



Mr John Ombler QSO
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10 November 2017

Dear John

Appointment by the Commissioner and Terms of Reference

On or about October 5, the Waikato District Health Board ("the DHB") announced the resignation of its chief executive, Dr Nigel Murray with immediate effect. This resignation occurred part-way through an independent inquiry into alleged financial breaches during his tenure, which was not completed.

Any unresolved matters relating to allegations of financial breaches by senior state sector leaders can have a damaging effect on public confidence in the public sector. It is critical that transparency in and accountability for inquiring into and appropriately resolving such matters is maintained.

On 3 November 2017, the Minister of Health requested the State Services Commission to undertake an investigation into the matters set out below.

Appointment

Pursuant to section 25(2) of the State Sector Act 1988, I appoint you to conduct an investigation in accordance with the following terms of reference. For the avoidance of doubt, this delegation enables you to use any statutory powers that are available to me for the purposes of this investigation, including without limitation the power to require production of information by any agency or party; and summon witnesses and receive evidence.

Investigation

The investigation will inquire into and report on:

- a) the circumstances of any alleged unauthorised or unjustified expenditure by Dr Murray of DHB funds;
- b) any related or similar conduct by Dr Murray or any related person or third party identified during the course of your inquiry;
- c) any processes undertaken or decisions made by the DHB relating to any matters you identify under (a) and (b).

If appropriate, you may make any recommendations to me relevant to your investigation.

Process, decisions, and reporting

- d) You may report to me about any other matter that you consider should receive my attention, for example relating to conduct of other staff members within the Waikato DHB or the DHB's policies or processes.
- e) You must satisfy the requirements of natural justice, including:
 - i. findings must be based upon evidence that has some probative value; and
 - ii. a person against whom an adverse finding might be made must have advanced notice of that possibility and an opportunity to bring relevant evidence and have that evidence fairly considered prior to finalisation of the finding.
- f) You are expected to report to me by 31st January 2018 or such date as may be agreed.

I intend to publish your report after it is finalised. Please prepare your report in a manner suitable for publication.

I look forward to receiving your report.

Yours sincerely



Peter Hughes
State Services Commissioner