

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 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 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 not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to Equal Opportunity Commission WA, 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.

Commissioner for Victims of Crime WA

In this fact sheet, we introduce the Commissioner for Victims of Crime WA. We outline how complaints can be made by victims of crime to the Commissioner for Victims of Crime WA.

The Commissioner for Victims of Crime WA can receive complaints where a victim of crime believes a WA Government department, public officer/body, or WA Government-contracted victim service provider has not treated them in line with the Victim Treatment Guidelines. The Office may support a victim to resolve the issue, but it cannot investigate, intervene, award compensation, change court decisions, or discipline police, lawyers or other professionals.

Legislation and Key Terms

Relevant Legislation:

- [*Victims of Crime Act 1994 \(WA\)*](#)
- [*Criminal Injuries Compensation Act 2003 \(WA\)*](#)

Key terms:

Commissioner: The Commissioner for Victims of Crime WA.

Complaint: A concern raised by a victim of crime that a relevant WA Government department, public officer/body, or WA Government-contracted victim service provider has not followed the Victim Treatment Guidelines.

Criminal injuries compensation: A separate compensation pathway for victims who have suffered injury or loss because of a criminal offence. This is handled through the Office of Criminal Injuries Compensation, not through the Commissioner's Victim Treatment Guidelines complaint process.

Public officer or body: A WA public authority, official, officer, board, court officer, police officer, prosecution officer, public sector body, or similar public body whose functions involve dealing with offenders or victims. The exact meaning is set out in the Victims of Crime Act 1994 (WA).

Victim: A person who suffered injury, loss or damage as a direct result of an offence. If the offence resulted in death, this can include an immediate family member.

Victim Treatment Guidelines: The 12 guidelines under the Victims of Crime Act 1994 (WA) that explain how victims should be treated by relevant WA Government departments, public officers/bodies, and WA Government-contracted victim service providers.

Victim Notification Register: A separate opt-in register that can provide eligible victims with information about an offender's custody, release, supervision, escape or related status. This is not the same as making a Victim Treatment Guidelines complaint.

Step 1: What type of Complaints can be made to this body?

The Commissioner for Victims of Crime WA can receive complaints about a breach of the Victim Treatment Guidelines. These Guidelines explain how victims of crime should be treated by WA Government departments, and by people or agencies contracted by the WA Government to work with victims of crime.

Sub-category	Example
Breach of Victim Treatment Guidelines complaint <i>Victims of Crime Act 1994 s 3 and Schedule 1</i>	<p>You may make a complaint to the Commissioner for Victims of Crime WA if you are a victim of crime and you believe a WA Government department, or a person or agency contracted by the WA Government to work with victims of crime, has not treated you in line with the Victim Treatment Guidelines.</p> <p>The Guidelines cover how victims should be treated during the criminal justice process. They include:</p> <ol style="list-style-type: none"> 1. being treated with courtesy, compassion and respect 2. being given information about counselling, welfare, health, medical and legal assistance services, and criminal injuries compensation 3. being told about lawful protection against violence or intimidation by the offender 4. having inconvenience minimised where possible 5. having privacy protected 6. being kept informed, if requested, about investigation progress, charges, bail applications, changes to charges, and the reasons for those changes 7. being informed about the trial process and the victim's role as a witness 8. being kept informed, if requested, about the sentence, order, appeal, or appeal outcome 9. having property held by the State or police returned as soon as possible once it is no longer needed 10. having the victim's views and concerns considered when a decision is being made about the offender's supervised release from custody, except release at the end of a prison term 11. being informed, if requested, about the offender's upcoming release from custody and where the offender must report 12. being informed, if requested, if the offender escapes from custody <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Aaliyah was a victim of assault. When she contacted a government agency about the case, staff spoke to her dismissively and discussed her personal information in a public waiting area.</i>

	<ul style="list-style-type: none"> • <i>Priya was harmed in a robbery and asked what victim support was available, but says no one told her about counselling, legal assistance, or criminal injuries compensation options.</i> • <i>After reporting threats from the offender, Daniel asked a government agency what legal protection options were available, but says no one explained what protection the law may offer against violence or intimidation.</i> • <i>Mei had to repeat the same account of the offence to different government officers across several appointments, even though the agency already had the information and did not explain why this was necessary.</i> • <i>Sam was the victim of a serious assault and asked to be kept updated, but says no one told them about the progress of the investigation, the charges laid, or a later change to the charges.</i> • <i>Leanne asked to be kept informed about the offender's bail application, but says she was only told about it after the bail application had already been dealt with.</i> • <i>Priya was called as a witness in a criminal trial but says she was not told what her role would be, what to expect in court, or where to get witness support.</i> • <i>Omar asked to be told about the offender's sentence and any appeal, but says he was not informed after the sentence was imposed.</i> • <i>Ben's phone was held by police as evidence after a burglary. After the case ended, he was not told how to get it back even though it was no longer needed for the investigation or evidence.</i> • <i>Grace says she raised safety concerns before the offender was considered for supervised release, but she was not told whether those concerns had been passed on or considered.</i> • <i>Leanne asked to be told about the offender's release from custody but says she found out from someone else after the release had already happened.</i> • <i>Marcus asked to be informed if the offender escaped custody, but says he was not contacted after an escape that directly affected his safety planning.</i>
Exclusions	<p>This pathway is about whether a victim was treated in line with the Victim Treatment Guidelines. It is not a pathway for appealing a court decision, changing a sentence, making a criminal injuries compensation claim, making a police misconduct complaint, reporting a new crime, or getting urgent safety help. Those issues may need to go to other bodies or services.</p>

Step 2: What is the Jurisdiction of the complaints body?

Jurisdiction	Description
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State	This body has powers to hear complaints under the law of Western Australia.
Geographical Scope	expe The public complaint page does not state a separate location test beyond this WA Government and WA victim-treatment context.
Time limitations	There is no specified time limit for making a complaint. It is usually better to complain as soon as possible, while details, records and agency responses are easier to check.

Step 3: Who can you make a complaint against?

Respondent	Description
WA Government departments	A WA Government department may be relevant if it dealt with a victim of crime and was expected to apply the Victim Treatment Guidelines in its work. The Guidelines apply to all Government departments.
Public officers and bodies involved with victims or offenders	The Victims of Crime Act refers to public officers and bodies applying the Guidelines where it is within or relevant to their functions and practicable. The Act's definition of "public officer and body" includes, among others, Ministers, judicial officers, court officers, the Director of Public Prosecutions and prosecution staff, the Commissioner of Police and Police Force members, the Prisoners Review Board, the Mental Impairment Review Tribunal, the Supervised Release Review Board, juvenile justice teams, and public sector employees or bodies whose functions involve dealing with offenders or victims.
WA Government-contracted victim service providers	A person or agency contracted by the WA Government to work with victims of crime may be a respondent if the complaint is about whether they met the Victim Treatment Guidelines.
Exclusions	Private legal officers and medical practitioners are excluded from the Commissioner's Victim Treatment Guidelines complaint process. Complaints about lawyer service or costs should generally go to the Legal Practice Board of WA, and Criminal Injuries Compensation process concerns should go to the Office of Criminal Injuries Compensation.

Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	<p>A victim of crime may make a complaint if they believe a relevant service provider has not treated them in line with the Victim Treatment Guidelines.</p> <p>Under the Victims of Crime Act, a victim means a person who suffered injury, loss or damage as a direct result of an offence, or an immediate family member where an offence results in death.</p>

Pre-requisite steps	It is encouraged for victims to submit a complaint directly to the relevant agency first. If the complaint cannot be resolved that way, or you do not feel comfortable contacting the agency directly, you may complete the Commissioner's online complaint form.
Can complaints be made on behalf of someone?	The Act allows another person to receive information, make requests, or express views or concerns under the Guidelines on behalf of a victim if age, disability, or another reason makes it impracticable for the victim to do so, and the public officer or body is satisfied it is appropriate.
Exclusions	The process is not for people who are not victims of crime, or where the concern is not about treatment under the Victim Treatment Guidelines by a covered WA Government department, public officer/body, or contracted victim service provider. It is also not for private legal officers or medical practitioners.
Additional information you need to know	The Office asks the complainant to give permission for it to speak to the agency on their behalf. If you do not give that authority, the Office cannot act on their behalf to resolve the complaint, but the matter will still be noted and used for reporting and identifying trends.

Step 5: What remedies are available at this body?

Power	Description
Contact with the agency, if authorised	If you give permission, the Office may speak to the relevant agency on your behalf and may be able to resolve the issue.
No enforceable legal remedy under the Guidelines	The Guidelines do not create legally enforceable rights or grounds to challenge, appeal, review, quash, or otherwise question acts, omissions, decisions, or proceedings in a court or tribunal.
Exclusions	<p>The Commissioner cannot award compensation, overturn a compensation decision, change a court decision, discipline police, discipline lawyers, order an apology, or force an agency to take a particular action based on the official sources reviewed.</p> <p>Compensation decisions and awards are handled through Criminal Injuries Compensation and appeal pathways; police misconduct goes to WA Police; lawyer complaints go to the Legal Practice Board WA; and court decisions go through appeal processes.</p>

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

Requirement	Description
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Format	Use the Commissioner's online complaint form if the issue has not been resolved with the relevant agency, or if you do not feel comfortable contacting the agency directly.
Personal Details	Include your name and contact details so the Office can contact you. If someone is helping you or acting on your behalf, include their details and explain their role. The Office may need your permission before speaking to the agency on your behalf.
Respondent's Details	Identify the WA Government department, public officer/body, or WA Government-contracted victim service provider involved. Include the agency name, office or team, and any staff member's name or role if known. This should be enough for the Office to understand who the complaint is about.
Relevant Facts	Explain what happened, when it happened, where it happened, who was involved, and which part of the Victim Treatment Guidelines you believe was not followed. Keep the explanation focused on how you were treated as a victim of crime.
Steps already taken	Say whether you complained directly to the relevant agency first, what response you received, and why the issue remains unresolved. If you did not contact the agency because you did not feel comfortable doing so, say that. The online complaint form may be used where the matter could not be resolved directly or you do not feel comfortable contacting the agency.
Outcome you want	Explain what you would like to happen. For example, you may want the agency to explain what happened, correct information, contact you, return property, provide an update, improve how it communicates with you, or recognise that the Guidelines were not followed. Do not frame the outcome as something the Commissioner can force.
Supporting documents	Include copies of useful documents if available, such as emails, letters, complaint responses, court or police reference numbers, property receipts, or notes of conversations. Only include documents that help explain the Victim Treatment Guidelines issue.
What NOT to include	Do not use this complaint to ask the Commissioner to change a court decision, appeal a sentence, decide compensation, report a new crime, discipline a police officer, discipline a lawyer, or provide urgent safety help. Those issues may need a different pathway.
Additional information you need to know	If you need an interpreter, you can call the Translating and Interpreting Service on 131 450. It also lists National Relay Service options for people who need communication support.

Step 7: Lodging your complaint and next steps.

Step	Description
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Where to lodge your complaint	Online form: found here under “How to make a complaint” Email: victims@justice.wa.gov.au Post: GPO Box F317 WA 6841
After you lodge	The Office asks whether you give permission for it to speak to the agency on your behalf. If you provide authority, the Office may be able to help resolve the issue. If you do not, it cannot act on your behalf, but may still note the matter for reporting and trend identification.
Expected timeframe	The Office says it aims to resolve complaints within 21 days, but the process may take longer depending on the type of complaint.

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

Avenue	Description
Ombudsman WA	Ombudsman WA may be relevant for complaints about the decision-making and practices of WA public authorities, including State Government departments, agencies and boards, government services, public universities and local governments. This is a separate pathway, not an internal review of the Commissioner.
Corruption and Crime Commission	If the issue is serious misconduct in the WA public sector, the Commissioner’s page directs people to the Corruption and Crime Commission. This is a separate reporting pathway, not a review of the Commissioner’s complaint handling.
Additional information you need to know	Legal advice is recommended where you want to challenge a court decision, appeal a compensation decision, pursue compensation, or take action that may affect legal rights or time limits. The Commissioner recommends legal advice where a person is unsure about court appeal processes.

Step 9: Other bodies that handle victim of crime, justice system and related complaints

Complaint body	Description
Australian Human Rights Commission	The Australian Human Rights Commission (AHRC) can handle complaints about discrimination that occurs in areas such as employment, education, goods and services, accommodation, sport, and the administration of Commonwealth laws and services. If the issue involves discrimination linked to a protected attribute, the AHRC may be relevant.
Office of the Australian Information Commissioner	The Office of the Australian Information Commissioner (OAIC) can handle complaints about how personal information has been handled by Australian Government agencies and some private organisations.

	The OAIC can also review freedom of information decisions made by Australian Government agencies and ministers.
National Anti-Corruption Commission	The National Anti-Corruption Commission (NACC) handles complaints about serious or systemic corruption in the Australian Government public sector. If the issue involves WA public sector corruption instead, the Corruption and Crime Commission WA may be more relevant.
Office of Criminal Injuries Compensation WA	The Office of Criminal Injuries Compensation handles applications for compensation by victims of crime in Western Australia. This is the more appropriate pathway if you want compensation for injury, loss, or harm caused by a crime.
District Court of Western Australia	The District Court of Western Australia may be relevant if a person is dissatisfied with a Criminal Injuries Compensation Assessor's decision or award and wants to appeal. This is a legal appeal pathway, not a complaint to the Commissioner for Victims of Crime.
WA Police Force	WA Police complaints pathways may be relevant if the issue is about misconduct, unprofessional behaviour, or service delivery by a WA Police Force employee. This is separate from a complaint that a victim was not treated in line with the Victim Treatment Guidelines.
Corruption and Crime Commission WA	The Corruption and Crime Commission WA receives reports about serious misconduct and corruption involving WA public officers, and police misconduct involving WA Police Force members and staff.
Ombudsman Western Australia	Ombudsman WA may be relevant for complaints about the actions, decisions, or complaint handling of WA public authorities, including State Government departments, agencies, boards, public universities and local governments.
Legal Practice Board of Western Australia	The Legal Practice Board of WA may be relevant if the complaint is about a lawyer's conduct, service, or legal costs. This is separate from the Commissioner's Victim Treatment Guidelines complaint process.

Need help preparing or pursuing your complaint?

Below are organisations that may be able to help you to make your complaint, provide support or advocacy during the complaint process or give you more information.

Organisation	Contact Details	How they can help
Victim Support Service WA	Website: Through the WA Department of Justice / Commissioner for Victims of Crime victim services pages Telephone: 1800 818 988	Provides support to victims of crime in Western Australia, including information and support for people involved in the criminal justice process.
Office of Criminal Injuries Compensation WA	Website: Office of Criminal Injuries Compensation Email: criminal.injuries@justice.wa.gov.au Telephone: (08) 9425 3250	Provides information about criminal injuries compensation applications for victims of crime. This is separate from making a Victim Treatment Guidelines complaint.
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provide support to 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 additional resources

Resource	How this helps
Breach of Victim Treatment Guidelines Complaints Process	Explains when a victim can complain to the Commissioner for Victims of Crime WA about a possible breach of the Victim Treatment Guidelines.
Call It Out	Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.
Ombudsman WA	Handles complaints about WA public authorities, including departments, agencies, local governments and public universities.