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 Ombudsman
New South Wales
2023

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Our reference: ADM/2022/62

Contact: Monica Wolf

Telephone: [REDACTED]

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The Hon. Bronnie Taylor, MLC
Minister for Regional Health

By email: [REDACTED]

The Hon. Brad Hazzard, MP
Minister for Health

By email: [REDACTED]

Copy to:

The Hon. Wes Fang, MLC
Chair

Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission

By email: ombolecc@parliament.nsw.gov.au

Mr Michael Coutts-Trotter
Secretary
Department of Premier and Cabinet

By email via: [REDACTED]

Dear Ministers

Health outcomes and access to health and hospital services in rural, regional and remote New South Wales - Recommendation to establish a Health Administration Ombudsman

I refer to the Legislative Council Portfolio Committee No 2's report on *Health outcomes and access to health and hospital services in rural, regional and remote New South Wales (Report)*. I am writing to provide context that will be relevant to the Government response to the Report, specifically the response to Recommendation 41.

Recommendation 41 states:

That the NSW Government establish an independent office of the Health Administration Ombudsman to receive and review concerns about the administrative conduct of management of Local Health Districts and NSW Health from staff, doctors, patients, carers and the public. The Health Administration Ombudsman is to be empowered to review administrative decisions of

NSW Health and Local Health District management, including but not limited to, alleged coverups of medical errors or deaths, false or misleading data, inaccurate communications and/or media reporting, Visiting Medical Officer accreditation decisions, staff backlisting, and bullying or harassment of whistle-blowers. Additionally, the Health Administration Ombudsman is to provide an annual report to Parliament and the public.

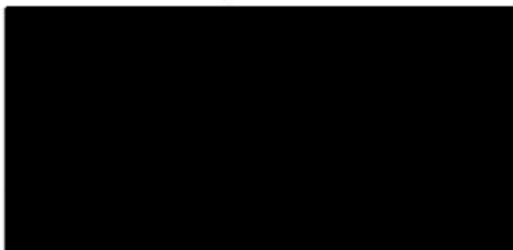
In making this Recommendation, the Committee pointed to the *'seriousness of the issues raised regarding the failure of the complaints management system and associated governance'* as warranting the creation of such an office.

The Ombudsman currently has jurisdiction to receive and handle complaints about the administrative conduct of NSW Health and Local Health District management, and currently does so as part of its general complaint handling jurisdiction. Staff of NSW Health and Local Health Districts are 'public authorities' for the purposes of section 5(1) of the *Ombudsman Act 1974*. In the 2020-2021 financial year, the Ombudsman's Office finalised 329 complaints about the conduct of NSW Health, and 170 complaints about conduct of Local Health Districts (NSW Ombudsman Annual Report 2020-2021, Appendix A.2, p.55). In addition to receiving and handling complaints about the conduct of these entities, the Ombudsman may also investigate any conduct of a public authority about which a complaint may be made, in the absence of any person making such a complaint.

These matters form part of the Ombudsman's broader complaint handling and investigative function. Whilst the Ombudsman has discretion to determine whether we investigate matters, in the context of constrained resources it is likely we are not investigating all matters that warrant further scrutiny. Providing the Ombudsman with sufficient funding to be more accessible for complainants, and to investigate more matters, will allow us to fulfil the intent of the Committee's Recommendation – rather than setting up a separate Health Administration Ombudsman.

Should you require additional information about the Ombudsman's jurisdiction to handle matters of the kind referred to in Recommendation 41 of the Report, please contact me on [REDACTED] or via email at [REDACTED]

Yours sincerely



Monica Wolf
Acting NSW Ombudsman