

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO WRITTEN QUESTIONS ON NOTICE**  
**ADDITIONAL ESTIMATES – FEBRUARY 2016**

Prime Minister and Cabinet Portfolio

**Department/Agency:** Office of the Commonwealth Ombudsman

**Outcome/Program:**

Outcome 1. Fair and accountable administrative action by Australian Government entities and prescribed private sector organisations, by investigating complaints, reviewing administrative action and statutory compliance inspections and reporting.

**Topic:** Section 9 notices

**Senator:** Senator Xenophon

**Question reference number:** 114

**Type of question:** Written

**Date set by the Committee for the return of answer:** 1 April 2016

**Number of pages:** 1

**Question:**

**Senator XENOPHON:**

What are the circumstances in which the Ombudsman uses its Section 9 coercive powers?

**Answer:**

Section 9 of the *Ombudsman Act 1976* provides the Commonwealth Ombudsman with a formal power to obtain information that the Commonwealth Ombudsman believes is relevant to an investigation.

The use of section 9 may be beneficial where there is a dispute about the facts; or where an agency or a person is reluctant to provide information voluntarily; or there is a significant delay in persons / agencies providing that information. Activation of Section 9 may also be appropriate where an investigation involves serious misconduct by an officer. The Commonwealth Ombudsman's office enacts Section 9 carefully and sparingly as its use can be a significant infringement on the liberties of a person and the operations of an agency.