



20 December 2017

Mr John Ombler, QSO  
By email: john.ombler@gmail.com

Dear Mr Ombler

**Waikato District Health Board Investigation: Dr Murray**

You have asked me to consider whether the terms of reference clearly provide for you to look into the recruitment and appointment processes by which Dr Murray was appointed Chief Executive.

On 10 November, under section 25(2) of the State Sector Act 1988 (the Act), I appointed you to conduct an investigation in accordance with the following terms of reference:

- (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 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)
- (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 values; and
  - ii. A person against whom an averse 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 31<sup>st</sup> January 2018 or such date as may be agreed.

**Clarification to the Terms of Reference**

For the avoidance of any doubt, I am amending the terms of reference to clarify that it is appropriate to consider:

- The recruitment and appointment processes undertaken by the Waikato DHB in relation to Dr Murray's appointment as Chief Executive, in the context of (a) and (b) above.

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I expect that this may involve consideration on your part as to whether or not the appropriate standards of integrity and conduct and related practices have been maintained by the District Health Board.

If you consider the timeframe of 31 January 2018 to be at risk for delivering your report, I would like you to contact me at the earliest opportunity.

I will be updating the terms of reference on the State Services Commission's website and advising the Minister of Health that I have clarified the terms of reference in this way. I ask that you advise any parties you consider appropriate that I have clarified the terms of reference in this way.

Yours sincerely



Peter Hughes  
**State Services Commissioner**