

The Ombudsman may be an effective avenue of complaint, particularly if you have an urgent issue that you cannot resolve with the prison authorities. Complaints to the Ombudsman must concern “an administrative act” of prison authorities. Administrative acts are those things where they make a decision that affects your interests or your rights.

### **In writing first**

When you call the Ombudsman, you will be asked if you have made a complaint with the prison. If you have not made a complaint the Ombudsman will say that you need to do that before they will take the matter up. If you say you have made a verbal complaint, then they will say you need to put the complaint in writing. And if you are not happy with the response to your complaint in writing then the Ombudsman will look in to that.

### **Calling the Ombudsman**

Toll free calls to the Ombudsman can be made from the prison during business hours by entering your ID number, then your pin, then \*#05 – the calls are not recorded or monitored. If your complaint is about an urgent matter then be ready to explain that and say why the Ombudsman need to deal with it straight away and not wait weeks for letters to be exchanged.

### **What the Ombudsman can do**

The Ombudsman’s office does not have the power to tell the prison what to do but may be influential in recommending to the prison authorities a remedial course of action, such as reinstating your privileges or transferring you to another prison. The Ombudsman will not normally intervene or make recommendations until you have exhausted all other avenues of redress first, such as making a complaint in writing with the prison.

The Ombudsman will only look at certain aspects of prison conditions, and not others - such as the physical conditions of the prison. This sort of complaint should be directed to the Minister for Corrections. For other avenues of administrative review, see Judicial review fact sheet.

## **Urgent issues**

If you have an urgent issue like you have been told you are being transferred to another prison, or you have been denied access to items you require for medical reasons for example, and you have not been able to resolve these issues with the prison you should contact the Ombudsman. They may be able to then contact the prison so that this type of decision can be delayed while a review can be made.

The Ombudsman may also address issues such as access to property, Governor's Requests, Classification and other things, however their assistance may be minimal. In such cases they may forward your complaint to the agency, and then forward their response back to you. You might have already written to the agency so the Ombudsman can therefore help you no further. The Ombudsman generally does not interfere with an agency's decision-making discretion. It is important to have your complaint heard if you feel a bad decision has been made, even if it doesn't feel like that is an effective system. See also fact sheet #20: Complaints.

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## ***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.