

ANSWERS TO QUESTIONS ON NOTICE

Commonwealth Ombudsman

Questions PM4 and PM5

Topic: Report of 3 January 2003 in *The Australian* newspaper

On 3 January 2003, *The Australian* published an article by journalist Bruce Montgomery headed "Ruddock sued over visa ban." This article was inaccurate and was apparently based on a misinterpretation by the journalist concerned of information supplied to him when he contacted the Ombudsman's office in December 2002 and January 2003.

Mr Montgomery had sought information on the status of a complaint relating to an alleged decision by the Minister for Immigration and Multicultural and Indigenous Affairs to refuse a temporary visa to a particular person. Mr Montgomery had been informed by the complainant that the Ombudsman's office had been unable to investigate because it could not obtain relevant documents from the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).

On 2 January 2003, Mr John Taylor, Senior Assistant Ombudsman, Professional Standards and Administration, informed Mr Montgomery that the Ombudsman's office could not comment on the handling of any particular matter. In answer to a general question, he also advised the journalist that the *Ombudsman Act 1976* provided powers to compel production of documentation if necessary. While this comment was reported accurately, the headline was wrong. This office did not take any court action against the Minister or DIMIA, nor did it ever have any intention of doing so.

The Senior Assistant Ombudsman contacted DIMIA on 3 January to clarify the situation, and also spoke to the journalist to set the record straight. Following that, a letter was sent to the Editor of *The Australian*, requesting that a clarification be printed. The newspaper did not print anything more on the issue, but as it had been clarified with DIMIA and there was no additional media coverage of the matter, it was decided that this office would not take any further action.