

## Fact sheet 3

# Complainant information - Ombudsman's enquiries

### The role of the Ombudsman in conducting enquiries

Not all complaints to the Ombudsman about public bodies require a formal investigation. Section 13A of the *Ombudsman Act 1973* (the Act) allows the Ombudsman to make enquiries to see if a matter should be investigated or if it can be resolved informally.

The Ombudsman is an independent and impartial officer. The Ombudsman determines which matters are investigated or enquired into, and the steps she will take. She is not an advocate for either party and does not act on instructions or requests for specific action. She reaches her own conclusions regarding each complaint.

### What happens in an enquiry?

Initially the public body may be asked to comment on your complaint and explain its actions. Relevant information that you have supplied may be provided to the public body. Generally you will receive advice after the Ombudsman has considered the public body's response. Some matters are resolved at this point. However, some enquiries can take several months. You will be advised if this is likely to happen.

### What happens when a complaint is finalised?

A matter may be finalised at the enquiry stage if the Ombudsman is satisfied that the public body acted reasonably or that the matter can be resolved informally. The Ombudsman generally reaches this conclusion in one of the following circumstances:

- The public body demonstrates that it acted reasonably and in accordance with the law, and provides evidence that supports its position.
- The public body acknowledges an error and takes steps to remedy the matter.
- The public body provides a solution to the complainant's concerns that the Ombudsman considers fair, reasonable and proportionate.

### How can you assist in the enquiry process?

If you are asked to provide further information to the Ombudsman during an enquiry into your complaint, please ensure that you provide it as soon as possible. Contact an investigation officer if you have any difficulties in providing information. If your complaint is resolved during the enquiry process please let the investigation officer know.

*Please note: This document is intended as a guide only. For this reason the information contained herein should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Victorian Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).*

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**Contact Details**

Victorian Ombudsman  
Level 2  
570 Bourke Street  
Melbourne VIC 3000  
Email [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)  
Website [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

Phone 03 9613 6222  
Toll free 1800 806 314  
Fax 03 9602 4761  
TTY 133 677 or  
1800 555 677  
Interpreter service 131 450