

5 December 2019

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

BY EMAIL

Dear Ms Moriarty

Progress update on the Ombudsman's investigation into SafeWork NSW

I am writing to provide an update to the Committee on the progress of an investigation that I am conducting into SafeWork NSW, which was the subject of a question on notice by the Hon Adam Searle MLC following the most recent Budget Estimates hearings.

In my response to that question, provided to the Committee on 20 September 2019, I noted that documents setting out provisional findings in relation to the public authorities who are the subject of the investigation were in the process of being finalised.

I can now update the Committee that these documents have since been finalised and provided to all the individuals who are subject to adverse comments and/or provisional findings under the *Ombudsman Act 1974* in accordance with procedural fairness requirements under the Act.

I have subsequently received several requests from the affected individuals for extensions of time to provide submissions on the provisional findings and comments. An extension has been granted until 6 December 2019.

Following receipt and consideration of the individual submissions, I will need to prepare a further document containing provisional conclusions, findings and recommendations for the consideration of SafeWork NSW and the Secretary of the Department of Customer Service. SafeWork NSW must be provided with an opportunity to make submissions on the provisional document before I can then make a draft report under s 25 of the *Ombudsman Act* to the responsible Minister.

Due to the legislative requirement to complete the above steps before I am able to make draft and final reports under the *Ombudsman Act*, the original timeline for the finalisation of the investigation has been revised.

Unless further reasonable requests for extensions are granted, I now anticipate being able to provide a draft report for the Minister's consideration by April 2020.

I will write again to the Committee in relation to this investigation only in the event that there is any material change to the revised timeframe identified above.

I have separately written to the Hon Adam Searle MLC to inform him of the above.

Yours sincerely

Michael Barnes
NSW Ombudsman