

# Charter of Victims Rights

## Complaint form

You have a right to make a complaint if you believe that any NSW department, or any person (excluding private legal officers and medical practitioners) or non-government agency funded by the State to provide services to victims of crime has not acted in accordance with the Charter of Victims Rights.

The first step is to contact the department directly unless you do not feel comfortable to do so. If you are unsure whether your complaint relates to a Charter issue, there is the full version of the Charter of Victims Rights available on the Victims Services website.

Please note that if you have charter complaints against multiple organisations, one complaint form is required for each organisation.

**Privacy notice:** Victims Services is collecting the information that you provide on this form for the purpose of investigating complaints in relation to the Charter of Victims Rights. The details of your complaint will only be disclosed to the agency or contractor that you are making the complaint against with your consent. If you do not consent, we can note your concerns, but will not take any action. Victims Services will collate non-identifying data arising from this complaint to use for reporting and identifying trends.

### Details of the person making the complaint

Name	Title	Full name
Address		
Contact	Phone	Mobile
	Email	
Do you require an interpreter or have any special communication requirements?		
No		Yes ► <i>please specify</i>

### Details of the person lodging this feedback on your behalf

If this complaint is being submitted on your behalf, please ensure you complete the *Victims Services Client Consent Form* for a complaint. Complaints will not be accepted if lodged on behalf of the complainant without this form completed (including if the Victims Services Authorised Representative is lodging the complaint).

Name	Title	Full name
Address		
Contacts	Phone	Mobile
	Email	
<i>Reason for acting on behalf of the complainant</i>		

## Details about your complaint

What is the name of the agency or service provider that the complaint is against?

When did the alleged breach of the Charter of Victims Rights occur?

Have you complained to the agency or service provider directly?      No      Yes ► *continue below*

*Please provide details of when you contacted the agency and what action was taken. If you have any correspondence of this, please include when submitting this form to Victims Services*

Have you lodged a complaint about the agency to any other complaint organisations?

No      Yes ► *when and what was the outcome?*

Please indicate (✓) which Right/s in the Charter that you consider the complaint applies to and explain in box below.  
(A full version of the Charter of Victims Rights is on the back page of this form)

Courtesy, compassion and respect

Information about services and remedies

Access to services, if you need medical, counselling and legal help

Information about investigation of the crime, if you ask

Information about prosecution of the accused (taking the offender to court)

Information about trial process and role as witness

Protection from contact with accused during court

Protection of identity of victim, unless the court says otherwise

Attendance at preliminary hearings, unless the court says you must attend

Return of property of victim held by State, if it is used as evidence

Protection when the offender applies for bail

Information about special bail conditions, to protect you and your family

Information about outcome of bail application, if you were a victim of serious assault

Being given information and assistance to prepare a victim impact statement, when relevant

Information about impending release, escape or eligibility for absence from custody

Submissions on parole and eligibility for absence from custody of serious offenders

Apply for financial assistance, for victims of serious personal violence offences

Information about complaint procedure where Charter is breached

Please outline your complaint and what actions you would like to see in response to your complaint? *(Please note that Victims Services are unable to make police investigate a crime, for someone to be charged and taken to court or for disciplinary action to be taken against an employee an organisation)*

## Information about the crime

The following questions refer to information about the crime and support your allegation of a breach of the Charter of Victims Rights. You only need to answer the questions if you feel comfortable.

What was the crime(s) that occurred? *(Please tick (✓) the appropriate box as it relates to your complaint)*

Theft	Theft with assault	Car theft	Indecent assault
Sexual assault	Assault	Homicide	Fraud
Damage to property	Stalking/harassment	Domestic violence	
Other ▶ <i>please provide details</i>			

When did crime(s) occur?

(a) a single date (dd/mm/yyyy)

or, (b) over a period of time – from to (dd/mm/yyyy)

Where (what town, suburb and State) did the crime(s) take place?

What is the stage of the case? *(Please tick (✓) the appropriate box) crime(s) take place?*

Report to police	Investigation	Arrest	Arraignment/Committal
Guilty plea	Trial	Sentencing	Parole hearing
Other ▶ <i>please provide details</i>			

Please provide a reference number, if you have one

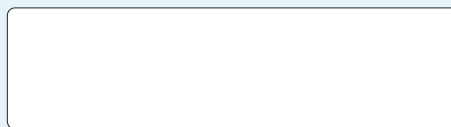
*(This could be a police event number, court case number, hospital medical record number)*

## Declaration

I, \_\_\_\_\_, consent to Victims Services investigating the concerns raised in my complaint.

I declare:

- The information provided is true and correct
- I consent to the information provided in this complaint to be released to the named respondent for the purpose of investigating this complaint
- I agree to the complaint being referred to one or more relevant bodies (including professional bodies and government departments) as required for investigation



Name

Signature

Date (dd/mm/yyyy)

## Completed forms can be sent with any other relevant documents to:

Mail: The Commissioner of Victims Rights  
Victims Services  
Locked Bag 5118  
Parramatta 2124 NSW

Email: [vs@dcj.nsw.gov.au](mailto:vs@dcj.nsw.gov.au)  
*(please mark the subject of your email to 'Charter Complaint')*

Phone: Victims Access Line on 1800 633 063

Website: [www.victimsservices.justice.nsw.gov.au](http://www.victimsservices.justice.nsw.gov.au)

(VS • REV 11/2020)

## Charter of Victims Rights (Victims Rights and Support Act 2013)

### 1 Courtesy, compassion and respect

A victim will be treated with courtesy, compassion, cultural sensitivity and respect for the victim's rights and dignity.

### 2 Information about services and remedies

A victim will be informed at the earliest practical opportunity, by relevant agencies and officials, of the services and remedies available to the victim.

### 3 Access to services

A victim will have access where necessary to available welfare, health, counselling and legal assistance responsive to the victim's needs.

### 4 Information about investigation of the crime

A victim will, on request, be informed of the progress of the investigation of the crime, unless the disclosure might jeopardise the investigation. In that case, the victim will be informed accordingly.

### 5 Information about prosecution of accused

- (1) A victim will be informed in a timely manner of the following:
- (a) the charges laid against the accused or the reasons for not laying charges,
  - (b) any decision of the prosecution to modify or not to proceed with charges laid against the accused, including any decision for the accused to accept a plea of guilty to a less serious charge in return for a full discharge with respect to the other charges,
  - (c) the date and place of hearing of any charge laid against the accused,
  - (d) the outcome of the criminal proceedings against the accused (including proceedings on appeal) and the sentence (if any) imposed.
- (2) A victim will be consulted before a decision referred to in paragraph (1) (b) is taken if the accused has been charged with a serious crime that involves sexual violence or that results in actual bodily harm or psychological or psychiatric harm to the victim, unless:
- (a) the victim has indicated that he or she does not wish to be so consulted, or
  - (b) the whereabouts of the victim cannot be ascertained after reasonable inquiry.

### 6 Information about trial process and role as witness

A victim who is a witness in the trial for the crime will be informed about the trial process and the role of the victim as a witness in the prosecution of the accused.

### 7 Protection from contact with accused

A victim will be protected from unnecessary contact with the accused and the defence witnesses during the course of court proceedings.

### 8 Protection of identity of victim

A victim's residential address and telephone number will not be disclosed unless a court otherwise directs.

### 9 Attendance at preliminary hearings

A victim will be relieved from appearing at preliminary hearings or committal hearings unless the court otherwise directs.

### 10 Return of property of victim held by State

If any property of a victim is held by the State for the purpose of investigation or evidence, the inconvenience to the victim will be minimised and the property returned promptly.

### 11 Protection from accused

A victim's need or perceived need for protection will be put before a bail authority by the prosecutor in any bail application by the accused.

### 12 Information about special bail conditions

A victim will be informed about any special bail conditions imposed on the accused that are designed to protect the victim or the victim's family.

### 13 Information about outcome of bail application

A victim will be informed of the outcome of a bail application if the accused has been charged with sexual assault or other serious personal violence.

### 14 Victim impact statement

A relevant victim will have access to information and assistance for the preparation of any victim impact statement authorised by law to ensure that the full effect of the crime on the victim is placed before the court.

### 15 Information about impending release, escape or eligibility for absence from custody

A victim will, on request, be kept informed of the offender's impending release, or escape from custody, or of any change in security classification that results in the offender being eligible for unescorted absence from custody.

### 16 Submissions on parole and eligibility for absence from custody of serious offenders

A victim will, on request, be provided with the opportunity to make submissions concerning the granting of parole to a serious offender or any change in security classification that would result in a serious offender being eligible for unescorted absence from custody.

### 17 Financial assistance for victims of personal violence

A victim of a crime involving sexual or other serious personal violence is entitled to make a claim under the Victims Support Scheme.

### 18 Information about complaint procedure where Charter is breached

A victim may make a complaint about a breach of the Charter and will, on request, be provided with information on the procedure for making such a complaint.

## Office use only

Charter Right/s upheld as a breach

No

Yes ► *If yes, indicate the Right/s numbers breached*

1 2 3 4 5 6 7 8 9

Action taken

10 11 12 13 14 15 16 17 18

Date finalised

(dd/mm/yyyy)