



24 March 2006

Mr Alistair Sands
Secretary
Senate Finance and Public Administration Legislation Committee
Parliament House
CANBERRA ACT 2600



Dear Mr Sands

Question on Notice – PM28/OMB/F&PA135/13/02/06

I am writing in relation to the Senate Finance and Public Administration Legislation Committee hearing on 13 February 2006 at which I agreed to take a question on notice.

At the hearing, Senator Chris Evans asked if I could make the quarterly reports I send to the Secretary of the Department of Immigration and Multicultural Affairs (DIMA) available to the Committee.

Attached are copies of the reports prepared during the period of my tenure, covering the period from 9 May 2003 to 17 November 2005. I would be grateful if the Committee would regard further 'publication' of the reports with some discretion in light of the spirit in which they were prepared – as documents provided to the Department as part of an ongoing and open dialogue we have sought to establish with DIMA over a considerable period of time. My Annual Report is the vehicle by which I choose to draw attention publicly to the issues I have raised throughout the year with agencies. This is in accordance with the general principles in the Ombudsman Act that my investigations will be conducted in private (s 8(2)). I appreciate that I am not in a position to place any restriction on any use of the documents by the Committee but I would ask that the Committee bear these considerations in mind and the context in which these communications with the Department occurred and are continuing to occur.

I have provided the reports in a format that is consistent with the general principles of the *Freedom of Information Act 1982* (the FOI Act) and you will, therefore, note that the names of complainants appearing in the reports have been deleted.

Please do not hesitate to contact me if you would like to discuss any issue raised in the reports.

Yours sincerely

Prof. John McMillan
Commonwealth and Immigration Ombudsman

**SENATE FINANCE AND PUBLIC ADMINISTRATION LEGISLATION
COMMITTEE**

13 FEBRUARY 2006

Questions taken on notice – 13 February 2006

Q.1 Senator Evans: How long ago did you send it to the department?

The electronic version of the Commonwealth Ombudsman's *Report on Referred Immigration Cases: Mr T* was sent to DIMA by email on 24 January 2006. The hard copy version was posted to DIMA on 25 January 2006.

Q.2 Senator Evans: Are you able to make those quarterly reports available now?

The Commonwealth Ombudsman, Professor John McMillan, agrees to provide copies of the quarterly reports prepared for DIMA, to the Committee. Professor John McMillan has written to the Secretary of the Committee, Mr Alistair Sands, attaching copies of the reports, covering the period 9 May 2003 to 17 November 2005.