

20 September 2019

The Hon Tara Moriarty MLC
Chair
Legislative Council Portfolio Committee No. 1 – Premier and Finance
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Ms Moriarty

Portfolio Committee No.1 – Budget Estimates 2019-20 – Ombudsman response

I refer to your recent correspondence providing a transcript of my appearance before the Portfolio Committee No.1 – Premier and Finance on 5 September 2019, including a list of questions taken on notice.

As requested, a copy of extracts from the transcript with marked corrections is enclosed at Tab A. In these extracts, I have indicated the potential errors and indicated my proposed correction.

My answers to the questions taken on notice are also enclosed at Tab B.

Clarification of evidence

I would also like to clarify the status of the SafeWork investigation.¹ My Office is finalising documents that set out a number of provisional findings and recommendations in relation to the public authorities who are the subject of investigation. These documents will be prepared and given to persons who may be the subject of adverse comment in any report made at the conclusion of the investigation.² The affected parties will be provided with the documents in the coming weeks.

Following receipt of submissions from those persons, a further provisional document will be provided to SafeWork to allow the agency to make submissions. At the conclusion of this process, I will decide whether to make a draft report to the responsible Minister pursuant to s 26 of the *Ombudsman Act 1974*.

I anticipate that the investigation will be completed before the end of 2019.

I have no objection to this correspondence or my response to the questions on notice being published.

Yours sincerely



Michael Barnes
NSW Ombudsman
Encl.

¹ See Evidence to Portfolio Committee No. 1 – Premier and Finance, Legislative Council, Sydney, 5 September 2019, 45 (Michael Barnes, NSW Ombudsman)

² In accordance with Ombudsman Act 1974 s 24.