

23 January 2009

File No: C/08/17173

Mr Brian Walsh
President
Kew Cottages Coalition
PO Box 2317,
KEW, Victoria, 3101,

Dear Mr Walsh

I refer to your email of 22 January 2009 to Ruth Green.

As you will be aware, the Ombudsman has been referred by the Legislative Council, pursuant to section 16 of the *Ombudsman Act*, the task of conducting an investigation into the "probity of the Kew Residential Services development tender process followed by the State Government".

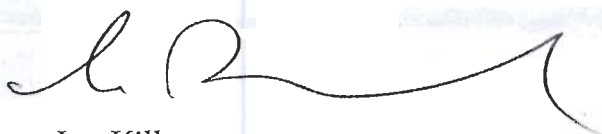
As you may also be aware, investigations conducted by the Ombudsman are required by the *Ombudsman Act* to be conducted in private and those involved are subject to strict confidentiality requirements; the obligation of the Ombudsman being to investigate and report solely to the President of the Legislative Council. It is also important, as I am sure you will agree, that investigations are conducted with the highest levels of integrity and for that purpose it is essential that Ombudsman Victoria is not, and is not seen as being, biased or prejudiced or improperly influenced in its appreciation of the facts and circumstances.

As such it is not considered possible or appropriate for Ombudsman Victoria to be engaged in any public meeting concerning any investigation unless the Ombudsman considers that this meeting is required for the purposes of the investigation. Moreover, it is not possible for Ombudsman Victoria to be engaged in any public meeting arranged by a person or body which may be a witness in the investigation.

Whilst Ombudsman Victoria will not be taking part in the public meeting, I can advise that the Ombudsman has appointed an investigations team to undertake the investigation which is currently examining documentation relevant to the terms of the reference and will shortly be receiving oral evidence from particular witnesses. Can I therefore ask that should you have any material or information which you consider relevant to the subject of the reference (that is, the probity of the development tender process) if that information or material could be provided to Ombudsman Victoria for consideration of that team. I am happy if you convey this request to those attending your public meeting.

I note that you have sought information as to the role of the Ombudsman and to assist you I enclose Fact Sheets 12, 14 and 15 issued by this office which can also be located in Ombudsman Victoria's website
<http://www.ombudsman.vic.gov.au/www/html/87-fact-sheets.asp>

Yours sincerely

A handwritten signature in black ink, appearing to read 'I. Killey', with a long, sweeping horizontal stroke extending to the right.

Ian Killey
General Counsel