to know	The HCC will request consent to access the health information of the person the complaint is in relation to. If you choose not to authorise the HCC to access this information, it may be unable to further assess your complaint.

Step 7: Lodging your complaint and next steps

Step	Description
Where to lodge your complaint	<ol style="list-style-type: none"> 1. You can make your complaint via the online form: https://hcc.resolve.hosting/prd?EntityType=Case&LayoutCode=HCCComplaintWebForm&Refresh=True 2. Email: hcc@hcc.vic.gov.au 3. Phone: 1300 582 113
Assessment	Once your written complaint has been received it will be assigned to an Assessment Officer. The Assessment Officer will acknowledge receipt of your complaint and will give you a case number for reference. You should always quote your case number when contacting the Commission.
Time frame	Some complaints are resolved quickly (i.e. within a day or two via a couple of phone calls). More complex issues may involve meetings, evidence gathering and negotiations over several months. The HCC will keep all parties informed of a complaint's progress and its expected resolution time.

Investigation	<p>The HCC will notify relevant parties of the decision to investigate and of the subject matter of the investigation, in writing. However, notification may not be appropriate in some cases if there is a serious risk to the health, safety or welfare of a person or the public.</p> <p>They have powers to obtain any information relevant to an investigation and may require access to clinical notes, relevant internal reports, policies and procedures or names of other providers involved. During the evidence-gathering phase, they may conduct hearings or interviews, seek independent expert advice or exercise our compulsory powers.</p> <p>If your complaint is about a registered health practitioner, AHPRA will also be notified.</p>
Resolution	<p>After completing the investigation a report containing evidence, comments or recommendations will be prepared. This report may be shared with the health service provider, complainant, AHPRA, Health Minister, Department of Health Secretary and other relevant parties.</p> <p>If a report recommends a health service provider undertake quality improvements, they will ask the provider to report back to them on the implementation of those recommendations. If they believe the provider has failed to make these quality improvements, they may take further action.</p> <p>They can also launch a follow-up investigation if a provider fails to undertake:</p> <ul style="list-style-type: none"> • any actions agreed to during a complaint resolution; or • any actions recommended in an investigation report. <p>In the case of general health service providers, they can issue prohibition orders and public warning statements where the Commissioner is satisfied there is a serious risk to the health, safety or welfare of an individual or the public.</p>

Step 8: Post-complaint – what if you are not happy with the resolution?

Avenue	Description
Request an internal review	<p>You can request an internal review of a decision made by the Commissioner if it relates to:</p> <ul style="list-style-type: none"> • the jurisdiction • the age of your complaint • a decision that the HCC will not conduct an investigation • any other ground for not dealing with your complaint <p>Your request for an internal review must be made online using the enquiry form or in writing and must be made within three months of the date the HCC informed you of our decision.</p> <p>In some cases, they might decide not to conduct an internal review, for example if they consider your request lacks merit or is out of time. If they decide not to conduct an internal review, they will inform you of that decision within 21 days of your request.</p>

	<p>An internal review will be carried out by a different staff member than the person who made the original decision.</p> <p>They will aim to complete the review within 30 days of your request. If they require more time, they will let you know.</p> <p>If our review identifies that we made an error, they will apologise for their mistake and take any further steps required by the outcome of our review.</p>
Victorian Ombudsman	You can complain to the Victorian Ombudsman at any time about our handling of your complaint. You can contact the Ombudsman online or by calling 1800 806 314.
Office of the Victorian Information Commissioner	If the matter is not resolved and the information about you does not include your health information, you can complain to the Office of the Victorian Information Commissioner.
Victorian Civil and Administrative Tribunal (VCAT)	If the matter is not resolved and the information about you does include your health information, we will inform you about your options, which may include referral to VCAT.

Step 9: Overlapping or Related Jurisdiction to the complaints body?

Jurisdiction	Description
Australian Health Practitioner Regulation Agency	The Australian Health Practitioner Regulation Agency (AHPRA) oversee the registration of health practitioners and ensure they meet national standards for practice. AHPRA handles complaints related to the conduct, health, and performance of practitioners, ensuring safe healthcare practice across Australia.
Australian Human Rights Commission	<p>If your complaint also relates to discrimination, you may be able to make a separate discrimination complaint to the Australian Human Rights Commission (AHRC).</p> <p>You could be eligible to make a complaint to the NSW Anti-Discrimination Board https://antidiscrimination.nsw.gov.au/. You can't make a complaint to the AHRC and the state/territory about the same issue.</p>
Disability Services Commissioner	The Disability Services Commissioner (DSC) is an independent oversight body resolving complaints and promoting the right of people with a disability to be free from abuse. The Disability Services Commissioner can help with enquiries and complaints about disability

services delivered by registered disability service providers under the Disability Act 2006 that are:

- Funded or contracted by the Department of Families, Fairness and Housing (DFFH).
- Funded by the Transport Accident Commission (TAC).

Need help?

Organisations that can help you make your complaint, provide support or give you more information:

Organisation	Contact Details	How they can help
Inquiry Officers from HCC	Online enquiry form: https://hcc.vic.gov.au/enquiries-and-feedback Telephone: 1300 582 113	The HCC's Inquiry Service can provide additional assistance to help you with writing your complaint.
Australian Patients Association	Call 03 9274 0788 or visit www.patients.org.au	Australian Patients Association provides patient advocacy, information and support.
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provides interpreting and translation services for people if English is not their first language.
National Relay Service	Website: www.accesshub.gov.au	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.

Self-help tools and resources

Resource	How this helps
Frequently Asked Questions	Information about frequently asked questions to the HCC.
Tips for making a complaint	Step-by-step process on how to make a complaint with the HCC.
Partnership for Justice in Health	Resources for First Nations People.
Care Opinion	Feedback platform for health and social care.
Australian Indigenous Health/InfoNet	Research aimed at providing the knowledge and other information needed for practitioners and policy-makers to make informed decisions in their work.
Aboriginal Patient Advocacy Training	Resources on all issues affecting health consumers.

[Call It Out](#)

Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.

Not the right complaints body for you?

Other bodies that deal with Health Care Complaints:

Organisation	Contact Details	How they can help
Australian Human Rights Commission	Website: https://humanrights.gov.au/ Telephone: 1300 656 419	If you believe you have been refused medical treatment on the basis of discrimination, a complaint can be lodged with the Australian Human Rights Commission.
Australian Health Practitioner Regulation Agency	Website: https://www.ahpra.gov.au/ Telephone: 1300 419 495	If you are concerned about the conduct of an Australian registered health practitioner, a complaint can be lodged with AHPRA.
Victorian Ombudsman	Website: https://www.ombudsman.vic.gov.au/ Telephone: (03) 9613 6222	You can complain to the Victorian Ombudsman at any time about the Commissioner's handling of your complaint.
Office of the Victorian Information Commissioner	Website: https://ovic.vic.gov.au/ Telephone: (03) 8684 7565	If the matter is not resolved and the information about you does not include your health information, you can complain to the Office of the Victorian Information Commissioner.
Victorian Civil and Administrative Tribunal (VCAT)	Website: https://www.vcat.vic.gov.au/ Telephone: 1300 018 228	If the matter is not resolved and the information about you does include your health information, you can refer the matter to VCAT.