

For Official Use Only

30 May 2019

Our reference: **C/2019/438**

Contact:

Telephone:

Mr Troy Green
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484
TGreen@tweed.nsw.gov.au

Dear Mr Green

Tweed Shire Council's complaint about Health Infrastructure

I refer to council's complaint of 18 January 2019 and contact with our office about Health Infrastructure and the proposed Tweed Valley Hospital, including our most recent contact with you by letter on 16 April 2019.

Role of the NSW Ombudsman

The NSW Ombudsman is an independent integrity agency that holds NSW government agencies and certain non-government organisations accountable to the people of NSW. Through complaint handling, review, monitoring, investigation, advice, training and community education, we seek to improve the administration and delivery of public and community services in NSW.

We do not conduct a formal investigation into every complaint we receive. In deciding on further action on a complaint we consider an agency's response to our inquiries, if the agency's conduct is serious enough to warrant formal investigation and evidence supporting the complaint. We also consider any action the agency has taken to try to address the issues raised.

Outcome of council's complaint

After considering the information provided to our office by council and Health Infrastructure, including Health Infrastructure's response to written inquiries and a meeting with NSW Ombudsman staff, our office has decided not to take any further action on council's complaint.

From the information available it appears that Health Infrastructure considered the key issues raised by council's representations in December 2018 and sought and considered its own legal and expert advice about their position in response. Health Infrastructure is entitled to rely on the advice they obtained. There may be a difference of opinion between council and Health Infrastructure about the issues involved here; this is not of itself a basis for the NSW Ombudsman to investigate Health Infrastructure's conduct.

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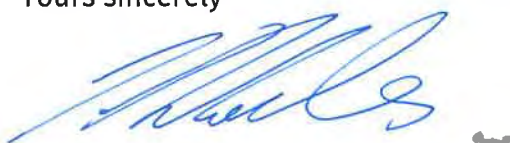
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This office would only consider conducting an investigation if there was strong evidence of inappropriate conduct in relation to how Health Infrastructure's advice was obtained. The evidence available to this office does not suggest this type of conduct occurred.

I appreciate this outcome may not be what council had originally expected when the initial complaint was made. I hope knowing that Health Infrastructure's conduct raised in council's complaint has been assessed by an independent and objective third party will provide some reassurance to council.

You are welcome to call [REDACTED] Investigation Officer, on [REDACTED] if you have any questions about this letter.

Yours sincerely



Chris Wheeler
Deputy Ombudsman