

You are basically entitled to the same rights as other citizens, but this is subject to the Corrections Act and Regulations and Local Prison Operational Instructions. As the law seeks to balance security and welfare concerns of people in prison, you are entitled to the rights that are consistent with the good order, management and security of the prison.

Corrections Act 1986

Your rights are listed in section 47 of the Corrections Act. Under this section, every prisoner has the following rights –

- (a) if not ordinarily engaged in outdoor work, the right to be **in the open air for at least an hour each day** , if the weather permits;
- (b) the right to be **provided with food** that is adequate to maintain the health and well-being of the prisoner;
- (c) the right to be provided with **special dietary food** where the Governor is satisfied that such food is necessary for medical reasons or on account of the prisoner's religious beliefs or because the prisoner is a vegetarian;
- (d) the right to be **provided with clothing** that is suitable for the climate and for any work which the prisoner is required to do and adequate to maintain the health of the prisoner;
- (e) if not serving a sentence of imprisonment, the right to wear suitable clothing owned by the prisoner;

(f) the right to have access to **reasonable medical care** and treatment necessary for the preservation of health including, with the approval of the principal medical officer but at the prisoner's own expense, a private registered medical practitioner physiotherapist or chiropractor chosen by the prisoner (refer to Medical treatment fact sheet);

(g) if intellectually disabled or mentally ill, the right to have reasonable access within the prison or, with the Governor's approval outside a prison to such **special care** and treatment as the medical officer considers necessary or desirable in the circumstances;

(h) the right to have access to **reasonable dental treatment** necessary for the preservation of dental health;

(i) the right to **practise a religion** of the prisoner's choice and, if consistent with prison security and good prison management to join with other prisoners in practising that religion and to possess such articles as are necessary for the practice of that religion;

(j) the right to **make complaints** concerning prison management to the Minister, the Secretary, the Commissioner, the Governor, an official visitor, the Ombudsman, the Health Services Commissioner and the Human Rights Commissioner (refer to Complaints fact sheets);

(k) the right to receive **at least one visit** which is to last at least half an hour in each week (refer to Visits fact sheet)

(l) the right **to be classified** under a classification system established in accordance with the regulations as soon as possible after being sentenced and to have that classification reviewed annually (refer to Classification fact sheet);

(m) the right to **send letters** to, **and receive letters** from, the Minister, the Secretary, the Commissioner or an official visitor, a member of Parliament, your lawyer, the Ombudsman, the Health Services Commissioner, and the Human Rights Commissioner without those letters being opened by prison staff

(n) the right to send and receive other letters uncensored by prison staff except where the Prison manager considers that prison security is threatened; and,

(o) the right to take part in **educational programmes** in the prison.

These rights are subject to the discretionary management decisions of prison administrators, which means that Corrections Victoria can put limitations on these rights. If you think you have not been treated fairly in relation to a decision about one of your rights, then you may be able to take action in a Court or at the Victorian Civil and Administrative Tribunal to have the decision quashed – but you would need legal advice – refer to fact sheet #23: Judicial review.

Right to vote

You have the right to vote if on parole, on periodic detention or leave, or in custody for less than 5 years (State and Council elections) or 3 years (Federal elections). You should ask a prison officer or manager for an application for a postal vote, and you will be mailed your ballots. Voting is compulsory if you are enrolled, and it is compulsory to enrol if you are an Australian citizen, 18 years and over, and have lived at your current address for one month or more.

Enrolling to vote

If previously enrolled, you will vote in that seat. If you become eligible to vote while in prison, you may enrol in your last address or at the address of a friend or relative. If you are sentenced to more than five years (state roll) or three years (federal roll) you are automatically removed from the electoral roll and can not vote, but you can re-enrol after release. An enrolment form can be obtained from the Victorian Electoral Commission on 131 832 or at Victorian Electoral Commission, Reply Paid 66506, Melbourne 3000. See also the [VEC leaflet](#) .

Property rights

You can legally buy and sell property, make wills, enter contracts, and sue and be sued for

damages. While inside, you may nominate a person in writing to receive your property. It may be possible to have VACRO hold a small amount of valuable property for you while you are inside – you can enquire on 9605 1900.

Quarantined Funds

A 2008 amendment to the Corrections Act introduced the quarantining of damages of \$10,000 or more for 12 months for injury arising out of incarceration paid to a prisoner (or former prisoner) by the State of Victoria or a private prison operator. The quarantining does not apply to damages earmarked for existing or future medical costs, or for legal costs.

Any registered victim may make a claim against the prisoner to access the quarantined funds, and if legal action is commenced in the first 12 months the period may be extended. Any 'statutory creditor', like the Australian Tax Office, Child Support Agency, Centrelink, Victoria Legal Aid and the State Revenue Office Victoria may also claim against the quarantined funds.

Further information

This fact sheet contains general information only and is not a substitute for obtaining legal advice. If you would like advice regarding a specific problem please contact one of the legal services listed in [contacts](#) or contact the Law Institute of Victoria's Legal Referral Service on 9607 9311.

