



OmbudsmanSA

2021 -
2022
ANNUAL REPORT

What does Ombudsman SA do?

Ombudsman SA investigates complaints about South Australian government and local government agencies under the *Ombudsman Act 1972* as well as complaints about breaches of the service standards under the *Return to Work Act 2014*. Ombudsman SA also conducts Freedom of Information reviews and receives reports and complaints about misconduct and maladministration in public administration.

The Ombudsman is a relevant authority for receiving information about state and local government activities confidentially from informants under the *Public Interest Disclosure Act 2018*.

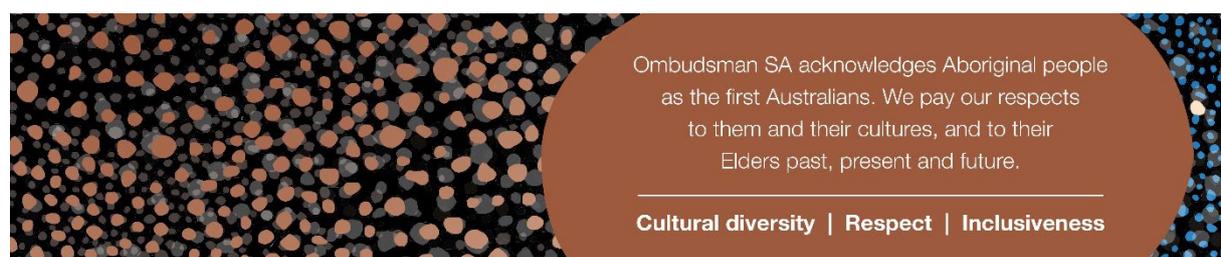
If you're not sure whether Ombudsman SA can help you, we are happy to discuss your matter further. If your matter is not in our jurisdiction, we will be happy to point you to another agency who may be able to assist.

Visit our website for further information about our services or to register a complaint directly online: www.ombudsman.sa.gov.au

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Ombudsman SA acknowledges Aboriginal people as the first Australians. We pay our respects to them and their cultures, and to their Elders past, present and future.

Cultural diversity | Respect | Inclusiveness

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OmbudsmanSA

Hon Terry Stephens MLC
President
Legislative Council
Parliament House
ADELAIDE SA 5000

Hon Dan Cregan MP
Speaker
House of Assembly
Parliament House
ADELAIDE SA 5000

Hon Kyam Maher MLC
Attorney-General
GPO Box 464
ADELAIDE SA 5001

It is my duty and privilege to submit the South Australian Ombudsman's Annual Report for 2021-22 to the Parliament, as required by section 29B(1) of the *Ombudsman Act 1972*.



Wayne Lines
SA OMBUDSMAN

26 September 2022

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Introduction

Introduction

When introducing the Ombudsman Bill in the House of Assembly 50 years ago on 28 September 1972, the then Attorney-General, the Honourable Leonard King, explained the role and purpose of an ombudsman in these terms:

‘The chief characteristics of the ombudsman system are that it provides a citizen aggrieved by an administrative decision with cheap, speedy and simple machinery for the ventilation of [their] grievance. The ombudsman is neither fettered by the doctrine of Crown privilege nor by the more formal nature of a full judicial inquiry: [the Ombudsman] is simply the formulator of administrative equity by the power of persuasion.



Wayne Lines, SA Ombudsman

‘The growth of executive power has resulted in the increasing impact of government on the lives of the citizens with a concomitant increased possibility of the abuse of administrative power, whether deliberate or otherwise. It has been found that the traditional legal remedies are, in some cases, inadequate to cope with the abuses of power that may flow from the growth of executive power, and the ombudsman concept has, so far, proved to be one satisfactory solution. An ombudsman clarifies not only the single decision but points to a more acceptable practice for the future.

‘The effectiveness of the ombudsman is derived largely from the fact that the administration is, by law, required to make available the documents and other material that relate to a particular decision. Thus to some extent the veil of secrecy in government is lifted. ... [an Ombudsman’s] functions act in aid of the Parliament in its oversight of the administrative machine.’¹

This speech identifies several key features of an ombudsman:

- a cheap, quick and accessible alternative to judicial review
- a check on the abuse of administrative power
- a formulator of administrative equity by the power of persuasion
- empowered to lift the veil of secrecy in government
- addresses not only the specific decision but looks to improve future administrative practice
- aids Parliament in its oversight of the executive branch of government.

December 2022 marks the 50th anniversary of Ombudsman SA commencing operations. Much has changed since 1972, and many changes have been made to the Ombudsman’s legislation too, but the primary role of exercising oversight of executive government and

¹ South Australia, *Parliamentary Debates*, House of Assembly, 28 September 1972, 1696-1697

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providing citizens with a cost-free, quick and accessible alternative to judicial review remains. Even with the emergence of administrative tribunals, the Ombudsman has a vital role in providing an avenue for resolving grievances about administrative action that cannot be dealt with by a court or tribunal. I think of:

- the young woman who within a few days of giving birth to a child has been pressured by departmental officers to sign an agreement that the child be placed in the care of her estranged partner's family
- the Housing SA tenant who has been waiting for months to have adjustments made to their house to accommodate their disability
- the 90 year old incurring excessive debts for their nursing home care because the Public Trustee officer has failed to lodge an application for social security subsidies
- the prisoner who has not been informed of the outcome of his annual case management review and does not understand what he needs to do to achieve a reduced security rating
- the South Australian resident stranded interstate after the State's borders were closed due to the pandemic and unable to find out when their exemption application will be processed.

These are but a few of the many examples where the Ombudsman has intervened when a court or tribunal process is either not available or not realistic. While the Ombudsman's functions have been expanded over the years, the office will always play a vital role in safeguarding against abuse of administrative power by addressing the grievances of vulnerable members of the community.

The Ombudsman's effectiveness relies upon 'the power of persuasion'; an Ombudsman only offers opinions and relies on the co-operation of agencies and citizens in order to resolve grievances and achieve administrative improvement. The Ombudsman's determination of a complaint does not have the force of law, but garners the acceptance of both the agency and the aggrieved by the persuasive force of a sound, independent and impartial enquiry process.

This report outlines the work of the office in resolving grievances about government administration, through early resolution and investigation of complaints and review of agency access to information decisions. When administrative error has been identified, recommendations have been made for improvement.

While the primary role of the Ombudsman is to provide an avenue of review of the exercise of administrative power, in recent times the Ombudsman has been given jurisdiction to receive and deal with complaints and reports of misconduct and maladministration in public administration. This jurisdiction applies to public officers and public authorities.

The definition of misconduct in public administration was inserted into the Ombudsman Act via legislation passed last year. Misconduct means 'an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer'. Members of Parliament are included in the definition of 'public officer'. A code of conduct that applies to members of the House of Assembly was inserted into the Standing Orders last November. That code is a code of conduct for the purpose of the definition of misconduct under the Ombudsman Act. For the first time in the history of my office, the conduct of parliamentarians comes within my jurisdiction.

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With the commencement of the new parliament in May this year, I venture to say that it will only be a matter of time before I receive a report of parliamentary misconduct. However, I do not expect that I will be flooded with such reports given that Parliament has defined misconduct as an intentional and serious contravention of a code of conduct and it will be rare for conduct to meet such a high threshold.

In determining whether to investigate any allegation of misconduct, I will always consider the public interest and attempt to achieve a meaningful outcome as efficiently as possible. Where appropriate, I will explore whether the matter can be resolved by the public officer acknowledging the breach and taking steps to address it, such as apologising. Remaining true to the original purpose of an ombudsman, my focus is on achieving administrative improvement, particularly in the integrity and fairness of decision-making. In achieving those outcomes, it is essential that I remain apolitical at all times.

Generally speaking, reports of misconduct in public administration form a minor, albeit significant, part of my office's work, comprising during this year only about 5% of all complaints received. Providing a 'cheap, speedy and simple' mechanism for the vulnerable to ventilate their grievances and achieve a fair outcome, acting as a check on the abuse of administrative power and lifting the veil on government secrecy remain the dominant objectives of my office. I am optimistic that reports of misconduct will remain a minor part of my work and that my office will continue to have a prominent role in aiding Parliament in its oversight of 'the administrative machine'.

I wish to acknowledge that I am ably assisted in my role by a team of highly skilled professionals. I am deeply grateful for their dedication and steadfast support. The office has only been able to achieve as much as it has due their efforts.

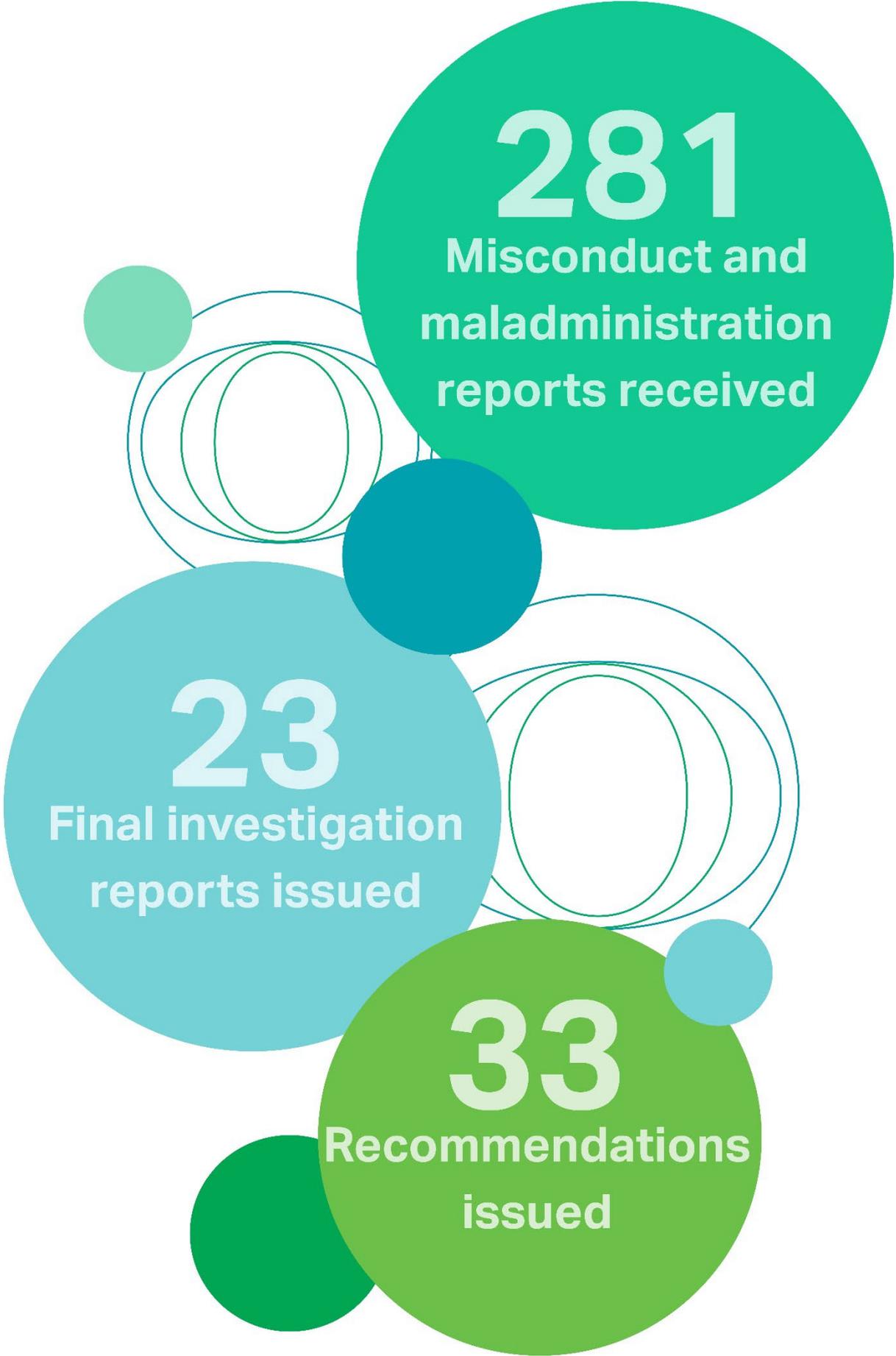
It is my privilege to submit this report of the work of my office in 2021-22 to the South Australian Parliament.

A handwritten signature in black ink, appearing to read 'Wayne Lines', written in a cursive style.

Wayne Lines
SA Ombudsman

Year highlights





281

**Misconduct and
maladministration
reports received**

23

**Final investigation
reports issued**

33

**Recommendations
issued**



Complaints and investigations

Ombudsman Act jurisdiction

I have comprehensive powers under the *Ombudsman Act 1972* (the Ombudsman Act) to investigate complaints about state government departments and authorities, universities and local government councils (agencies). In conducting an investigation, I consider an agencies' administrative acts to determine whether a decision-making process or decision is flawed.

Since 7 October 2021, I also have direct jurisdiction to assess and investigate complaints and reports to my office² about misconduct by public officers, and maladministration by public officers or public authorities. Previously, I only had power to investigate misconduct and maladministration upon referral to me by the Independent Commission Against Corruption (ICAC)). Since 7 October 2021, the Office for Public Integrity (OPI) can refer matters to me (including misconduct and maladministration).

I am also able to undertake investigations on my own initiative.

Further, I must investigate matters within my jurisdiction which are referred to me by Parliament.

Limits on my jurisdiction include:

- a complainant must be directly affected by the relevant administrative act
- generally, a complaint must be made within 12 months of the complainant becoming aware of the matter (although I have discretion)
- generally, I do not investigate where the complainant has statutory right of review, or a legal remedy (although I have discretion)
- I am unable to investigate a policy (i.e. as opposed to an administrative act).

Where a complaint or report is within my jurisdiction, I must determine whether or not to take action to investigate the matter or refer it to another agency.

In exercising my discretion as to whether to investigate a matter, I consider the public interest and the improvement of public administration. I am guided by the following criteria:

- does the alleged administrative error amount to a serious failure to meet expected standards of public administration?
- is the complaint about matters of serious concern and benefit to the public rather than simply an individual's interest?
- is there evidence of ongoing systemic failure in public administration?
- are the circumstances of the complaint likely to arise again?
- is the complaint about an error of process?
- is the complaint about failures of ethical and transparent management?

² 'Complaints' refers to any complaint by a member of the public, 'reports' refers to reports by public officers about misconduct and/or maladministration

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- does the complaint relate to matters of public safety and security, the economic well-being of South Australia, the protection of public well-being, the protection of human rights or the rights and freedoms of citizens?
- has the complainant suffered significant personal loss?
- do the circumstances of the complainant increase their risk of experiencing abuse, neglect or other disadvantage?
- would investigation of the complaint be likely to lead to meaningful outcomes for the complainant and/or to the improvement of public administration?
- has another review body considered the matter or is another body more appropriate for reviewing the matter?
- what is the likelihood of collecting sufficient evidence to support a finding of administrative error?
- would investigation of the complaint involve effort and resources that are proportionate to the seriousness of the matter?

Section 25(2) of the Ombudsman Act gives me broad power to make recommendations to an agency or public authority, upon completion of an investigation. For example, I may recommend that action be taken to rectify or mitigate the effects of the error, that a practice be varied or legislation amended, or that disciplinary action be taken in relation to misconduct.

For the first time in the office's history, over 5,000 complaints were received. The office experienced a 32% increase in complaints compared to the previous year. There were two main drivers for this dramatic increase. Firstly, we experienced a surge of complaints related to the border closures in mid-2021 due to the COVID-19 emergency. Secondly, we received a significant increase in complaints and reports about misconduct and maladministration in public administration. This increase followed the amendments to the Ombudsman Act coming into effect on 7 October 2021, which provided for this office to have direct jurisdiction over such matters.

While the office managed to remain up to date with responding to the COVID-19 related complaints, it has been a struggle to deal with the influx of misconduct and maladministration complaints due to their complexity. A backlog of cases built up very rapidly, but we are slowly reducing it. Currently, there are about 30 misconduct or maladministration matters received more than six months ago that are undergoing assessment before I am able to decide whether further action is required.

Ombudsman Act complaints received and completed

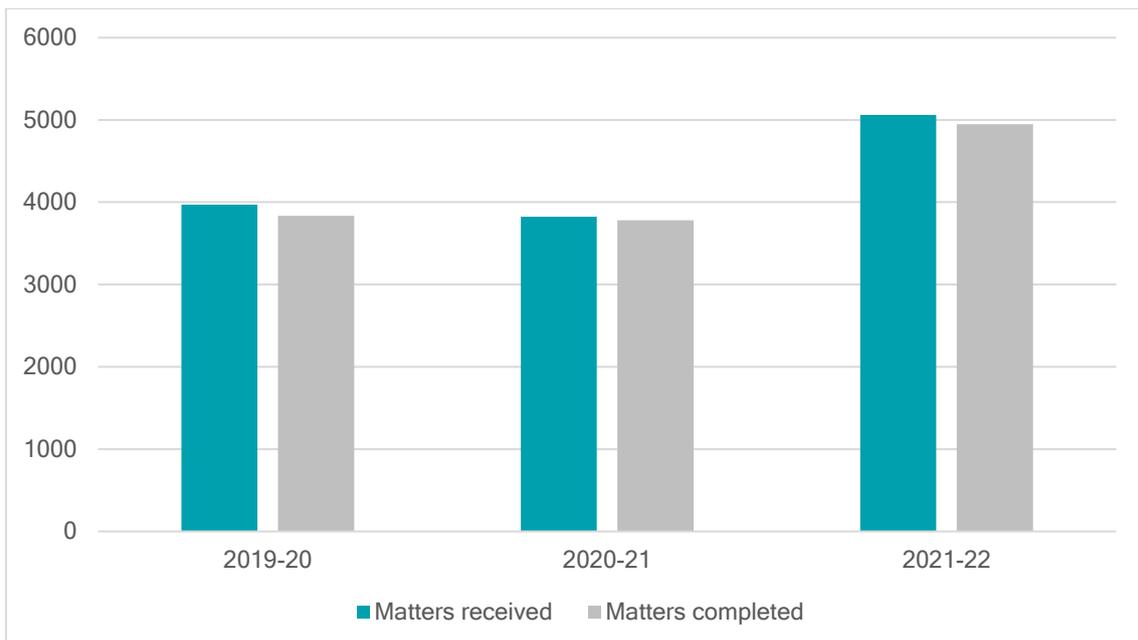
Matters received and completed in 2021-22

	Received	Completed
Government Departments	3,450	3,406
Local Government	921	893
Other Authorities	691	649
Total	5,062	4,948

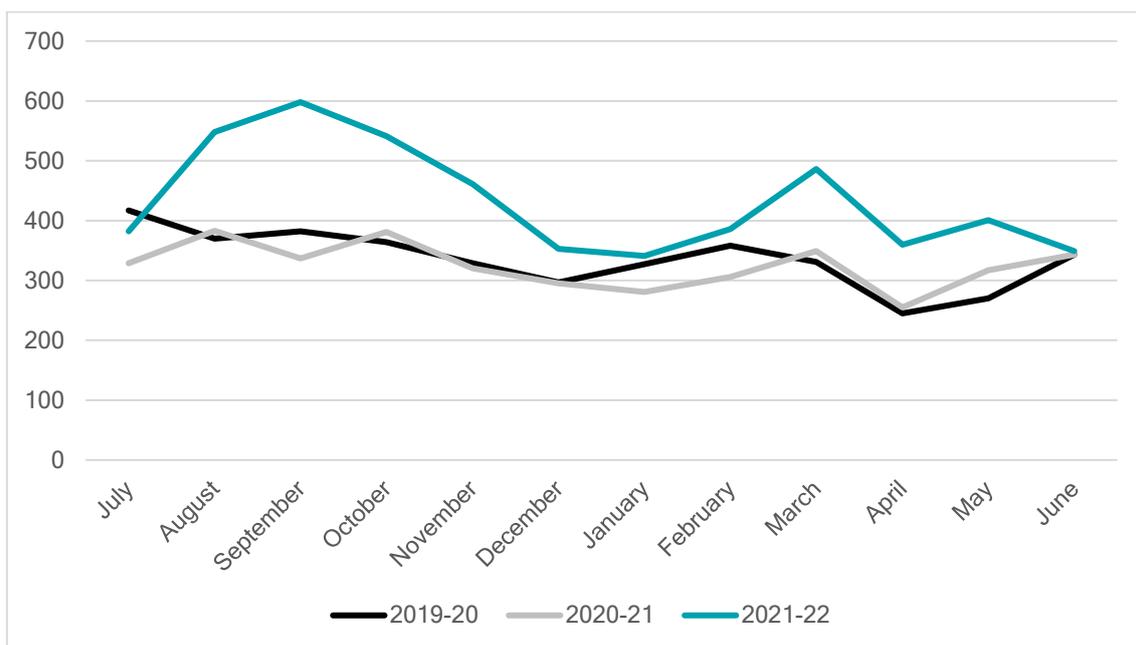
Breakdown of matters received and completed by year

OMBUDSMAN ACT JURISDICTION	2019-20				2020-21				2021-22			
	Government Departments	Local Government	Other Authorities	Total	Government Departments	Local Government	Other Authorities	Total	Government Departments	Local Government	Other Authorities	Total
Matters received	2,334	947	691	3,972	2,351	892	582	3,825	3,450	921	691	5,062
Matters completed	2,302	888	645	3,835	2,341	851	588	3,780	3,406	893	649	4,948
Audits completed	1	0	0	1	1	0	1	2	1	0	0	1

Matters received and completed by year



Complaints received



This year I issued 23 formal investigation reports. Of these, 11 were the result of a referral by the ICAC.

In accordance with section 26 of the Ombudsman Act, I have published the report or a summary statement online when I have formed the opinion that it is in the public interest to do so. The published decisions can be found on the Ombudsman SA website at:

<https://www.ombudsman.sa.gov.au/publications/investigation-reports>

There was a slight increase in complaints about local government (921 compared with 892 in 2020-21). However, the most significant increase in complaints concerned state government departments (3,450 up from 2,351) and public authorities (691 up from 582). The majority of this increase relates to the surge of complaints received following the sudden closure of the state’s borders mid last year.

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Complaints from prisoners have remained steady this year (721 compared to 739 in 2020-21). The Department for Correctional Services has continued to demonstrate a capacity to respond effectively to complaints so that it has been necessary for my office to undertake only one formal investigation of prisoner complaints this year. This related to issues with the department's Freedom of Information procedures. However, for the most part, whenever I have had concerns about potential systemic issues, I have raised these with the department and received satisfactory responses.

Complaints received by prison in 2021-22

Prison	Total
Adelaide Pre-Release Centre	6
Adelaide Remand Centre	74
Adelaide Women's Prison	57
Adelaide Youth Training Centre	1
Cadell Training Centre	23
Mobilong Prison	95
Mount Gambier Prison	199
Port Augusta Prison	50
Port Lincoln Prison	28
Yatala Labour Prison	188
Total	721

Early resolution

During the year, my office dealt with 1,723 approaches relating to matters outside of the Ombudsman jurisdiction and responded to 1,061 general enquiries. These are usually dealt with on the same day or shortly afterwards. About 99% of all complaints received are resolved during the assessment stage. The majority (77%) are completed within 14 days. The average period of completion at assessment is 16 days.

Approximately 300 complaints were resolved with the co-operation of the agency. The following case studies provide examples of the significant outcomes achieved through early resolution of complaints by obtaining the agencies' co-operation.

Early resolution case studies

Department of Treasury and Finance - Shared Services SA

Unreasonable delay and lack of communication in processing unclaimed money application

2021/06873

Complaint

The complainant contacted my office as they had lodged an application with Shared Services for unclaimed money approximately 12 months earlier. Their emails seeking an update on the progress of the application had not been responded to and the complainant was not able to resolve the matter.

My office sought a response from Shared Services in relation to the complainant's issue, as well as the reason for the significant delay. I advised the agency that the significant delay in providing the complainant an outcome to their application and its failure to reply to the complainant may not be reasonable.

Outcome

As a result of my office's contact, Shared Services issued a written apology to the complainant for the delay and for the failure to communicate reasonably with them. The agency advised the complainant in writing and in detail of the reasons for the delay and advised that it would seek to resolve the matter as soon as possible and, in the meantime, provide the complainant with a fortnightly update on the status of the application.

City of Salisbury

Unreasonable issuing of fine for dog

2021/07509

Complaint

The complainant made a complaint to my office about two fines issued in 2016 by their local council for being the owner of a dog wandering at large. The complainant had only become aware of the fines as they were being enforced by the Fines Enforcement and Recovery Unit (FERU). The complainant had appealed the fines on the basis that they did not, and have never, owned a dog or been responsible for a dog, but the council declined the appeal, largely on the basis that the council's Pound Register details indicated that the complainant had collected the dog from the pound as the owner/responsible person.

Outcome

My office contacted the council and asked for clarification of the circumstances and evidence relating to the issuing of the fines. The council agreed to discuss the matter with the complainant and reconsider the fines. Following this process, the council established that the complainant had left a share house property a year before the issuing of the fines, and it was likely that another resident may have used the complainant's name when recovering the dog from the pound. The council was satisfied with the information and determined that it did not have sufficient evidence to prove the complainant was the individual that was responsible for and collected the dog on the day in question. Following this, the council withdrew the fines and the accrued penalties from the FERU.

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Department for Correctional Services

Unreasonable lack of
response to request for
access to photograph

2022/01118

Complaint

The complainant complained that they had been attempting to obtain a copy of a photograph of their grandfather that was taken by the department in 1926 when their grandfather was arrested and imprisoned. The complainant wanted to obtain the photograph so that they could provide it to their elderly mother before she passed away. The complainant had sent correspondence to the department about their request but had not received a response.

Outcome

My office made enquiries with the department, which confirmed that the photograph did exist and that it was happy to release it to the complainant, however, the complainant's application was invalid.

The department advised what documentation it required to make the application valid and that, once it received the required documents, it would release the photograph to the complainant. The department further advised that it had not responded to the complainant's correspondence as the application had been made by another party on the complainant's behalf. The department responded to the applicant and the person who had applied on their behalf to advise that it had the photograph and what documentation it required to release it to the complainant. The photograph was promptly provided to the complainant.

District Council of Cooper Pedy

Unreasonable issuing
of invoice for debt

2021/04380

Complaint

The complainant complained to my office that they had received a notice from the council that their electricity would be disconnected within 1 week as the account was in arrears, unless they paid an amount they could not afford within 4 days of the date of contacting my office. The complainant had been paying a significant weekly amount towards the outstanding debt and could not afford to pay any additional amount.

Outcome

My office contacted the council which advised that the notice was issued in error and the complainant would not be required to pay the amount and their electricity would not be disconnected. The council advised that it would contact the complainant immediately to advise them of this. My office followed up with the complainant to make sure that the matter was resolved.

SA Housing Authority

Unreasonable handling of complaints regarding fencing issue and alleged non-compliance with legislation

2021/07473

Complaint

The complainant complained to my office that they had recently been informed that the South Australian Housing Authority (SAHA) planned to replace the fence between their property and an adjacent property owned by SAHA and install a gate in the back corner. The complainant would be required to pay half the cost of the replacement fence and did not agree that the fence needed replacing. The complainant informed SAHA that they did not agree to these works, and that if SAHA wanted to pursue the matter further, it should be discussed at the strata AGM.

The complainant received no response to their correspondence to SAHA until a SAHA maintenance contractor requested access to the site for the purpose of providing a quote for the replacement of the fence. The complainant was later contacted by a Maintenance Liaison Officer from SAHA who explained that SAHA wanted to proceed with the works and would be commencing formal processes by issuing a Form 2 under the *Fences Act 1975*.

The complainant asked to discuss the matter but their request was refused and they were told that they could issue a Cross Notice (Form 3) if they did not agree with the content of the Form 2. The complainant was not provided with any reasons as to why the fence needed to be replaced. The complainant was primarily concerned about the lack of communication with SAHA prior to the commencement of quasi-legal processes under the *Fences Act 1975*, despite several requests by the complainant to discuss the situation. My office enquired as to why SAHA refused to discuss this matter with the complainant and instead chose to resort to legal procedures.

Outcome

Following enquiries by my office the agency agreed to look into the matter and, as a result, contacted the complainant and apologised sincerely for both the lack of communication and miscommunication in the handling of the matter. The agency determined that the fence could remain, and the Notice under the *Fences Act 1975* was withdrawn. The agency also agreed to address the poor service delivery that the complainant received.

Public Trustee

Unreasonable failure to pay costs of property

2022/00191

Complaint

The complainant contacted my office after being unable to resolve their issue with the Public Trustee. The complainant's father co-owned a property with his wife, who was a protected person under the Public Trustee. The Public Trustee was supposed to be jointly paying costs associated with the property but it had stopped paying approximately 6 months earlier, and the complainant's father had been paying them himself.

Outcome

My office contacted the Public Trustee and within two days the Public Trustee had resolved the error and arranged back-payment for the time the payments had been missed.

Department for Child Protection

Failure to provide support accessing documents for child placed in complainant's care

2021/01086

Complaint

The complainant complained to my office that the department was failing to assist them in relation to a child that had been placed in their care by the department. The child had been placed in their kinship care under a 30 day order, which had subsequently lapsed, but the child was still in the complainant's care and the department was not providing her any assistance or support to help care for the child. The complainant was having difficulties managing the care of the child without any support. The complainant required the child's birth certificate to access Centrelink and Medicare services for the child and the department had told them that it could not assist them with this as there was no court order in place. The department advised the complainant to obtain the birth certificate from the child's mother, which was not possible in the circumstances.

Outcome

My office contacted the department which took steps to immediately address whether there were any safety concerns for the child and to assess the complainant's mental wellbeing, housing and financial situation and consider what supports could be put in place to assist the complainant.

Public Trustee

Delay contacting complainant regarding rent money

2021/07918

Complaint

The complainant contacted my office stating that they had been unable to speak to a Public Trustee Officer regarding their rent that was due that day. The complainant said that they were told that they needed to get a formal rent agreement in place, as they were staying at a friend's house in a shed and the landlord was coming to collect the rent that day. The complainant had been unable to contact the Public Trustee and their NDIS provider had been loaning the complainant money for rent for the past fortnight but had said that they would not do it for another week. The complainant was concerned they would be evicted if they did not pay the rent that day.

Outcome

My office made enquiries with the Public Trustee and was advised that the complainant had made contact with the Public Trustee on several occasions about their rent payments but had been told that they needed to provide the details of the landlord so that a formal arrangement could be put in place for the Public Trustee to pay the rent on the complainant's behalf.

Due to issues with substance abuse and the complainant's transient lifestyle, the Public Trustee had determined not to provide significant funding directly to the complainant. Any funding provided for accommodation would normally only be provided directly to a landlord where a formal agreement is in place with the consent of the Public Advocate.

The Public Trustee had been informed by the complainant's social worker that the premises where the complainant was staying had limited access to running water, power or hygiene facilities, and that the shed was uninhabitable.

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Both the Public Trustee and the Office of the Public Advocate had assisted the complainant to obtain Supported Independent Living accommodation but the complainant had refused the accommodation. The Public Trustee advised my office that it, and the complainant's NDIS Providers would continue to work with the complainant to find something suitable. The Public Trustee assisted the complainant to arrange a formal accommodation agreement for the shed until more suitable accommodation was secured.

The Public Trustee contacted the complainant and arranged for them to receive an early disbursement of personal allowance to provide additional funds for living expenses to pay the rent and avoid eviction.

Ombudsman Act - Own initiative investigations and enquiries

This year has seen a marked increase in investigations conducted using my own initiative powers in section 13(2) of the Ombudsman Act.

This is partly due to the legislative changes in October 2021.

It is arguable that the pre-7 October 2021 definition of misconduct may still be applied to investigations conducted pursuant to a referral by the ICAC, which were commenced prior to 25 August 2021. That said, I consider the matter is not free from doubt. For the purposes of consistency, therefore, and to avoid doubt, my office assessed all pre-25 August 2021 ICAC referrals open as at October 2021 to determine whether to continue those matters using my own initiative powers in section 13(2) of the Ombudsman Act.

Other own initiative investigations were conducted because I considered that there was a public interest in investigation, where potentially systemic issues had been identified. Those investigations included:

- Investigation of:
 - whether the South Australian Superannuation Board's refusal to consider Total and Permanent Disability entitlements outside a two year statutory limit was in accordance with an enactment that may be unjust or discriminatory towards people with a disability
 - whether the Board appropriately communicated with members about Death and Total and Permanent Disability policies, and time limits for making claims.

I considered that the Board had acted in accordance with an unjust or discriminatory enactment, and recommended that the relevant regulations be amended to give the agency a discretion to accept applications that might otherwise be out of time, where the applicant has a disability.

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- Investigation of the District Council of Coober Pedy's actions as retailer of electricity and water to the local community, in particular Aboriginal community members. I concluded that the council inappropriately managed electricity and water accounts and debts in a manner that was unjust, unreasonable, wrong and contrary to law, and made recommendations including that the council review current hardship agreements and records, and that the state government review whether there are alternative options for electricity and water supply in Coober Pedy.
- Investigation of the Department for Correctional Services, and its management of applications made by prisoners under the *Freedom of Information Act 1991* (the FOI Act) between 2018 and 2020. The investigation concerned the department's management of Freedom of Information (FOI) applications in their early stages, and its communication with applicants for that purpose. The investigation also considered the department's internal mail processes, and the availability of FOI advice for prisoners. I concluded that seven administrative errors had occurred, particularly in regard to:
 - delay
 - how the department assisted and communicated with applicants, in accordance with the FOI Act

and made recommendations.

- Investigation of the Department for Human Services, and issues relating to its care of a Disability Services Client, including whether a threatening letter was properly investigated. I concluded that administrative error had occurred on a number of occasions, and my recommendations included that the department make further enquiries to identify the author of the letter. My report formed part of tendered evidence for Public Hearing 14 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

In addition, my office made own initiative enquiries, without going to investigation, on the use of hyperlinks on government agency websites and media releases, and whether there had been data harvesting by the Liberal Party. I engaged an expert in cyber security, privacy and the protection of government data to assist my enquiries. Having regard to various factors, including the expert advice that it did not appear that data was produced in any meaningful form, I decided it was not in the public interest to continue my enquiries. I observed, however, that the use of stateliberalleader.nationbuilder.com for management of media distribution lists by the former government (apparently an inadvertent carryover from being in opposition) was regrettable, and could create a perception of resources being used for party-political purposes.

Further examples of own initiative enquiries are discussed under 'Response to COVID-19 Pandemic' and 'Stakeholder Engagement'.

Ombudsman Act - Parliamentary Referral

Pursuant to section 14(1) of the Ombudsman Act, the House of Assembly Select Committee on the Conduct of the Hon Vickie Chapman MP regarding Kangaroo Island Port Application referred certain matters for me to investigate. The referral was made on 18 November 2021 and on 3 May 2022, I submitted my investigation report to the Speaker of the House of Assembly. The report was promptly tabled that same day.

The central issue of the referral was whether Ms Chapman as the former Minister for Planning was in a position of a conflict of interest at the time she considered and decided a development application for approval to build a wharf at Smith Bay on Kangaroo Island for the purpose exporting timber products from the Island. The referral was inextricably entwined with matters that the Select Committee had considered and made findings on. This put me in the position of having to either validate or disagree with the Select Committee's findings, which in my view had the potential to undermine my political neutrality or, at least, public perception of it.

After a close examination of Ms Chapman's private interests relevant to the development application, I concluded that she did not have an actual, perceived or potential conflict of interest and did not breach the Ministerial Code of Conduct. My views contradicted the Select Committee's findings on the same issue and, no doubt, caused confusion amongst Members of Parliament, the Public Sector, media commentators and many others who had all made up their minds before the referral was made to me. This is to be regretted. For this reason, I made the point in my report that referrals from parliamentary committees should avoid requiring me to investigate issues on which the committee has made findings.

Return to Work Act jurisdiction

As of 1 July 2015, the *Workers Rehabilitation and Compensation Act 1986* was repealed and my jurisdiction under Schedule 5 of the RTW Act to investigate complaints about breaches of the Service Standards commenced. The Service Standards apply to Return to Work SA (RTWSA) and the Crown and private self-insured employers, including providers of services engaged by the self-insured employers.

Only a worker or an employer may lodge a complaint with my office if they believe that the Service Standards have been breached. Where an investigation by my office identifies that a breach of the Service Standards has occurred, I may require the respondent to provide a written or oral apology, furnish a written explanation or other remedies as outlined in clause 7 of Schedule 5 of the RTW Act. The powers of the Ombudsman under the Ombudsman Act apply to self-insured employers as if they are agencies to which the Ombudsman Act applies.

In addition, under section 180(8) of the RTW Act, the Ombudsman can receive a request to conduct an external review of the decision by RTWSA or self-insured employer in relation to a worker's request to access material relevant to their claim. At the conclusion of the review, the Ombudsman may confirm, vary or modify the decision under review.

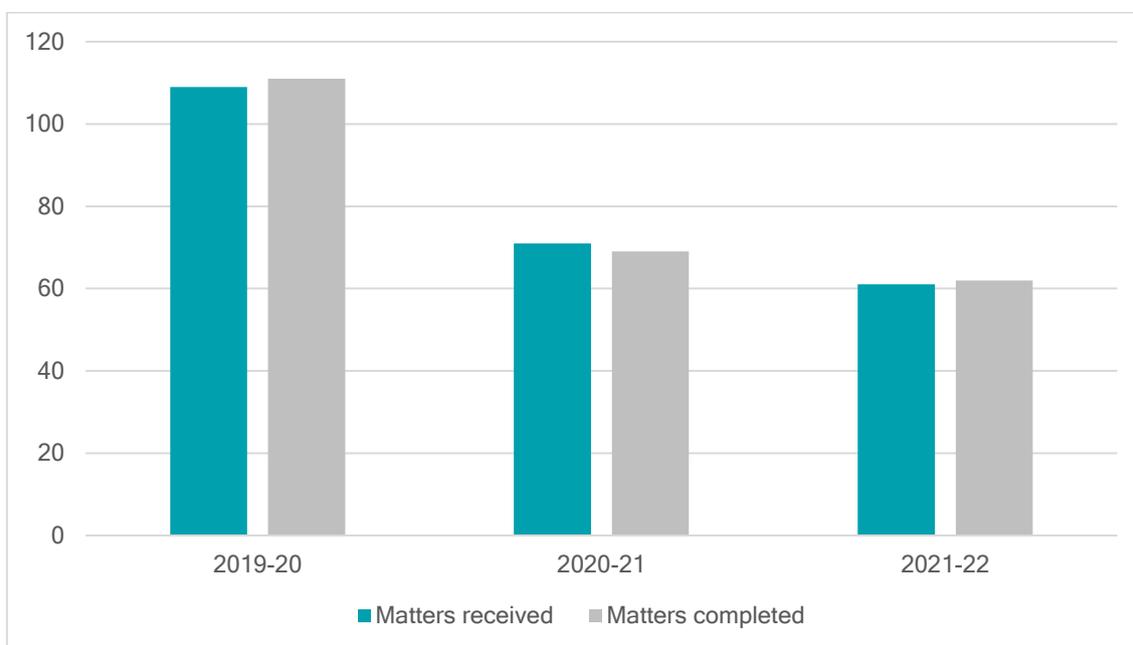
There has been a slight decrease in the number of complaints received this year relating to the Service Standards. The main complaint issues are the same as in previous years: being treated fairly; respectfully and adherence to stated timeframes (Standard 4(e)); and being given assistance to resolve issues (Standard 4(f)).

All of these complaints were resolved without requiring formal investigation.

Breakdown of matters received and completed by year

RTW ACT JURISDICTION	2019-20				2020-21				2021-22			
	Claims Agent	Self-Insurer	ReturnToWorkSA	Total	Claims Agent	Self-Insurer	ReturnToWorkSA	Total	Claims Agent	Self-Insurer	ReturnToWorkSA	Total
Matters received	67	15	27	109	44	14	13	71	21	5	35	61
Matters completed	69	14	28	111	43	15	11	69	23	3	36	62

Matters received and completed by year

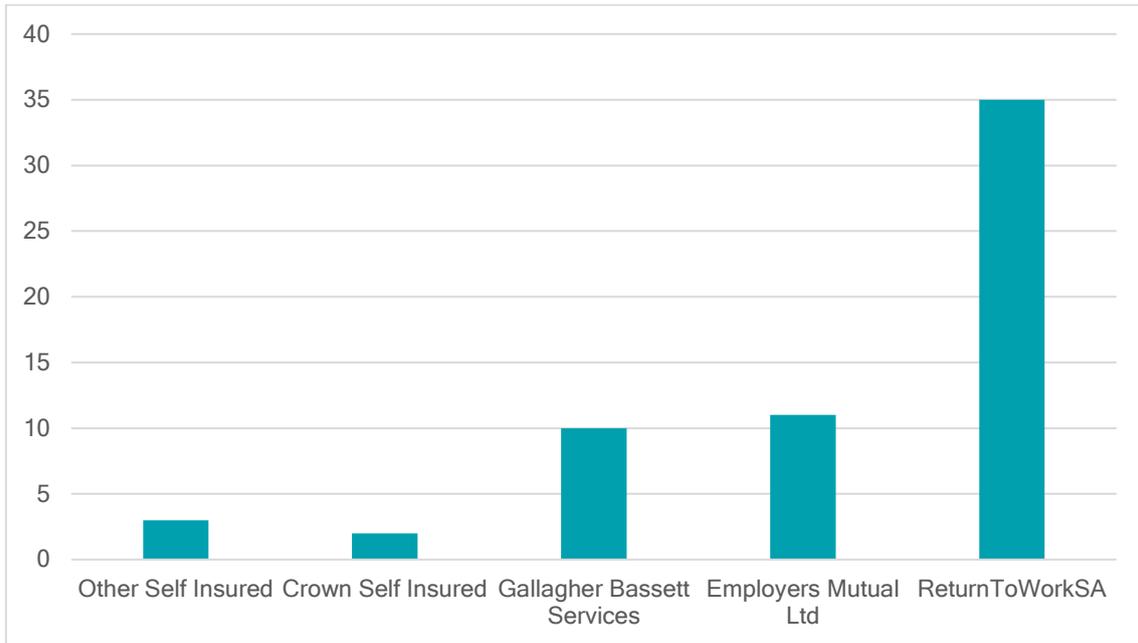


Complaints received per respondent per month

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
ReturnToWorkSA	2	2	3	4	2	3	0	3	2	4	5	5	35
Employers Mutual Ltd	0	0	0	1	0	2	3	4	0	1	0	0	11
Gallagher Bassett Services	0	1	0	0	1	1	1	1	0	1	3	1	10
Crown Self Insured	0	0	0	0	0	0	0	0	0	0	0	2	2
Other Self Insured	1	0	0	1	0	0	0	0	0	0	0	1	3
Total	3	3	3	6	3	6	4	8	2	6	8	9	61

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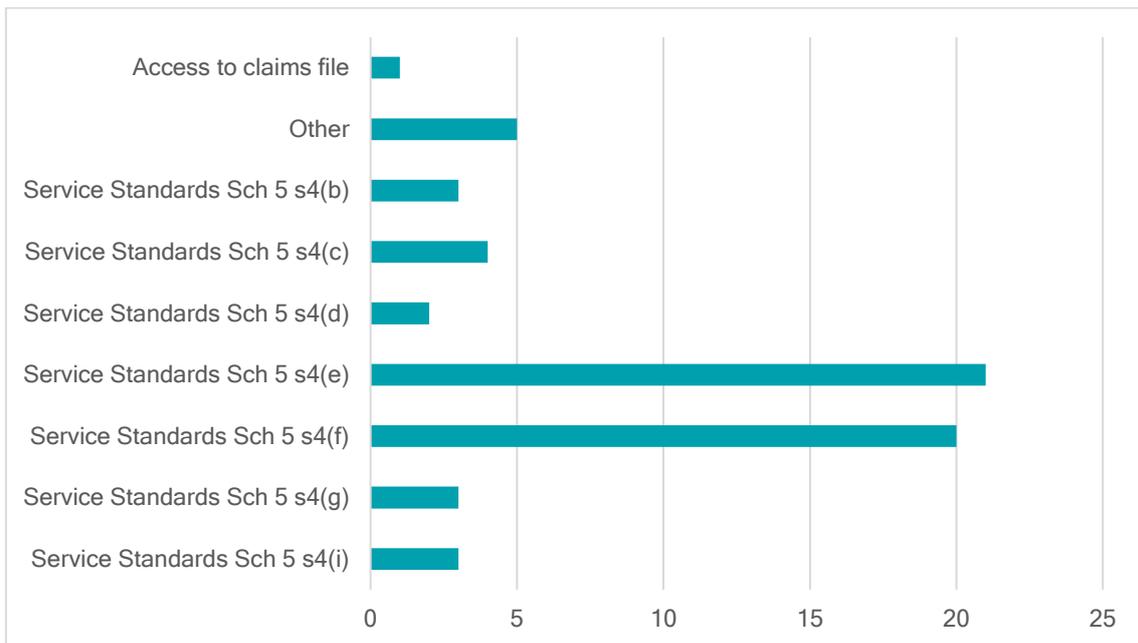
Complaints received during 2021-22



Issues of complaints

Issue	Total	%
Access to claims file	1	1.61%
Other	4	8.06%
Service Standards Sch 5 s4(b)	3	4.84%
Service Standards Sch 5 s4(c)	4	6.45%
Service Standards Sch 5 s4(d)	2	3.23%
Service Standards Sch 5 s4(e)	21	33.87%
Service Standards Sch 5 s4(f)	20	32.26%
Service Standards Sch 5 s4(g)	3	4.84%
Service Standards Sch 5 s4(i)	3	4.84%
Total	62	100.00%

Issues of complaints



Complaint outcomes

Outcome	Total	%
Advice given	2	3.23%
Alternate remedy available with another body	2	3.23%
Declined - investigation unnecessary or unjustifiable	5	8.06%
Declined - other good reason	9	14.52%
Referred back to Compensating Authority	40	64.52%
Resolved with Compensating Authority's co-operation	1	1.61%
Withdrawn by Complainant	3	4.84%
Total	62	100.00%

Misconduct and maladministration

Before 7 October 2021, I only had jurisdiction to investigate misconduct and maladministration in public administration, as then defined in the ICAC Act, upon referral by the ICAC.³ As of 7 October 2021, I now have original jurisdiction to investigate misconduct and maladministration as defined in the Ombudsman Act.

Complaints and reports⁴ about misconduct and maladministration are made directly to my office by members of the public, public officers and public authorities.

I also receive referrals raising issues of misconduct and maladministration from both the OPI and the ICAC.

Complaints and reports to my office

While I received direct complaints about misconduct and maladministration prior to 7 October 2021, I have not previously reported on the number of those complaints. This was because, unless they raised a potential administrative error (as then defined in the Ombudsman Act), my assessment of those complaints was limited to determining whether the complaint gave rise to a reasonable suspicion of corruption, misconduct and/or maladministration which would require me to report the matter to the OPI.

Since the legislative changes, there has been a significant increase in issues of misconduct and maladministration being raised directly with my office. Now, my office assesses those complaints and reports to determine whether I should investigate them, and I will only refer those matters to the OPI if they raise a reasonable suspicion of corruption (as opposed to misconduct or maladministration).

I received 128 direct complaints and reports about misconduct and maladministration in the reporting period. To date, there have not been any completed investigations on those matters.

³ I also had, and continue to have, jurisdiction under the *Local Government Act 1993* to investigate 'misconduct' where there has been a breach of the Code of Conduct for Council Members. References to 'misconduct' in this section generally means 'misconduct' as formerly defined in the *Independent Commissioner Against Corruption Act 2012* and now defined in the Ombudsman Act.

⁴ A 'complaint' refers to a complaint made by a member of the public, whereas a 'report' refers to a report made by a public officer or public authority pursuant to my Directions and Guidelines

Misconduct and maladministration matters received directly by Ombudsman SA as complaints or reports (i.e. not referral by ICAC or OPI)

	Received
Email	60
Letter	5
N/A	3
Telephone call	23
Website	37
Total	128

Referrals from the ICAC and OPI

The ICAC referred 21 matters to my office in the reporting period. I understand that most of those matters were with the ICAC before the legislative changes, and I anticipate that, in future, most referrals will be from the OPI, rather than the ICAC.

In the reporting period, my office issued 11 formal reports on matters investigated upon referral by the ICAC. Two of those reports concluded that there had been misconduct as previously defined in the ICAC Act. Two other matters were continued after the legislative changes as ‘own initiative’ investigations, and concluded that there had been misconduct for the purposes of the Code of Conduct for Elected Members. All four matters concerned council member conduct.

The OPI referred 132 matters to my office in the reporting period. While I have closed 41 of those matters, there have not yet been any investigation outcomes from OPI referrals. I attribute this to:

- the fact that OPI referrals have only occurred during the last 9 months of the reporting period, and investigations may be ongoing
- the new legislative scheme envisages that I will refer matters to other agencies to deal with⁵ I have referred a number of misconduct and maladministration matters to agencies to deal with at first instance, and I monitor agencies’ handling of those matters as I consider necessary
- some matters have been closed after assessment, including complex assessments which involve making enquiries with relevant parties.

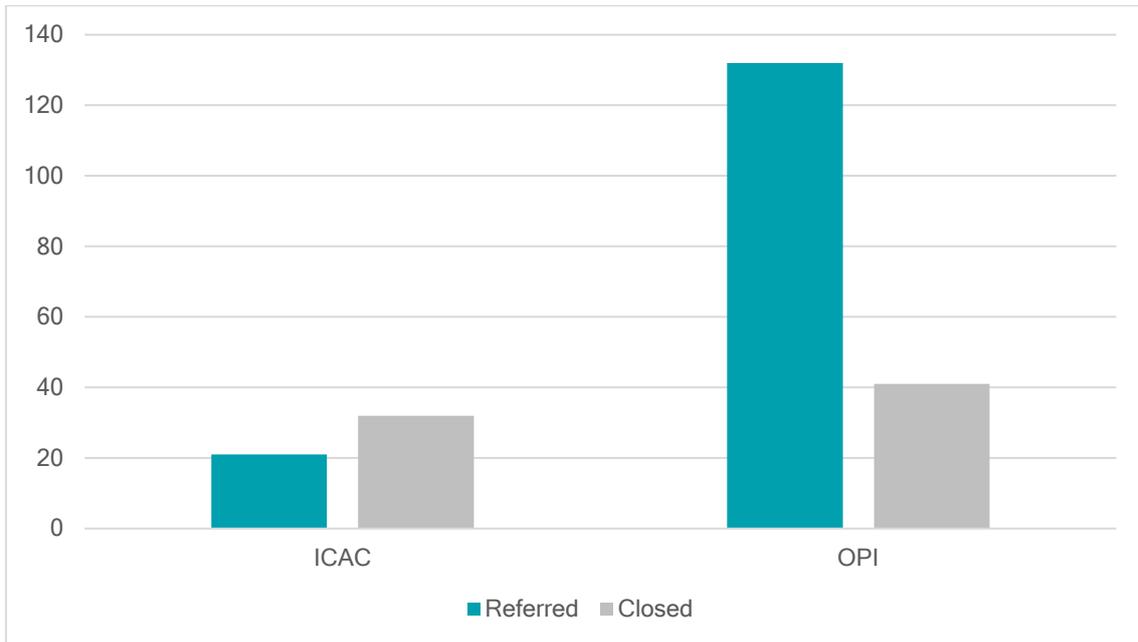
Taken together, the 153 referrals from the ICAC and OPI represent a large increase on the 28 referrals received from ICAC in the previous reporting period. While only a relatively small proportion of those referrals have resulted in investigation, they have significantly increased my office’s workload of assessment, enquiries, referral to and monitoring of agencies.

⁵ Section 12(1)(c) of the Ombudsman Act.

Misconduct and maladministration matters referred during 2021-22 and referred matters closed during 2021-22

Referred by	Referred	Closed
ICAC	21	32
OPI	132	41
Total	153	73

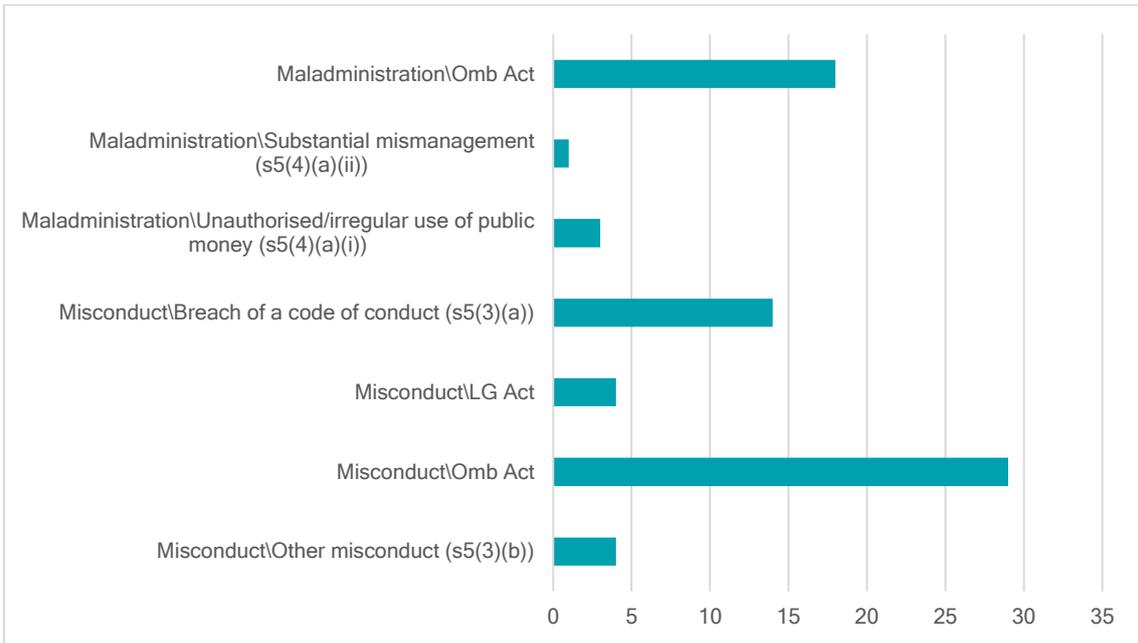
Misconduct and maladministration matters referred during 2021-22 and referred matters closed during 2021-22



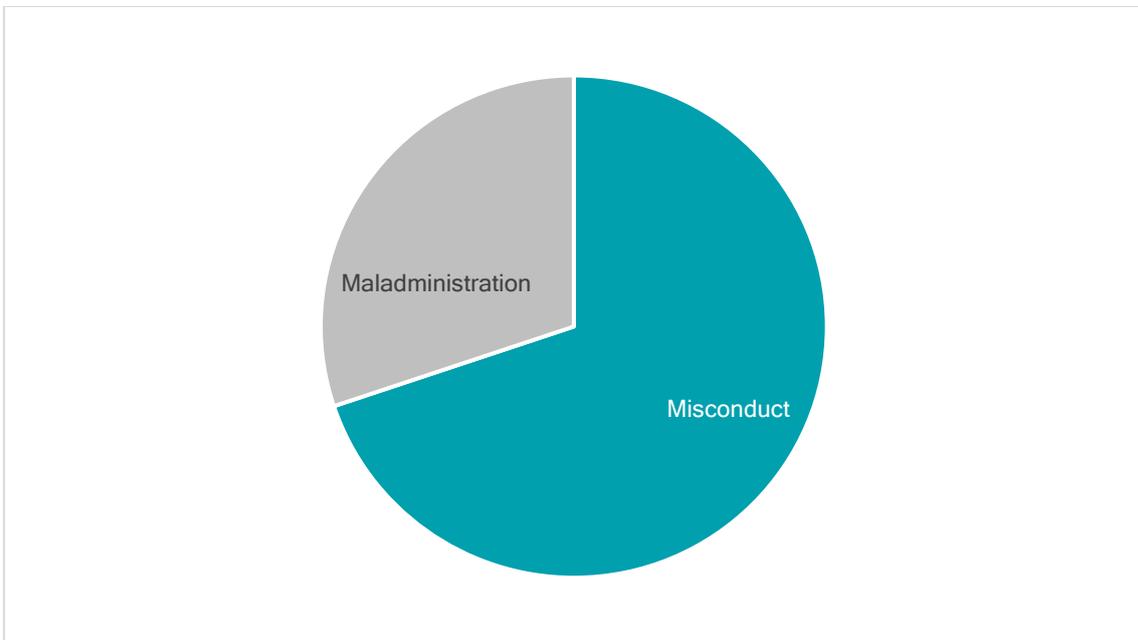
Type of referred misconduct and maladministration matters closed in 2021-22

Issue	Total
Maladministration\Omb Act	18
Maladministration\Substantial mismanagement (s5(4)(a)(ii))	1
Maladministration\Unauthorised/irregular use of public money (s5(4)(a)(i))	3
Misconduct\Breach of a code of conduct (s5(3)(a))	14
Misconduct\LG Act	4
Misconduct\Omb Act	29
Misconduct\Other misconduct (s5(3)(b))	4
Total	73

Type of referred misconduct and maladministration matters closed in 2021-22



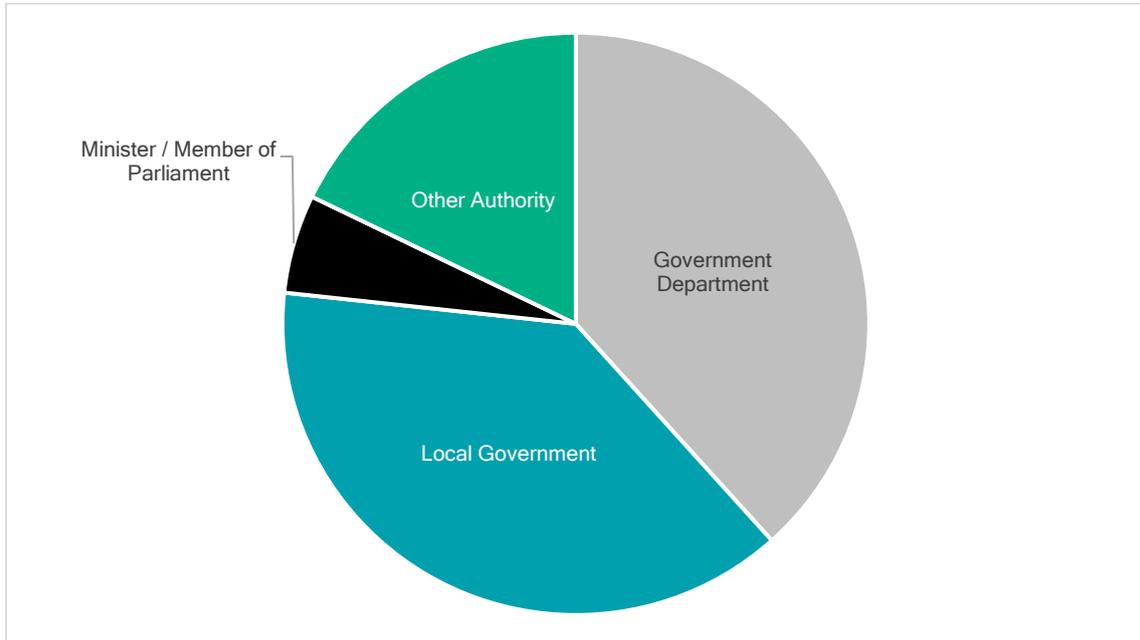
Breakdown of referred misconduct vs maladministration matters closed in 2021-22



Respondent agency type of referred misconduct and maladministration matters closed in 2021-22

Respondent Agency Type	Total
Government Department	28
Local Government	28
Minister / Member of Parliament	4
Other Authority	13
Total	73

Respondent agency type of referred misconduct and maladministration matters closed in 2021-22



Recommendations

Once my office has completed an investigation, I may make such recommendations as I think fit, pursuant to section 25(2) of the Ombudsman Act.

Before 7 October 2021, I could only make recommendations if I was satisfied that an error (as defined in section 25(1) of the Ombudsman Act) had occurred. As section 25(1) has now been removed from the Ombudsman Act, a finding of error is no longer required for me to make recommendations under section 25(2). This has broadened my power to make recommendations

I must provide a copy of any report or recommendations made under section 25(2) of the Ombudsman Act to the principal officer of the relevant agency or the public authority and to the responsible Minister. The principal officer of an agency, or a public authority, must, upon my request, report on what steps have been taken to give effect to my recommendations or give reasons why there has been inaction.

If I am not satisfied with action taken to give effect to my recommendations, I may, pursuant to sections 25(5) and (6), report this, firstly, to the Premier and then to the Houses of Parliament.

Under section 27(2), I must advise the complainant if I consider that reasonable steps have not been taken to implement recommendations within a reasonable time.

In this reporting year, I issued 23 investigation reports and made a total of 33 recommendations. As at the time of writing, 22 or 67% of the recommendations I have made in this reporting year have been implemented. Implementation of a further 9 are in progress. Once implemented this will represent an implementation rate of 94%.

Implementation of my recommendations can ensure fairness for South Australians whose circumstances might increase their risk of experiencing disadvantage, abuse, or neglect.

Case study

South Australian
Superannuation
BoardApplication of the
*Southern State
Superannuation
Regulations 2009*

RI2021/0024

Complaint

In October 2021, following a complaint by the Public Trustee, I completed an own initiative investigation regarding the South Australian Superannuation Board's application of regulations 58(12) and (14) of the *Southern State Superannuation Regulations 2009*, as well as the Board's communication with Super SA members about those regulations. At the time, the regulations imposed a two-year time limit after the termination of employment to give written notice of a claim for Total and Permanent Disablement Insurance and prohibited extending that time frame under any circumstances.

Outcome

My view was that while the Board was required to act in accordance with the regulations, in doing so it acted in accordance with an enactment that was unjust or improperly discriminatory towards people with disabilities. I recommended that the Treasurer (being the minister responsible for the regulations) review regulations 58(12) and (14) and consider whether the regulations might be amended to give Super SA a discretion to accept an application that might otherwise be out of time, where the applicant has a disability. The review was performed, and amendments made to the regulations. Those amendments commenced on 1 April 2022. In relation to the second issue, the Board had already implemented improvements to its communications and so I made no further recommendations.

While agencies often commence work on implementing my recommendations in a timely manner, implementation may not be finalised until after the year the recommendation was made. This can be due to any number of factors, including, among others, the size and complexity of the reform undertaken to implement the recommendation. This reporting year saw the implementation of the 42 recommendations that I had made in previous reporting years.

Case study

Department for
Child ProtectionUnjust and wrong
actions when returning
absconding siblings to
a residential care
placement

RI2020/0001

Complaint

In 2018, I received a complaint from three First Nations children, through the Office of the Guardian for Children and Young People (OGCYP). The complaint concerned the actions taken by the Department for Child Protection when returning the children to a residential care placement. The children, who are siblings and under the Guardianship of the department's Chief Executive, had absconded from their residential care placement and had instead been residing with family members. The department held concerns for the welfare of the siblings while they remained with those family members, however experienced a number of difficulties and delays in seeking to return the siblings to residential care.

The manner in which the department ultimately returned the siblings to their residential care placement was distressing and unexpected for the siblings, and they described feeling scared, sad, and angry in their complaint to me.

Investigation and Outcome

I finalised my investigation in November 2019. Among other things, my investigation found that the department had acted in a manner that was unjust and wrong, in that it had:

- not sufficiently considered the rights of the siblings under the Charter of Rights for Children and Young People in Care when determining how to return the siblings into care, particularly in light of the delays and difficulties experienced
- not sufficiently documented its decision-making in the process
- not, and should have, performed a full risk assessment of the siblings' welfare to inform actions in returning the siblings to residential care
- should have given written directions to the family sooner. The directions would have clearly communicated the legal requirement for the return of the children.
- should have co-ordinated better with South Australia Police (SA Police). Problems with co-ordination between the department and SA Police, including conflicting views about respective roles, were a significant factor in the delays experienced prior to the sibling's return to their residential care placement.

Following my recommendations, the department, among other things:

- met with the siblings, in the presence of an Aboriginal Consultant from the department and an Advocate for Aboriginal Children from the OGCYP and apologised for the manner in which they had been returned to the placement. Feedback from the OGCYP indicates that the siblings found this meeting to be helpful to them.
- consulted with the OGCYP and developed a human rights assessment tool for use by staff when making significant decisions likely to affect the rights of children and young people in care
- reviewed its guidelines to provide further guidance on the safe retrieval of children and young people in care who are being harboured or concealed by another person and the circumstances in which staff should issue a written direction under section 86 of the *Children and Young People (Safety) Act 2017*
- consulted with SA Police as to whether to seek joint legal advice clarifying the powers available under section 149(3) of the *Children and Young People (Safety) Act 2017*; and
- developed a protocol concerning the safe retrieval of children and young people in care who are being harboured or concealed by another person. Finalised in July 2022, the development of the protocol was the final recommendation to be implemented following my investigation. It is a significant achievement and I commend the department and SA Police for its development.

Voluntary actions

I also aim to resolve complaints early where appropriate and monitor voluntary actions agreed to by agencies through that process. A matter may be amenable to formal early resolution where:

- the administrative act is clearly identifiable without the need for investigation
- on the face of the information provided by the complainant there appears to be error
- the agency has clearly acknowledged and accepted responsibility for the error
- the matter is not so serious or systemic that it would be in the public interest to investigate and issue a report in the matter
- there is no indication of corruption, misconduct, or maladministration
- intervention is likely to support ongoing improvements in administrative practice being achieved in collaboration with the agency concerned.

Throughout the reporting year, my office resolved 13 complaints through my formal early resolution process and agencies agreed to implement 22 actions.

Voluntarily engaging in administrative improvement can be a highly effective way for agencies to resolve complaints, as the following case studies show.

Case studies

Wrongful transfer of interment rights

I received a complaint that a local council had wrongfully transferred the interment rights of the complainant's great-grandparents to another party and had been unreasonably delayed in its responses to the complainant. My preliminary assessment indicated that there had indeed been an error in the council's transfer of the interment rights and that the council's communication with the complainant had been unreasonably slow. The council accepted my assessment.

My office engaged with the council and the complainant to explore whether there might be an opportunity to resolve the issues without my proceeding to investigation. Both were amenable to doing so.

On my recommendation, the council, among other things:

- apologised to the complainant for the error and the delay in communication
- reviewed its complaint management and cemetery management policies and processes
- engaged in discussions with the complainant, and with the party to whom the site had been transferred and found options for resolution suitable to all parties.
- completed the works required to resolve the complaint.

I commend the council, the complainant and the third party for their openness to exploring options between themselves. In my view, building these lines of communication will be beneficial for the present case and in the future management of the cemetery.

Failure to comply with Standard Operating Procedures

The Department for Correctional Services is required to perform a weekly review of decisions to keep prisoners separate. As detailed in one of the department's standard operating procedures, it should also provide prisoners with a 'separation review form', advising the outcome of each week's review.

A prisoner, who is separated from the rest of the prison population, contacted my office in February 2021. The prisoner alleged that in 2020, despite being separated from the prison community for that entire year, they had only received three separation review forms, despite their continued requests.

Under the *Correctional Services Act 1982* (the Act), the department is also required to, at least once a year, assess each prisoner and their circumstances, and determine whether the prisoner should be moved to a different prison. The Act requires that prisoners be notified of the annual case review and invited to participate. Under a standard operating procedure, the department also required the prisoner's Case Management Coordinator to verbally advise the prisoner of the outcome of the annual case review, and to document this discussion in the department's record management system.

The prisoner alleged that they had not been advised, in any manner, about their annual case review for over two years.

I contacted the department about both of these issues.

The department provided me with documentation showing that the prisoner's Case Management Co-ordinator had discussed the prisoner separation review with the prisoner each week. However, the prisoner had not always been provided with a copy of the separation review form each week. The department told me that it had implemented a process to ensure that prisoners who were separated from the prison community were provided with the separation review form, which coincided with an update to its standard operating procedure about separation of prisoners.

Nonetheless, the department appeared to have failed to comply with its own standard operating procedure in not providing a hard copy of the weekly separation review form.

I asked if the department would be willing to provide me with quarterly updates over the next 12 months, to monitor and ensure the prisoner was provided with the separation review forms as required (if the prisoner remained separated from the prison community for that entire time). I also asked the department to provide me with a copy of the updated standard operating procedure once this had been completed. The department agreed.

In relation to the prisoner's annual case review, the department provided evidence that the complainant had been notified of each annual case review for 2019, 2020 and 2021, and was provided the opportunity to be engaged with that process.

The department told me that it did not have a record of the prisoner being verbally notified of the outcome of their annual case reviews for 2019, 2020 or 2021. The department had, however, provided the prisoner with a letter summarising the outcome of their annual case review for 2021.

The department's failure to record that the prisoner was verbally notified of the outcome of their 2019 and 2020 case review appeared contrary to the standard operating procedure, and I could not be satisfied that the prisoner had, in fact been notified of the outcomes. I asked the department if it would be willing to report back to me about the complainant's case

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review in 2022 and 2023 to confirm that the complainant received verbal notification of the outcome of those case reviews, and that this was documented in the department's record management system. I also asked the department if it would be willing to review a potential inconsistency that I had noticed between two of its standard operating procedures applicable to the issues raised in this complaint. The department agreed and I continue to monitor this matter.

Other examples

Examples of other voluntary actions completed by agencies this reporting year are:

- The Southern Adelaide Local Health Network made practice improvements to their Freedom of Information Service to ensure the service meets their statutory responsibilities under the *Freedom of Information Act 1992*.
- The Metropolitan Fire Service and Country Fire Service both reviewed and amended their social media policies and procedures to more clearly preclude the posting of party-political content.
- A local council apologised to local residents, increased their communication with affected residents and increased plantings of native plants on location after a complaint about the way a council development had proceeded.
- The Barossa, Hills and Fleurieu Local Health Network completed a holistic review of their Freedom of Information policies and processes and implemented changes, particularly with regard to managing complex decisions.
- Several different matters involving allegations of misconduct were referred to relevant public sector agencies for investigation, with a report to be submitted to me by the agency on completion.

Audits

Ombudsman Act

No audits were conducted under the Ombudsman Act in this reporting year.

Forensic procedures audit

Each year I am required to audit compliance with the *Criminal Law (Forensic Procedures) Act 2007* (CL(FP) Act). I have delegated to my Deputy Ombudsman the responsibility of preparing the audit report. On 30 September 2021 the audit report was submitted to the Attorney-General for the period 1 July 2020 to 30 June 2021.

The audit indicated that most statutory requirements were fully complied with. Where this was not the case, compliance against the relevant provisions was more common than not. The audit identified the following legislative requirements in respect of which further improvement might be achieved (in terms of actual compliance or recording compliance):

- If reasonably practicable, a person of the same sex as the suspect or victim or volunteer conduct an intimate procedure.
- Where an intrusive procedure is to be carried out on a suspect or a victim or volunteer, that person must be allowed a reasonable opportunity to arrange for the attendance, at their own expense, of a medical practitioner of their choice to witness the forensic procedure.
- Where an intrusive procedure is to be carried out on a victim or volunteer, that person may request the making of an audio-visual record of the same and pursuant to that request, such a record must be made.
- Where a senior police officer must authorise a procedure, they must be satisfied that the public interest in obtaining evidence to prove or disprove the respondent's guilt outweighs the public interest in ensuring that private individuals are protected from unwanted interference.

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The CL(FP) Act does not provide the Ombudsman with specific power to make recommendations, but the following suggestions were made with a view to achieving improvements to practice or to the recording of procedures:

- 1 That the Commissioner of Police consider amending the form PD184A, used for recording volunteers and victims procedures, to include a prompt to record whether the person has been notified that they may, at their own expense, be allowed a reasonable opportunity to arrange for the attendance of a medical practitioner of their choice to witness the forensic procedure.
- 2 That the Commissioner of Police consider amending the form PD184A, used for recording volunteers and victims procedures, to include a prompt to record whether the person wishes to request the making of an audio-visual record.
- 3 That the Commissioner of Police give further consideration to how electronic recordings of forensic procedures are made and stored in order to potentially mitigate the loss or corruption of such recordings (including consideration of whether further quality assurance processes are required).
- 4 That the Commissioner of Police reiterate to senior police officers the requirement to properly consider and record reasons for concluding the public interest was in favour of carrying out an authorised procedure.
- 5 That the Commissioner of Police investigate ways police officers might make appropriate electronic recordings of their notes (such as, for example, by making these notes initially in an electronic form or transcription of notes afterwards).
- 6 That the Commissioner of Police consider amending the form PD431 and the senior police officer's aide memoire to include a prompt for the senior police officer to ask after an order has been made whether the suspect requests that a medical practitioner of their choice and at their own expense witness the procedure.
- 7 That the Commissioner of Police consider what procedural or other steps might be implemented to improve compliance with section 21(3) of the CL(FP) Act.

The report can be viewed at: <https://www.ombudsman.sa.gov.au/publication-documents/audit-reports/2021/Audit-of-compliance-with-the-Criminal-Law-Forensic-Procedure-Act-2007-September-2021.pdf>



Freedom of Information Act jurisdiction

Freedom of Information Act jurisdiction

The *Freedom of Information Act 1991* (the FOI Act) gives every member of the public a right of access to documents held by state government-related agencies, Ministers, statutory authorities, councils, public hospitals and universities, subject to certain exceptions. Examples of documents that may be exempt include:

- documents that would lead to an unreasonable disclosure of another person's personal affairs
- documents that contain trade secrets or information of commercial value
- documents affecting law enforcement and public safety
- documents of exempt agencies as declared by the *Freedom of Information (Exempt Agency) Regulations, 2008*.

Parties who are dissatisfied with determinations made by agencies may apply to my office for an external review of the decision concerning access to documents. I can confirm, vary or reverse the agency's determination. In some cases, my office may facilitate a settlement between parties.

The FOI Act also gives any person a right to have records which concern their personal affairs amended, if those records are incomplete, incorrect, out of date or misleading. I am also able to review agency decisions in relation to the amendment of records.

Parties to a FOI matter may have my determination reviewed by the South Australian Civil and Administrative Tribunal (prior to 8 December 2016 the appeal right lay to the District Court).

External reviews

My office continues to receive an increasing number of external review applications. This year, 378 requests for review were received; an increase of 5% compared to the 2020-21 reporting year. As for the past two years, 2021-22 was a further record year for applications received.

The majority of external review applications received this year related to determinations by the Department for Correctional Services (28%), the Department for Health and Wellbeing (20%), SA Police (11%), and the Central Adelaide Local Health Network (8%). With the exception of SA Police, the bulk of those applications (76%) arose as a result of deemed access refusals, where the agencies had failed to determine the applications within the required statutory timeframe.

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Consistent with previous years, Members of Parliament continue to make frequent use of this office’s external review function, accounting for 29% (109 of 378) of requests received.

My team of legal officers have built upon the significant gains of the previous year, managing to finalise 423 external review requests, with 303 matters (72%) finalised by way of formal determination. Of those formal determinations, 18% of agency determinations were confirmed, 27% were reversed and 55% were varied.

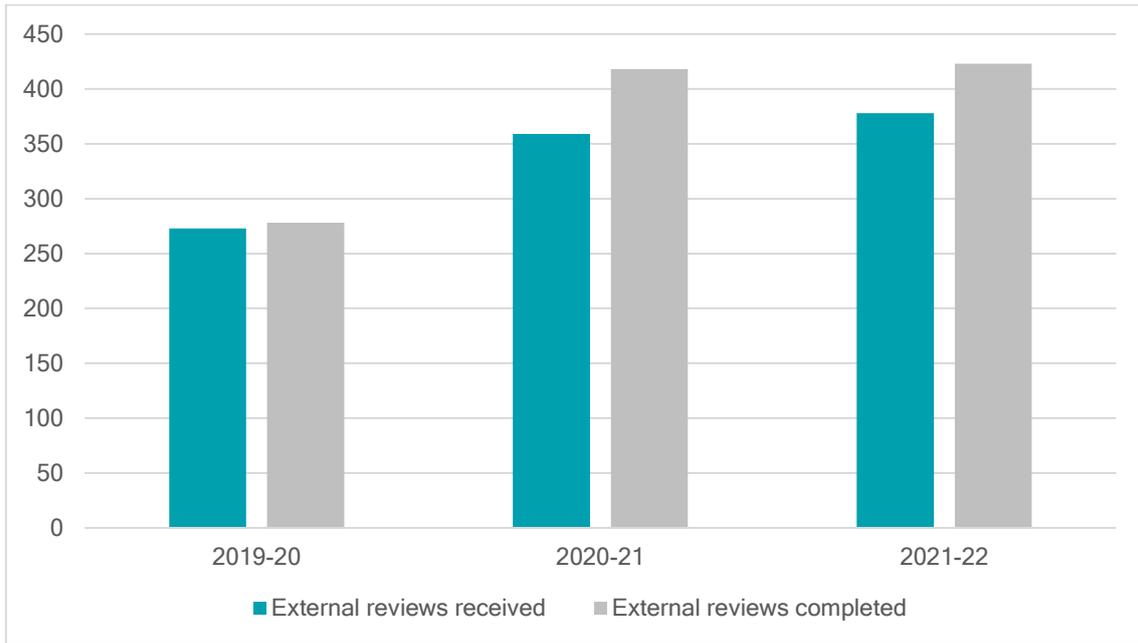
Remarkably, despite the ongoing increase in external review requests received and finalised, the average time taken to complete external reviews has decreased by almost half. In 2021-22, the average number of days taken to finalise an external review has dropped to 86 days, compared with 153 days in 2020-21.

I exercised my power under section 39(4) of the FOI Act to publish 23 of my formal, external review determinations on the Ombudsman SA website. These may be accessed at: <https://www.ombudsman.sa.gov.au/publications/foi-determinations>.

Breakdown of matters received and completed by year

FOI JURISDICTION	2019-20					2020-21					2021-22				
	Government Departments	Local Government	Other Authorities	Minister	Total	Government Departments	Local Government	Other Authorities	Minister	Total	Government Departments	Local Government	Other Authorities	Minister	Total
External reviews received	119	17	79	58	273	189	33	113	24	359	277	25	69	7	378
External reviews completed	146	21	57	54	278	208	34	126	50	418	293	35	85	10	423

External reviews received and completed by year



External reviews completed within time periods for the last three financial years

	<30 days	<120 days	<180 days	<270 days	<365 days	>365 days	Total
2019-20	41	65	36	60	39	37	278
2020-21	63	161	66	61	28	39	418
2021-22	75	271	67	8	1	1	423

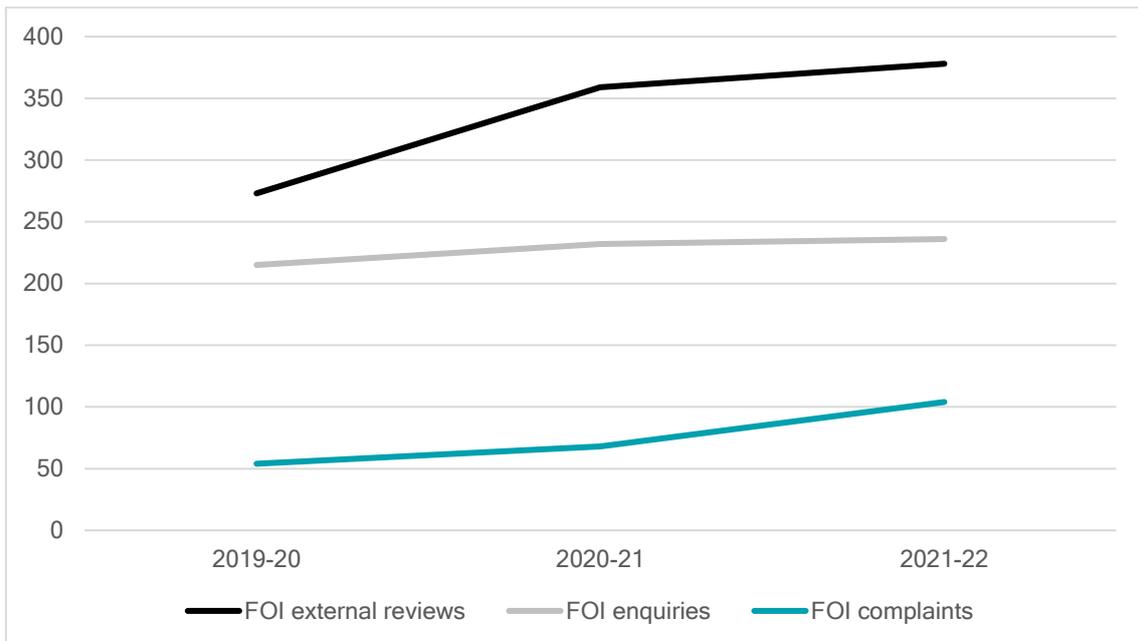
Complaints about FOI matters

This year my office received a small increase in requests for FOI advice, with 236 requests for advice compared with 232 requests during 2020-21. However, my office received a 27% increase in FOI complaints, the majority relating to FOI practices and procedures. Nevertheless, my team of legal officers reduced the timeframe for dealing with these complaints from 98 days in 2020-21 to 55 days in this year. This amounts to a 56% increase in timeliness for finalising complaints during 2021-22.

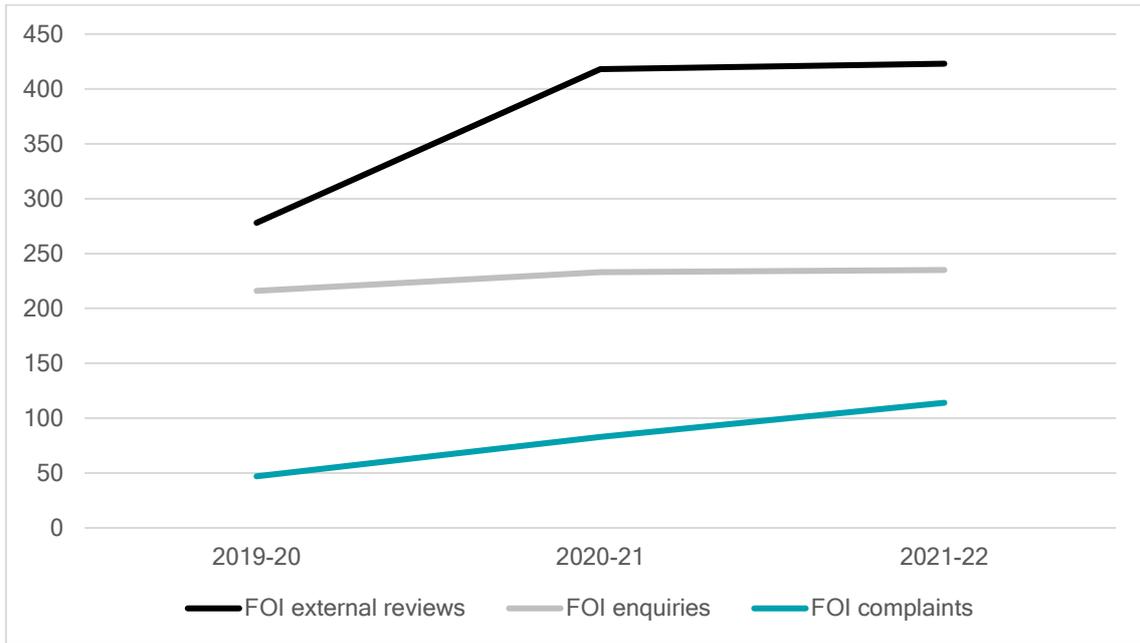
Complaints about FOI matters by year

Matter type	2019-20		2020-21		2021-22	
	Received	Closed	Received	Closed	Received	Closed
FOI external reviews	273	278	359	418	378	423
FOI enquiries	215	216	232	233	236	235
FOI complaints	54	47	68	83	104	114
Summary of FOI complaints						
FOI practices and procedures	36	23	47	62	82	87
Sufficiency of search	18	24	21	21	22	27

Received external reviews, complaints and enquiries about FOI matters



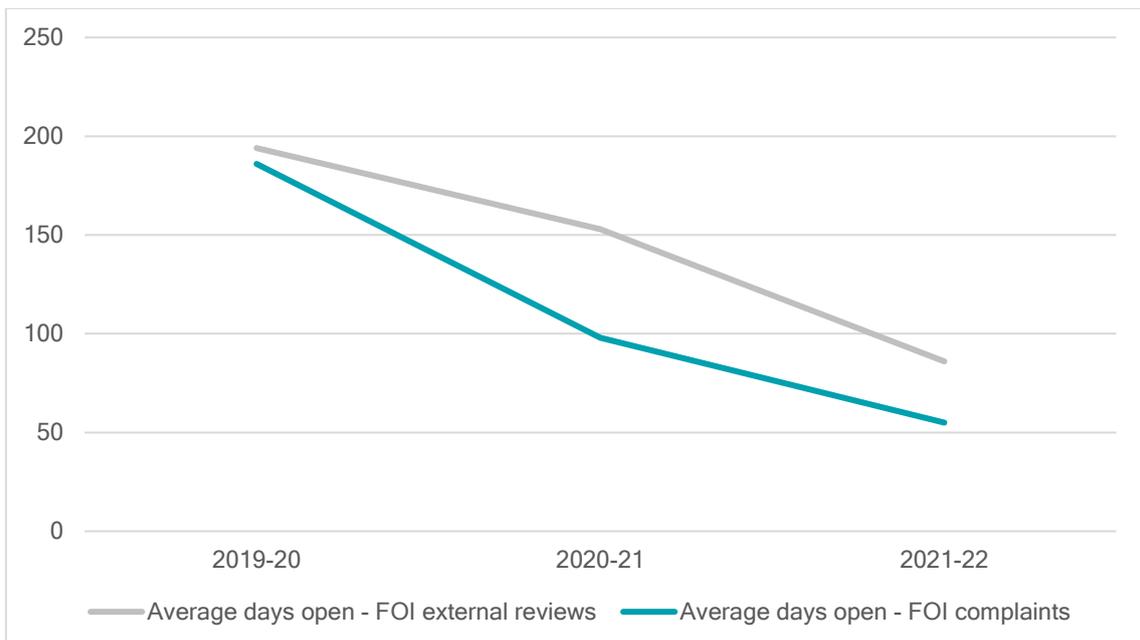
Completed external reviews, complaints and enquiries about FOI matters



Average days open for external reviews and complaints

	2019-20	2020-21	2021-22
Average days open - FOI external reviews	194 days	153 days	86 days
Average days open - FOI complaints	186 days	98 days	55 days

Average days open for external reviews and complaints by year





Other activities

Submissions

In July 2021, I was consulted on a draft Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2021 in relation to proposed amendments to two provisions of the Ombudsman Act: section 5(2) which still refers to the *Police (Complaints and Disciplinary Proceedings) Act 1985* (a statute repealed in 2016), and section 29 relating to the date by which my annual report must be presented to parliament. In my response I agreed with the proposed amendments, but the Bill did not eventuate.

On 22 September 2021, I appeared before the Crime and Public Integrity Policy Committee. The purpose of my appearance was confirmed when the hearing began, which was for me to provide my comment on a Private Member's Bill to amend the ICAC Act and a variety of other Acts including the Ombudsman Act⁶. The Bill was due to be debated in the Upper House that afternoon and I was advised that there were amendments to be filed to the Bill, which I had not seen. In this situation, I could only comment in a cursory way on some of the key proposed changes that would affect my office. The Bill, with a range of significant amendments of which I had no notice, was passed unanimously by both Houses within two days of this hearing. The changes that the amendments have made to the ICAC, the OPI and my office are significant. However, there was almost no debate or explanation given as to either the reason for all the changes or the meaning of the individual provisions so as to give any insight as to how they are supposed to operate in practice.

The result of the legislation being hastily passed with minimal public consultation and no meaningful parliamentary debate is that I am now working with an Ombudsman Act that has a number of ambiguous provisions. In the course of the next 12 months I will outline my concerns to the Attorney-General with a view to improving the legislation.

Public Interest Disclosure Act disclosures

I am a 'relevant authority' for the purposes of receiving disclosures under the *Public Interest Disclosure Act 2018* where the information relates to an agency to which the Ombudsman Act applies. I am required to take action and notify the informant and the OPI of action taken, and the outcome.

Disclosures received during 2021-22

	Disclosures
Government Departments	15
Local Government	54
	Councils 11
	Elected Members 43
Other Public Officers and Authorities	20
Total	89

⁶ Independent Commissioner Against Corruption (CPIPC Recommendations) Amendment Bill 2021.

Conferences

Twice in the reporting period, I attended conferences with the Association of Information Access Commissioners. The first was held virtually in September 2021. The second was held in April 2022 in Sydney and I attended in person; my first interstate trip in two years. At these conferences we discuss issues of common concern related to our oversight of our respective jurisdiction's access to government-held information statutory regimes. At the September 2021 Conference we developed a joint statement to coincide with International Access to Information Day. The statement drew attention to the Open by Design Principles⁷ which promote proactive disclosure of government-held information in support of open government and the advancement of our system of representative democracy.

Response to COVID-19 pandemic

In the reporting period, the office received 86 enquiries on COVID-19 related issues and 844 complaints about government actions in regard to the COVID-19 restrictions. The office also received 20 referrals from the OPI in relation to COVID-19.

The majority of complaints concerned the Department for Health and Wellbeing, with issues mostly relating to requests for quarantine exemptions and mandatory vaccination exemptions, as well as cross border travel. When the South Australia borders opened to interstate vaccinated arrivals my office received complaints about refusals and delays in granting exemptions for unvaccinated people, as well as hotel quarantine requirements. Other issues included mandatory requirements (mask and vaccine) and communication and technology issues.

The department experienced a high volume of exemption applications, and my office received a large number of complaints about the delays in receiving responses to the applications. By September 2021 my office was receiving around three times more complaints than it had been six months earlier, largely as a result of complaints about delays in assessing exemption applications.

My view was that many of these complaints were not matters that were appropriate for my office to be dealing with, but my office noticed that people resorted to contacting my office due to a lack of assistance from the COVID-19 information telephone line, as well as a lack of any other means of promptly finding out information about their applications.

I met with the department in September 2021 in relation to the issues that had been raised with my office about the system and the resulting delays in granting of COVID-19 exemptions. The department satisfied me that it had put a number of processes in place to assist it to triage and address the large influx of applications.

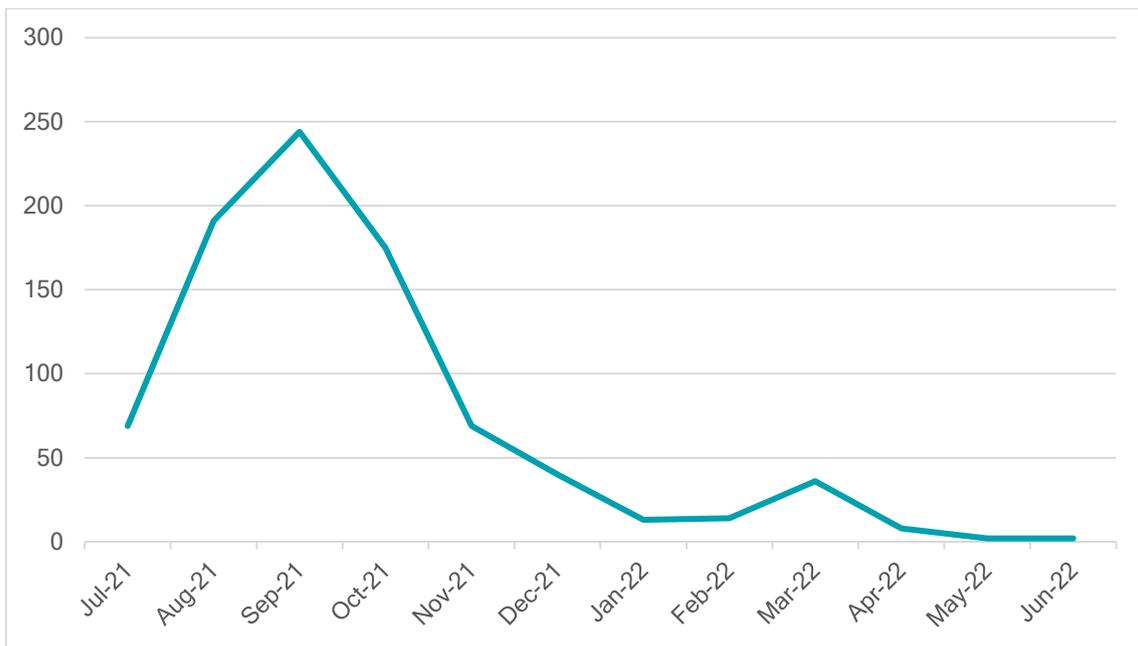
⁷ The principles were developed to fulfil the Open by Design commitment under consideration for inclusion in Australia's Third Open Government National Action Plan 2021-22.

OFFICIAL

By November 2021, I was receiving a large number of complaints about mandatory vaccination requirements, either for employment or to enter South Australia. In most cases I took the view that it would appear that the decisions were reasonably open to the department to make based on an assessment of risk to public health, and as such there did not appear to be an error on the part of the department that warranted investigation by my office. I took the view that, given the real risks to the community of COVID-19, it was not in the public interest to investigate complaints about mandatory vaccination requirements.

My office regularly contacted the department in relation to people in particularly vulnerable circumstances or urgent matters. In most cases I was satisfied that the department promptly took steps to address and resolve the issues.

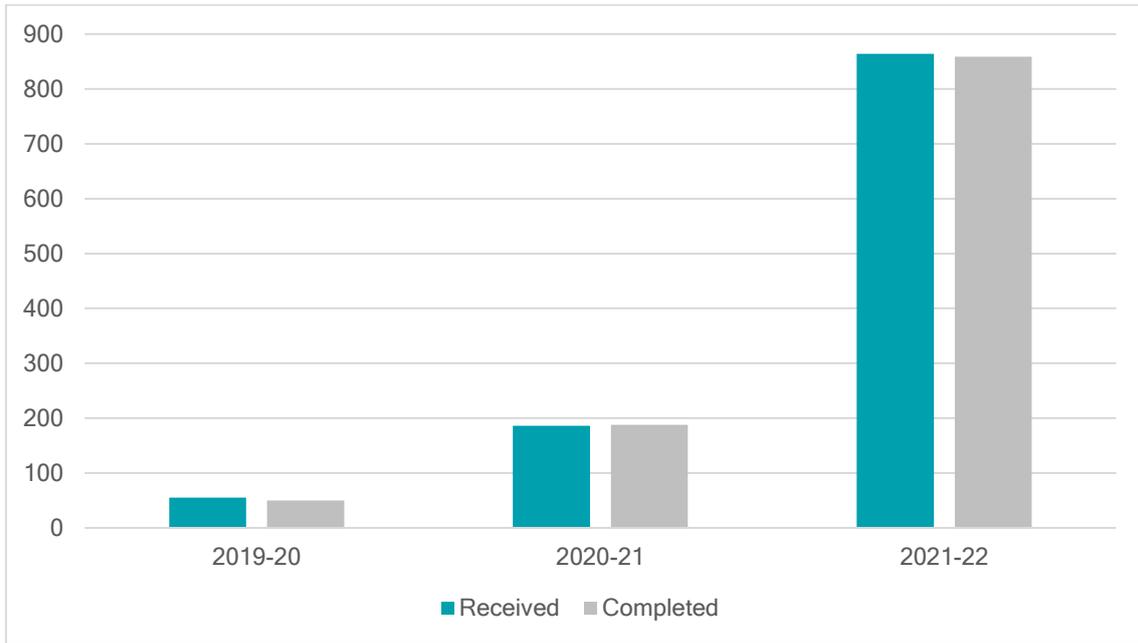
COVID-19 related complaints received by month during 2021-22



COVID-19 related complaints and referrals received and completed by year

	2019-20	2020-21	2021-22
Received	55	186	864
Completed	50	188	859

COVID-19 related complaints received and completed by year



Access to fresh air in hotel quarantine

In my 2020-21 Annual Report I reported that I had intervened to address a number of complaints about the Department for Health and Wellbeing and the conditions in medi-hotel quarantine, specifically the lack of access to fresh air and the failure to provide suitable accommodation and facilities for families. I reported that I had received a positive outcome in that the department took action to ensure that all guests would have access to fresh air either through provision of a balcony or an opening window.

In October 2021 I received a small number of complaints again about a lack of access to fresh air in medi-hotel quarantine. I met with the department to discuss the re-emergence of this issue. The department advised my office that it always attempted to allocate travellers to rooms with a preference for rooms with access to fresh air, however, at the time there had been an unexpected influx of domestic travellers which meant that all of the rooms with access to fresh air had been filled. The department advised that it set aside some fresh air rooms in case of an emergency (mental health crisis etc.) and that it worked to move travellers to fresh air rooms as soon as possible. I was satisfied that this issue was resolved promptly, and I received no further complaints about access to fresh air in medi-hotel quarantine.

A number of the COVID-19 related issues were resolved when the state borders were opened to vaccinated travellers on 23 November 2021. In the meantime, the department took steps to address the complaint process in dealing with the influx of complaints to both my office and theirs. This included the establishing of a direct inbox for complaints about hotel quarantine as well as supports for people in quarantine.

Other agencies

Other complaints relating to COVID-19 mainly concerned SA Police and cross border travel applications, as well as the Department for Correctional Services. My office also received a very small number of complaints about other agencies.

Each time a complaint has raised issues that warranted further enquiry, I have brought the matter to the attention of the relevant agency for a response. To date I have been satisfied that each agency has responded appropriately to the concerns raised and I have not needed to escalate the complaint to formal investigation.

SA Police – COVID-19 complaints

My office received a comparatively small number of complaints (i.e.25) about the administrative actions of SA Police.

Department for Correctional Services – COVID-19 complaints

My office received a comparatively small number of complaints (i.e. 23) about the Department for Correctional Services. Those complaints were about a variety of issues, including restrictions placed on prisoners due to COVID-19, but I did not identify any systemic issues warranting further enquiries using my own initiative powers.

At the commencement of the pandemic, my office expected to receive complaints from prisoners about COVID-19 but, surprisingly, the number was extremely low, and remained so even after COVID-19 entered the prisons after the opening of the borders. I have had regular communication with the department about its management of COVID-19 in South Australian prisons. I have been satisfied that the department took all preventative steps necessary to ensure the health and safety of prisons and, when cases inevitably occurred, efficiently and effectively implemented its COVID-19 Response Plan to manage the COVID-19 outbreaks in prisons and care for prisoners who contracted the virus.

I continued to monitor the rollout of the COVID-19 vaccine in prisons. In November 2021, the department updated me about its rollout of the COVID-19 vaccine to prisoners as well as its COVID-19 response generally. The department advised that the vaccine uptake with staff and prisoners was progressing well and that it had implemented a system to track prisoners' vaccination status and that the COVID-19 response levels in different sites are adjusted according to the vaccination levels at the sites.

COVID-19 enquiries using my 'own initiative' powers

Department for Health and Wellbeing

Delays in issuing temporary mandatory vaccination exemptions

2022/01556

Complaints

In March 2022 I received 16 referrals from the OPI about the Department for Health and Wellbeing about the issuing of temporary mandatory vaccination exemptions to people who had contracted COVID-19.

The emergency directions issued under *the Emergency Management Act 2004* imposed mandatory vaccination requirements in certain circumstances, and each of the applicable directions had an exemption clause recognising that having had COVID-19 in the past four months was a valid ground for a temporary exemption to mandatory vaccination requirements. The complaints alleged that, despite this exemption, the department was taking more than four weeks to process applications.

Given that the complaints raised similar issues, using my own initiative powers, I made enquiries with the department about the processes and timeframes for assessing and granting temporary exemptions to mandatory vaccination requirements.

Outcome

In response to my enquiries the department acknowledged that there were periods when there were delays in the granting of the mandatory vaccine exemptions. The department advised my office of the turn-around times relating to complete and incomplete applications, and the reasons that those varied at different times, and provided me with a detailed explanation for the delays.

I was satisfied that, in most cases, the delays were because of the applications being incorrect and/or incomplete. There were also delays because of applicants failing to promptly respond to further requests for information. This mostly occurred where applicants had failed to include:

1. under which work-setting Direction they were seeking an exemption
2. their vaccination status, and/or
3. the incorrect form was supplied.

Further, the department acknowledged that there was a very small number of applications delayed due to human error, resulting in those applications not progressing in a timely manner. I considered the number of applications delayed due to human error and, whilst this was unfortunate, I considered that the number was negligible and, as such, did not warrant investigation by my office.

The department provided me with a clear step-by-step overview of the process that took to progress and assess the vaccine exemption applications, as well as the criteria considered. I carefully considered this information and determined that the processes put in place by the department were reasonable in the circumstances.

I acknowledged that COVID-19 placed an enormous pressure on the department. Whilst it was clear that there were delays at times in the processing and granting of vaccination exemptions, and no doubt those delays caused people financial and personal stress, I considered that the delays were as a result of the rapidly changing and unpredictable nature of the pandemic. I did not identify any actions of the department in relation to the processing and granting of temporary exemptions to mandatory vaccination requirements that warranted my investigation.

OFFICIAL

SA Police

Failure to notify travellers of revoked cross border travel registrations

2021/03609

Complaint

In July 2021 I identified that I had received a number of complaints about the SA Police Cross Border Travel Registration process.

Multiple complainants advised my office that their Cross Border Travel Registrations were initially approved and then subsequently denied when they arrived at a state border checkpoint. In each of those instances the border restrictions had changed between the time of their approval being granted and their arrival at the checkpoint.

I recognised that changes in the current Emergency Management Directions may require travellers' previously approved registrations to be revoked. I, however, queried whether it would be beneficial for SA Police to notify travellers who had received approvals that their registration was no longer valid. I queried whether directly notifying travellers (via SMS, for example) when changes come into effect would assist in reducing confusion and preventing unnecessary frustration, delay and travel time for those affected by sudden changes in the Directions.

Outcome

SA Police provided me with a detailed response explaining that, due to the volume of applications and rapidly evolving restrictions (varying from day to day at times) and the unique nature of the applications, it would be impractical to review approvals to identify those who may have been affected by a change. I was satisfied that SA Police took reasonable steps to advise travellers that their approval to enter South Australia and the associated conditions of entry were valid at the time of approval but were subject to change and that they should monitor travel restrictions prior to travel and that people needed to check the website daily.

COVID-19 complaint early resolution case studies

Department for Health and Wellbeing

Request for information to appeal against cross border exemption decision

2021/07592

Complaint

A couple contacted my office in relation to their exemption application to enter South Australia. Their exemption had been declined and they had sought reasons for the decision but had not received a response at the time they contacted my office. The complainants made multiple attempts to contact the department to understand the reasoning for the decision so that they could appeal it. The complainants were unsure how to proceed.

Outcome

My office made enquiries with the department and explained the reasons that the complainants were seeking the exemption. In response the department granted the complainants the exemption and they were able to enter South Australia.

Department for Health and Wellbeing

Incorrect date on exemption

2021/05265

Complaint

A couple complained to my office about the issuing of an exemption to cross the border into South Australia. The complainants had sold their property interstate and were relocating to South Australia. They received their cross-border travel exemption, which allowed them 7 days in which to travel, but the date was incorrect, and the 7 days had already passed when they received the exemption. Due to their financial situation, the complainants were unable to pay for additional accommodation and daily needs if they were forced to wait for a new exemption to be processed and issued and they would have been rendered homeless.

Outcome

Given the complainants' vulnerability my office made urgent enquiries with the department which responded promptly to address the complaint and resolve it.

Prison visits

During the year, members of my staff and I visited:

- Mount Gambier Prison
- Adelaide Women's Prison
- Yatala Labour Prison
- Port Augusta Prison
- Adelaide Remand Centre.

The visits were informative and increased my office's understanding of prison operations. The visits, conducted in a COVID-19 safe manner, consisted of a short tour and an outreach activity, allowing an opportunity to speak directly with prisoners.

The nature of the outreach activity varied between group discussions to one-on-one interviews, depending on the prison. In each visit, prisoners raised a number of issues, some of which had become more pressing in light of the COVID-19 pandemic. In summary those issues broadly related to:

- Prisoner communication and visits.
- Access to treatment and support for physical and mental health issues.
- Amenities and facilities, both in relation to access and maintenance.

Stakeholder engagement

My office engaged with a number of agencies to assist in the improvement of administrative and complaint handling processes and to raise systemic issues. This included meetings with agencies, as well as corresponding in writing, to raise issues brought to my office's attention. Whilst COVID-19 had some impact on my ability to meet with agencies face-to-face in 2021-22, I was still able to continue the work of the office in engaging with stakeholders. The engagement led to positive outcomes, as outlined below.

SA Housing Authority

My office regularly communicated with the SAHA to assist in the management of complaints received mostly from tenants of the agency.

In November 2021 staff from my office met with SAHA in response to an increase in complaints about people being unable to access SAHA properties, homelessness and domestic and family violence. The agency explained to my office the significant changes in relation to the management of homelessness and domestic and family violence, with the creation of the SA Homelessness and Domestic and Family Violence Alliances. The Alliances were formed on 1 July 2021 and are the coming together of a number of non-government Service Providers and SAHA to work together to service the complex and evolving needs of clients experiencing or at risk of homelessness across South Australia. My office was able to gain useful information to be able to refer complainants for support in relation to homelessness or domestic and family violence.

In April 2022 my officers met with the SAHA in response to a noticeable increase in complaints about unresolved maintenance issues and complaints about disruptive SAHA tenants. At the time, my office had an increase of 10% more complaints about the SAHA than the number of complaints at the same time in the last financial year. The agency reported that it was experiencing the same increase in complaints. My officers discussed with SAHA the internal processes used to address complaints, as well as the processes used in responding to enquiries from my office. I was satisfied with the agency's processes and was pleased to learn of the steps being taken to address maintenance issues, including revised contracts for maintenance providers to improve customer experiences and embed greater compliance with KPIs.

My office also monitored the progress of SAHA's asset inspection audit over the course of 2021-22.

Public Trustee

My office communicated with the Office of the Public Trustee to address complaints. I was pleased with the Office of the Public Trustee's timely response and assistance in the resolution of issues.

In April 2022 my office met with the Office of the Public Trustee, which provided an overview of key personal estate administration processes, quality assurance activities and other reviews that are undertaken across the business. The Office of the Public Trustee outlined the journey of a customer for establishment and ongoing maintenance through to file completion. The Office of the Public Trustee also explained its procedural compliance programs to effectively monitor and address risk within the Public Trustee customer services branches. My office was impressed with the compliance program and auditing activities of the agency.

Return to Work SA

I met with RTWSA in August 2021 and February 2022 to discuss trends and issues, including Access to Information requests, insurance updates and critical incidents. RTWSA advised me of the impact of COVID-19 on claim management, including delays in treatment as a result of providers requiring double vaccination status and/or offering only telehealth appointments. I was satisfied with the initiatives undertaken by the agency to address increases in disputes as a result of COVID-19.

In October 2021 and November 2021 my office liaised with RTWSA in relation to the decision in *Return to Work Corporation of South Australia v Summerfield* (the *Summerfield* matter). It was expected that the legal outcome of this matter could potentially have a significant impact on the Return to Work Scheme given that the decision was relevant to a significant number of claims, and potentially result in an increase in complaints to my office. RTWSA provided me with information on the *Summerfield* matter and advised of its approach in response to the decision. I was satisfied that the agency acted pre-emptively and promptly in addressing and applying the Supreme Court's ruling in accordance with the circumstances of each individual worker's claim that was affected and, as such, my office was not impacted.

University of South Australia

In May 2022 my office corresponded and met with the University of South Australia after it was identified that the number of complaints to my office from students about their preclusion from courses was considerably higher than from other South Australian universities. I wished to ascertain the reason behind this and determine if there was a systemic issue warranting my investigation. I was satisfied that there was no error on the part of the university warranting my investigation but encouraged it to consider the wording of its policies and procedures manuals to more clearly articulate the role of my office to avoid raising students' expectations that my office would act as an 'external appeal' body and overturn their preclusions.

Department for Education

Following an anonymous complaint to my office and consideration of some incidents reported in the media, I considered whether the Department for Education's management of threats and violence made by students at a particular school against fellow students was an issue warranting my investigation. Using my 'own initiative' powers I corresponded with the department about this issue. The department willingly co-operated with my office and provided a response and additional information about the issue and satisfied me that it had taken reasonable action to respond to and prevent threats and violence against students at the school. I did not identify any administrative errors warranting my investigation.

Department for Correctional Services

My office continued to liaise with the Department for Correctional Services to address common complaints, including excessive lockdowns and other issues arising in prisons due to staff shortages. The department agreed to provide me with data to assist me in monitoring lockdowns in prisons and to ensure that prisoners are being afforded basic human rights.

I also requested that the Office for Correctional Services Review investigate 5 complaints made to my office and monitored those investigations. Four of those investigations are ongoing.

I met with the department in November 2021 and June 2022 to discuss a number of issues including complaint trends, COVID-19 updates, FOI External Reviews, and developments in systems that could affect prisoners. These meetings greatly increased my office's knowledge to rely on when dealing with complaints from prisoners.

South Australian Police

The Guardian for Children and Young People brought to my attention concerns about children and young people being held in the City Watch House and other police facilities. Using my own initiative powers, I made enquiries with SA Police about this issue.

In response to my enquiries, SA Police advised that any detention of a youth in a police custodial facility is a temporary measure, and children and young people are transferred to Kurlana Tapa Youth Training Centre as soon as reasonably practicable. SA Police also advised that children and young people never share a cell with an adult and, as a default, SA Police will ensure that a child or young person is kept out of sight of any other detainee.

I remain concerned about this issue as ideally, children and young people should not be held in the same areas as adults. However, in the absence of specific evidence from individuals to show that SA Police has failed to follow the processes in place, I did not consider that I had grounds for investigation. In light of that, I decided to close my file, but intend to monitor the issue.

Women's Information Service

Every month a member of my staff visits the Women's Information Service in Adelaide for half a day and provides advice to women about how they may have their concerns about government services addressed. This outreach was not possible during 2021 due to COVID-19 but resumed in May 2022 after restrictions eased.



About Ombudsman SA

What we do

The Ombudsman is empowered to:

- investigate the administrative acts of state government agencies, local government councils and statutory authorities; and also misconduct and maladministration in public administration
- conduct audits of the administrative practices and procedures of state government agencies, local government councils and statutory authorities
- conduct Freedom of Information reviews about release of information
- receive information about state and local government activities confidentially from informants under the *Public Interest Disclosure Act 2018*
- investigate complaints about breaches of service standards under the *Return to Work Act 2014*.

The aim of Ombudsman SA is to safeguard fairness and integrity in public administration for the benefit of South Australians.

Visit our website for further information about our services or to register a complaint directly online at: www.ombudsman.sa.gov.au.

The investigation process

Any party who is directly affected by an administrative act of a government department, council or statutory authority under our jurisdiction can make a complaint.

Investigations may be initiated by Ombudsman SA in response to a complaint received by telephone, in person, in writing or through the website from any person (or an appropriate person acting on another's behalf); a complaint referred to the Ombudsman by a Member of Parliament or a committee of Parliament; or on the Ombudsman's own initiative. We may also undertake audits of the administrative practices and procedures of an agency.

If the Ombudsman decides to investigate a complaint, we advise the agency and the complainant accordingly. As part of this process, we identify the issues raised by the complainant along with any other issues that we consider relevant. The Ombudsman can choose to conduct either an informal or a formal investigation (preliminary or full). If the Ombudsman decides not to investigate, the complainant is advised of this, along with the reasons for the decision.

Investigations are conducted in private and we can only disclose information or make a statement about an investigation in accordance with specified provisions of the Ombudsman Act.

At the conclusion of an investigation, the Ombudsman may recommend a remedy to the agency's principal officer, or recommend that practices and procedures are amended and improved to prevent a recurrence of the problem.

The Ombudsman should not in any report, make adverse comments about any person or agency unless they have been provided with an opportunity to respond. The Ombudsman may make a recommendation to Parliament that certain legislation be reviewed.

We will often publish our reports and determinations on our website at: www.ombudsman.sa.gov.au.

Our jurisdiction

Certain agencies and matters are outside Ombudsman SA's jurisdiction. We do not have the power to investigate:

- private persons, businesses or companies
- Commonwealth or interstate government agencies
- courts and judges
- legal advisers to the Crown

The Ombudsman can decide whether to commence or continue an investigation. Some of the factors that may influence this decision include whether the matter is more than 12 months old; whether the complainant has a legal remedy or right of review or appeal and whether it is reasonable to expect the complainant to resort to that remedy; or whether a complaint appears to be frivolous, trivial, vexatious, or not made in good faith. In some cases an investigation may not be warranted, such as where an agency is still investigating the complaint or a complaint has not yet been made to the agency, or where another complaint-handling body may be more appropriate.

Referral to other jurisdictions

Ombudsman SA also has an important referral role. Even though we may be unable to be of direct assistance to people who approach the office about matters that are not within our jurisdiction, we are often able to refer them to another appropriate source of assistance.

Ombudsman also refers matters to other agencies for those agencies to investigate. The Ombudsman may monitor the agency's handling of those investigations, and take further action as necessary.

Service principles

If a complaint is within the Ombudsman's jurisdiction, we will, in normal circumstances:

- provide an accessible and timely service, with equal regard for all people with respect for their background and circumstances
- provide impartial and relevant advice and clear information about what we can and cannot do
- provide timely, impartial and fair investigation of complaints
- ensure confidentiality
- keep people informed throughout the investigation of a complaint
- provide concise and accurate information about any decisions or recommendations made and provide reasons wherever possible.

Complaints about Ombudsman SA

In accordance with Premier and Cabinet Circular 013, which was updated as a result of a recommendation made by the former Acting Ombudsman in 2014, I report that my office responded to 25 complaints made about my office in the 2021-22 financial year and I set out a summary of those complaints below.

Number	Title	Matter Outcome
2021/02633	Complaint about OSA decision	OSA Decisions\No Internal Review
2021/02682	Complaint about OSA decision	OSA Decisions\No Internal Review
2021/03197	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome confirmed
2021/03539	Complaint about OSA service	OSA Services\Substantiated
2021/03553	Complaint about OSA service	OSA Services\Not substantiated
2021/04841	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome varied
2021/05985	Complaint about OSA decision	OSA Decisions\No Internal Review
2021/06733	Complaint about OSA decision	OSA Decisions\No Internal Review
2021/07687	Request for internal review of OSA decision	OSA Decisions\No Internal Review
2021/07692	Request for internal review of OSA decision	OSA Decisions\No Internal Review
2021/07951	Request for internal review of OSA decision	OSA Decisions\No Internal Review
2022/00631	Complaint about OSA decision	OSA Services\Not substantiated
2022/00704	Request for internal review of OSA decision	OSA Decisions\No Internal Review
2022/00872	Complaint about OSA service	OSA Services\Partly substantiated
2022/00890	Complaint about OSA service	OSA Services\Not substantiated
2022/00903	Complaint about OSA service	OSA Services\Not substantiated
2022/00983	Complaint about OSA decision	OSA Decisions\No Internal Review
2022/01055	Request for internal review of OSA decision	OSA Decisions\No Internal Review
2022/01697	Complaint about OSA Service	OSA Services\Not substantiated
2022/01967	Complaint about OSA service	OSA Services\Not substantiated
2022/02305	Complaint about OSA Service	OSA Services\Not substantiated
2022/02389	Complaint about OSA decision	OSA Decisions\No Internal Review
2022/02422	Complaint about OSA decision	OSA Decisions\No Internal Review
2022/02890	Request for internal review of OSA decision	OSA Decisions\No Internal Review
2022/03104	Complaint about OSA decision	OSA Decisions\No Internal Review

I am pleased to note that the number of complaints about my office has reduced from 40 in the previous reporting period to 25 in this reporting period.

Two complaints about **service** were substantiated or partially substantiated upon internal review.

In one matter, my office apologised to the complainant for failing to acknowledge receipt of correspondence in a timely manner and provided a detailed response explaining my decision.

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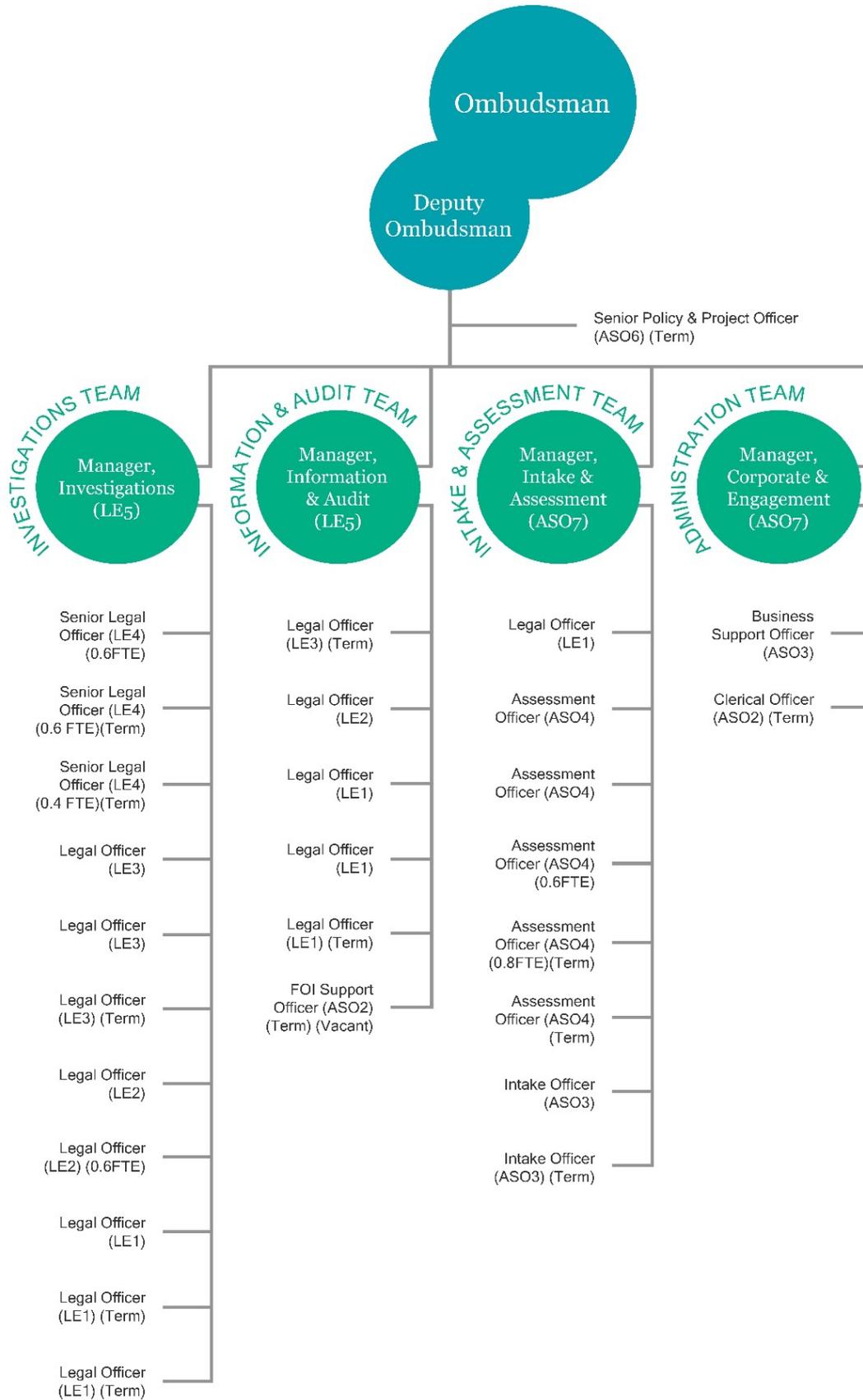
In the other matter, my office apologised to the complainant, given that they did not feel that they had a chance to properly explain their complaint on the phone. The internal reviewer organised for an Assessment Officer to ring the complainant in order to give them a further chance to explain their complaint, which was subsequently assessed.

One complaint about my **decision** led to the outcome being varied after internal review. The internal reviewer concluded that, while the handling of the initial complaint was reasonable, in light of further information provided by the agency, the matter should be re-considered and further enquiries made.

Financial statement

Expenditure	2019-20	2020-21	2021-22
Annual report	0	0	0
Computer expenses	90,960	68,792	70,848
Contributions to projects	0	0	0
Equipment maintenance	1,366	0	0
Equipment purchases	822	293	5,155
* Fringe Benefits Tax	11,471	12,540	12,541
* Motor vehicles	14,398	15,494	15,120
Postage	7,655	3,518	1,481
Printing and stationery	5,292	1,968	876
Projects	0	0	14,000
Publications and subscriptions	2,225	1,897	2,259
Staff development	17,553	14,627	6,329
Sundries	24,351	26,382	13,229
Telephone charges	18,489	7,436	5,376
Travel/taxi charges	9,251	257	3,575
Website development	22,305	47,949	0
Sub-total	226,138	201,152	150,789
*Accommodation and energy	391,271	214,873	213,616
Consultant/Contract staff/Prof costs	42,476	2,600	1,167
Sub-total	433,747	217,473	214,783
* Salaries	2,837,953	2,690,676	3,100,807
Sub-total	2,837,953	2,690,676	3,100,807
** Income	(611,621)	(354,000)	(361,000)
Sub-total	(611,621)	(354,000)	(361,000)
<p>* Figures include expenses incurred by the Ombudsman position (funded by Special Acts)</p> <p>** Includes recovery of expenditure from ReturnToWorkSA</p>			
Net expenditure	2,886,217	2,755,301	3,105,379

Organisational chart



As at 30 June 2022.

A large teal circle is centered on the page, containing the text 'Summary data'. To its left, a solid teal semi-circle overlaps its bottom edge. Below the large circle, there are several concentric teal circles of varying sizes, with a small solid teal circle at the bottom right. In the top left corner, there are several overlapping teal circles of varying sizes, some solid and some outlined.

Summary data

Ombudsman Act jurisdiction

Government departments

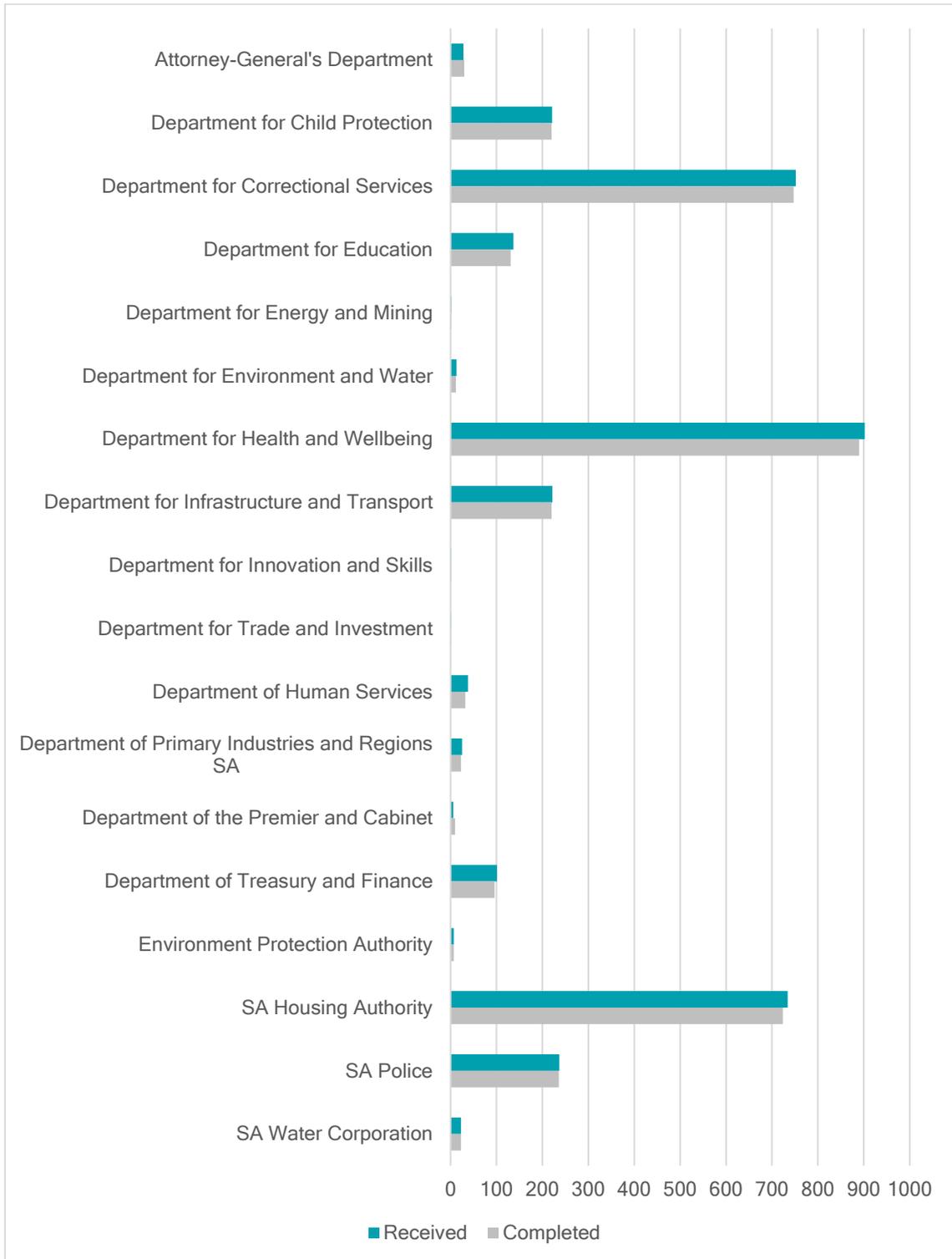
Summary tables

1 July 2021 - 30 June 2022

Complaints received and completed

Department	Received	%	Completed	%
Attorney-General's Department	28	0.81%	30	0.88%
Department for Child Protection	221	6.41%	220	6.46%
Department for Correctional Services	752	21.80%	747	21.93%
Department for Education	137	3.97%	131	3.85%
Department for Energy and Mining	2	0.06%	2	0.06%
Department for Environment and Water	13	0.38%	12	0.35%
Department for Health and Wellbeing	902	26.14%	890	26.13%
Department for Infrastructure and Transport	222	6.43%	220	6.46%
Department for Innovation and Skills	1	0.03%	2	0.06%
Department for Trade and Investment	1	0.03%	1	0.03%
Department of Human Services	38	1.10%	32	0.94%
Department of Primary Industries and Regions SA	25	0.72%	23	0.68%
Department of the Premier and Cabinet	6	0.17%	10	0.29%
Department of Treasury and Finance	101	2.93%	96	2.82%
Environment Protection Authority	7	0.20%	7	0.21%
SA Housing Authority	734	21.28%	724	21.26%
SA Police	237	6.87%	236	6.93%
SA Water Corporation	23	0.67%	23	0.68%
Total	3,450	100.00%	3,406	100.00%

Government departments complaints received and completed



OFFICIAL

Complaint outcomes

Outcome	Total	%
Alternate Remedy Available with Another Body	83	2.44%
Complainant Cannot be Contacted	66	1.94%
Declined s12H\Other Good Reason (s12H (1)(c))	1,842	54.08%
Declined s12H\Previously Dealt With (s12H (1)(c))	2	0.06%
Declined s12H\Referred to Other Agency (s12H(1)(b))	17	0.50%
Declined\Investigation Unnecessary or Unjustifiable	391	11.48%
Declined\No Further Action	2	0.06%
Declined\No Sufficient Personal Interest or Not Directly Affected (s17(2))	4	0.12%
Investigation Outcome\Not substantiated	1	0.03%
Investigation Outcome\Substantiated	2	0.06%
Out of Jurisdiction\Complainant not directly affected	3	0.09%
Out of Jurisdiction\Out of time	2	0.06%
Out of Jurisdiction\Statutory or legal remedy	8	0.23%
Out of Jurisdiction\Agency Not Within Jurisdiction	3	0.09%
Out of Jurisdiction\Employment	1	0.03%
Out of Jurisdiction\Policy	5	0.15%
Out of Jurisdiction\SA Police officer conduct	19	0.56%
Out of Time (s12C)	3	0.09%
Own initiative - discontinued	4	0.12%
Referred Back to Agency	580	17.03%
Report to OPI	8	0.23%
Resolved with Agency Co-operation	249	7.31%
S24(2)(a) ICAC Act\Discontinued	3	0.09%
S25 Finding\s25(1)(a) Finding / Contrary to Law	2	0.06%
S25 Finding\s25(1)(g) Finding / Wrong	3	0.09%
Withdrawn by Complainant	103	3.02%
Total	3,406	100.00%

Local government

Summary tables

1 July 2021 - 30 June 2022

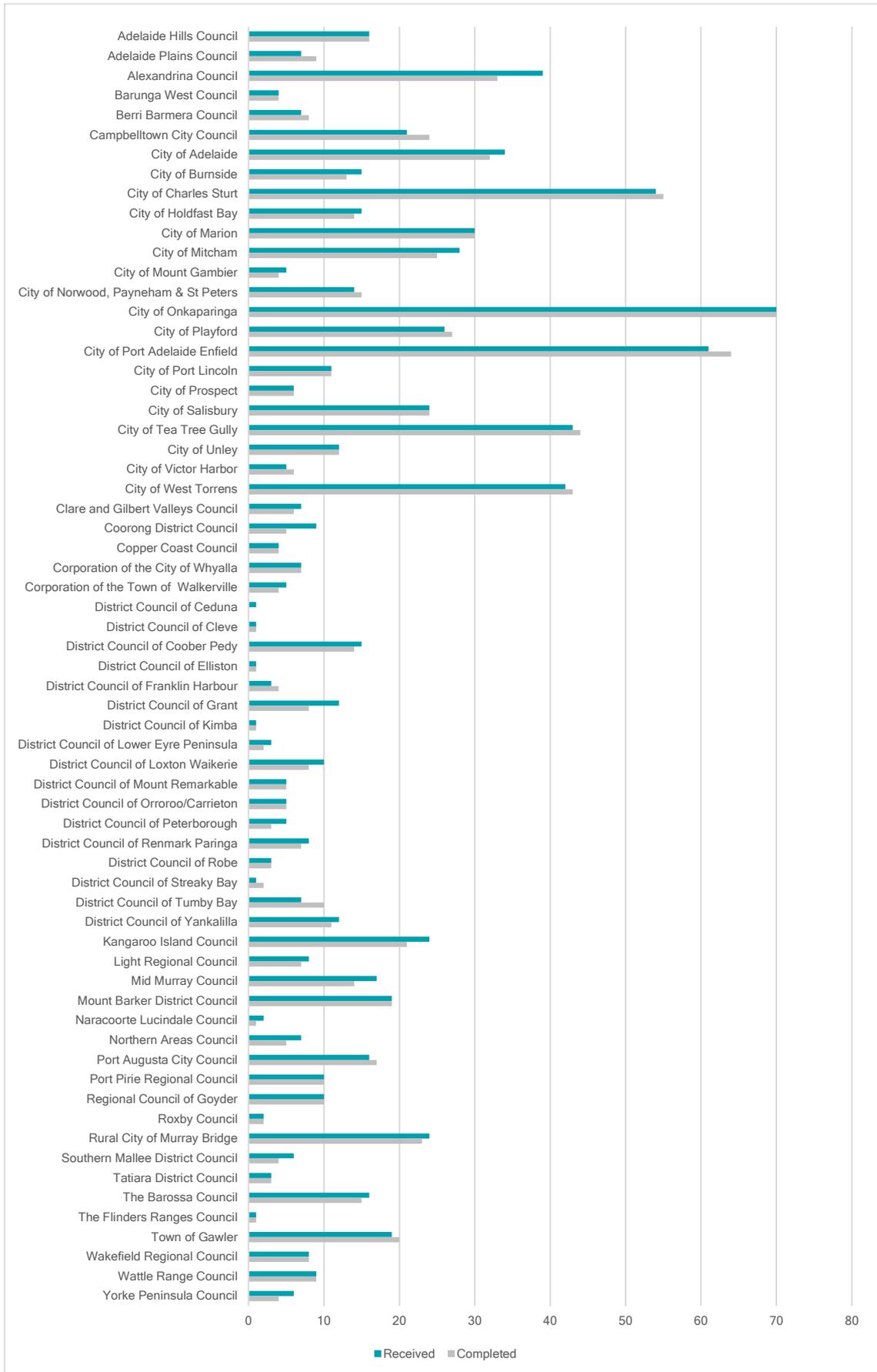
Complaints received and completed

Council	Received	%	Completed	%	Population 30 June 2021	Received / 10,000 pop	Completed / 10,000 pop
Adelaide Hills Council	16	1.74%	16	1.79%	40,233	3.98	3.98
Adelaide Plains Council	7	0.76%	9	1.01%	9,655	7.25	9.32
Alexandrina Council	39	4.23%	33	3.70%	28,510	13.68	11.57
Barunga West Council	4	0.43%	4	0.45%	2,571	15.56	15.56
Berri Barmera Council	7	0.76%	8	0.90%	10,746	6.51	7.44
Campbelltown City Council	21	2.28%	24	2.69%	53,084	3.96	4.52
City of Adelaide	34	3.69%	32	3.58%	25,746	13.21	12.43
City of Burnside	15	1.63%	13	1.46%	45,869	3.27	2.83
City of Charles Sturt	54	5.86%	55	6.16%	121,065	4.46	4.54
City of Holdfast Bay	15	1.63%	14	1.57%	37,806	3.97	3.70
City of Marion	30	3.26%	30	3.36%	94,927	3.16	3.16
City of Mitcham	28	3.04%	25	2.80%	67,696	4.14	3.69
City of Mount Gambier	5	0.54%	4	0.45%	27,421	1.82	1.46
City of Norwood, Payneham & St Peters	14	1.52%	15	1.68%	36,930	3.79	4.06
City of Onkaparinga	70	7.60%	70	7.84%	175,711	3.98	3.98
City of Playford	26	2.82%	27	3.02%	98,120	2.65	2.75
City of Port Adelaide Enfield	61	6.62%	64	7.17%	129,539	4.71	4.94
City of Port Lincoln	11	1.19%	11	1.23%	14,826	7.42	7.42
City of Prospect	6	0.65%	6	0.67%	21,925	2.74	2.74
City of Salisbury	24	2.61%	24	2.69%	144,160	1.66	1.66
City of Tea Tree Gully	43	4.67%	44	4.93%	100,879	4.26	4.36
City of Unley	12	1.30%	12	1.34%	38,915	3.08	3.08
City of Victor Harbor	5	0.54%	6	0.67%	15,996	3.13	3.75
City of West Torrens	42	4.56%	43	4.82%	61,077	6.88	7.04
Clare and Gilbert Valleys Council	7	0.76%	6	0.67%	9,463	7.40	6.34
Coorong District Council	9	0.98%	5	0.56%	5,400	16.67	9.26
Copper Coast Council	4	0.43%	4	0.45%	15,352	2.61	2.61
Corporation of the City of Whyalla	7	0.76%	7	0.78%	21,260	3.29	3.29
Corporation of the Town of Walkerville	5	0.54%	4	0.45%	7,990	6.26	5.01
District Council of Ceduna	1	0.11%	0	0.00%	3,401	2.94	0.00
District Council of Cleve	1	0.11%	1	0.11%	1,785	5.60	5.60
District Council of Coober Pedy	15	1.63%	14	1.57%	1,775	84.51	78.87
District Council of Elliston	1	0.11%	1	0.11%	1,004	9.96	9.96
District Council of Franklin Harbour	3	0.33%	4	0.45%	1,309	22.92	30.56

OFFICIAL

Council	Received	%	Completed	%	Population 30 June 2021	Received / 10,000 pop	Completed / 10,000 pop
District Council of Grant	12	1.30%	8	0.90%	8,646	13.88	9.25
District Council of Kimba	1	0.11%	1	0.11%	1,041	9.61	9.61
District Council of Lower Eyre Peninsula	3	0.33%	2	0.22%	5,851	5.13	3.42
District Council of Loxton Waikerie	10	1.09%	8	0.90%	11,780	8.49	6.79
District Council of Mount Remarkable	5	0.54%	5	0.56%	2,908	17.19	17.19
District Council of Orroroo/Carrieton	5	0.54%	5	0.56%	839	59.59	59.59
District Council of Peterborough	5	0.54%	3	0.34%	1,650	30.30	18.18
District Council of Renmark Paringa	8	0.87%	7	0.78%	9,909	8.07	7.06
District Council of Robe	3	0.33%	3	0.34%	1,496	20.05	20.05
District Council of Streaky Bay	1	0.11%	2	0.22%	2,226	4.49	8.98
District Council of Tumby Bay	7	0.76%	10	1.12%	2,756	25.40	36.28
District Council of Yankalilla	12	1.30%	11	1.23%	5,839	20.55	18.84
Kangaroo Island Council	24	2.61%	21	2.35%	5,108	46.99	41.11
Light Regional Council	8	0.87%	7	0.78%	15,626	5.12	4.48
Mid Murray Council	17	1.85%	14	1.57%	9,160	18.56	15.28
Mount Barker District Council	19	2.06%	19	2.13%	38,975	4.87	4.87
Naracoorte Lucindale Council	2	0.22%	1	0.11%	8,502	2.35	1.18
Northern Areas Council	7	0.76%	5	0.56%	4,650	15.05	10.75
Port Augusta City Council	16	1.74%	17	1.90%	13,536	11.82	12.56
Port Pirie Regional Council	10	1.09%	10	1.12%	17,473	5.72	5.72
Regional Council of Goyder	10	1.09%	10	1.12%	4,174	23.96	23.96
Roxby Council	2	0.22%	2	0.22%	3,853	5.19	5.19
Rural City of Murray Bridge	24	2.61%	23	2.58%	22,905	10.48	10.04
Southern Mallee District Council	6	0.65%	4	0.45%	2,064	29.07	19.38
Tatiara District Council	3	0.33%	3	0.34%	6,803	4.41	4.41
The Barossa Council	16	1.74%	15	1.68%	25,449	6.29	5.89
The Flinders Ranges Council	1	0.11%	1	0.11%	1,701	5.88	5.88
Town of Gawler	19	2.06%	20	2.24%	25,161	7.55	7.95
Wakefield Regional Council	8	0.87%	8	0.90%	6,807	11.75	11.75
Wattle Range Council	9	0.98%	9	1.01%	12,106	7.43	7.43
Yorke Peninsula Council	6	0.65%	4	0.45%	11,374	5.28	3.52
Total	921	100.00%	893	100.00%	1,762,514	5.23	5.07

Local government complaints received and completed



OFFICIAL

Complaint outcomes

Outcome	Total	%
Alternate Remedy Available with Another Body	19	2.13%
Complainant Cannot be Contacted	20	2.24%
Declined s12H\Other Good Reason (s12H (1)(c))	517	57.89%
Declined s12H\Previously Dealt With (s12H (1)(c))	6	0.67%
Declined s12H\Referred to Other Agency (s12H(1)(b))	2	0.22%
Declined\Investigation Unnecessary or Unjustifiable	99	11.09%
Declined\No Sufficient Personal Interest or Not Directly Affected (s17(2))	2	0.22%
Declined\Out of Time	2	0.22%
Investigation Outcome\Not substantiated	1	0.11%
Investigation Outcome\Partly substantiated	1	0.11%
Investigation Outcome\Substantiated	3	0.34%
Out of Jurisdiction\Statutory or legal remedy	5	0.56%
Out of Jurisdiction\Employment	1	0.11%
Out of Time (s12C)	4	0.45%
Own initiative - discontinued	7	0.78%
Referred Back to Agency	135	15.12%
Report to OPI	6	0.67%
Resolved with Agency Co-operation	23	2.58%
S24(2)(a) ICAC Act\Discontinued	12	1.34%
S24(2)(a) ICAC Act\Finding of misconduct	3	0.34%
S24(2)(a) ICAC Act\No finding of misconduct or maladministration	4	0.45%
S25 Finding\s25(1)(a) Finding / Contrary to Law	1	0.11%
Withdrawn by Complainant	20	2.24%
Total	893	100.00%

Other authorities

Summary tables

1 July 2021 - 30 June 2022

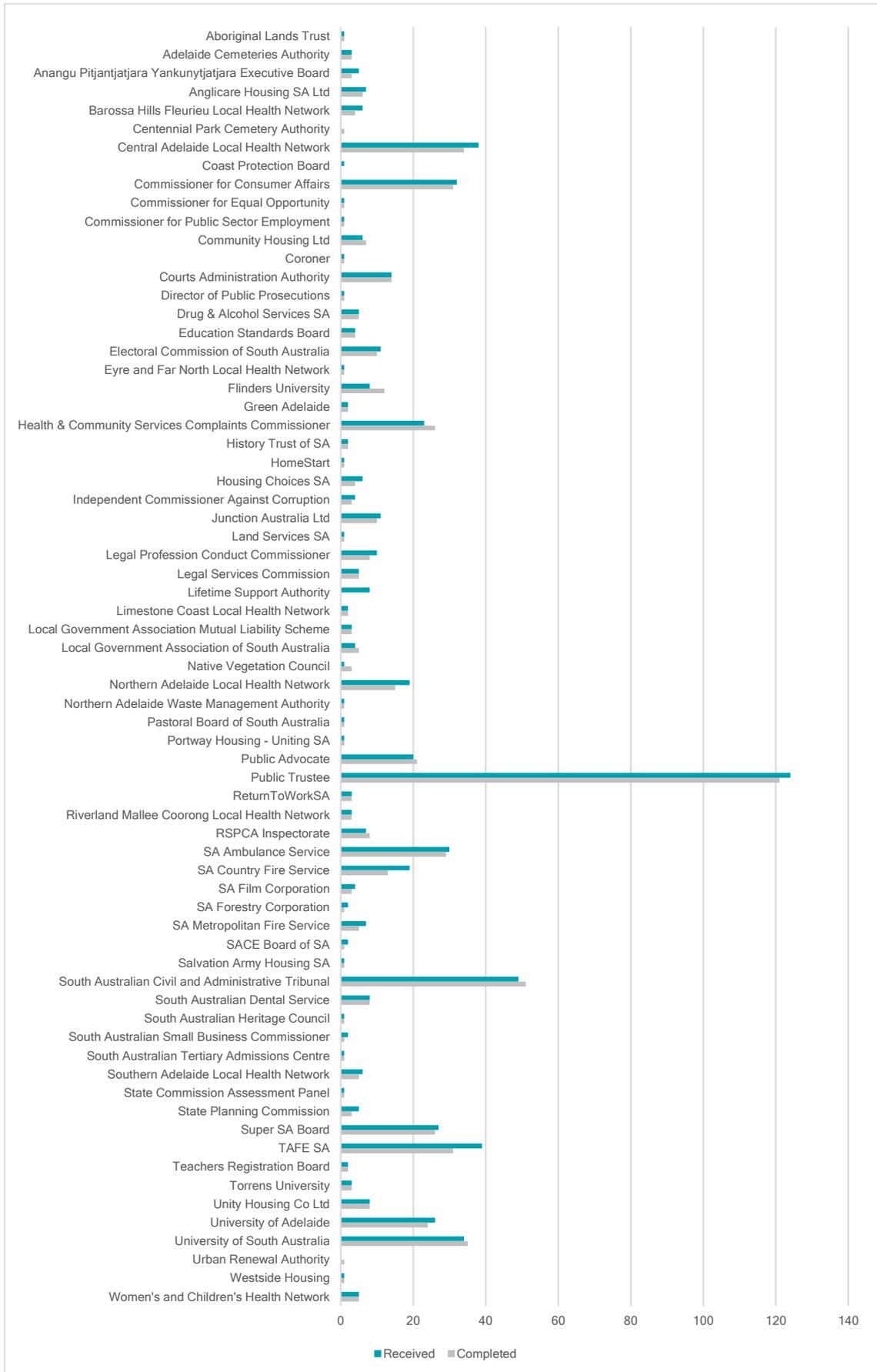
Complaints received and completed

Agency	Received	%	Completed	%
Aboriginal Lands Trust	1	0.14%	1	0.15%
Adelaide Cemeteries Authority	3	0.43%	3	0.46%
Anangu Pitjantjatjara Yankunytjatjara Executive Board	5	0.72%	3	0.46%
Anglicare Housing SA Ltd	7	1.01%	6	0.92%
Barossa Hills Fleurieu Local Health Network	6	0.87%	4	0.62%
Centennial Park Cemetery Authority	0	0.00%	1	0.15%
Central Adelaide Local Health Network	38	5.50%	34	5.24%
Coast Protection Board	1	0.14%	0	0.00%
Commissioner for Consumer Affairs	32	4.63%	31	4.78%
Commissioner for Equal Opportunity	1	0.14%	1	0.15%
Commissioner for Public Sector Employment	1	0.14%	1	0.15%
Community Housing Ltd	6	0.87%	7	1.08%
Coroner	1	0.14%	1	0.15%
Courts Administration Authority	14	2.03%	14	2.16%
Director of Public Prosecutions	1	0.14%	1	0.15%
Drug & Alcohol Services SA	5	0.72%	5	0.77%
Education Standards Board	4	0.58%	4	0.62%
Electoral Commission of South Australia	11	1.59%	10	1.54%
Eyre and Far North Local Health Network	1	0.14%	1	0.15%
Flinders University	8	1.16%	12	1.85%
Green Adelaide	2	0.29%	2	0.31%
Health & Community Services Complaints Commissioner	23	3.33%	26	4.01%
History Trust of SA	2	0.29%	2	0.31%
HomeStart	1	0.14%	1	0.15%
Housing Choices SA	6	0.87%	4	0.62%
Independent Commissioner Against Corruption	4	0.58%	3	0.46%
Junction Australia Ltd	11	1.59%	10	1.54%
Land Services SA	1	0.14%	1	0.15%
Legal Profession Conduct Commissioner	10	1.45%	8	1.23%
Legal Services Commission	5	0.72%	5	0.77%
Lifetime Support Authority	8	1.16%	0	0.00%
Limestone Coast Local Health Network	2	0.29%	2	0.31%
Local Government Association Mutual Liability Scheme	3	0.43%	3	0.46%
Local Government Association of South Australia	4	0.58%	5	0.77%
Native Vegetation Council	1	0.14%	3	0.46%
Northern Adelaide Local Health Network	19	2.75%	15	2.31%

OFFICIAL

Agency	Received	%	Completed	%
Northern Adelaide Waste Management Authority	1	0.14%	1	0.15%
Pastoral Board of South Australia	1	0.14%	1	0.15%
Portway Housing - Uniting SA	1	0.14%	1	0.15%
Public Advocate	20	2.89%	21	3.24%
Public Trustee	124	17.95%	121	18.64%
ReturnToWorkSA	3	0.43%	3	0.46%
Riverland Mallee Coorong Local Health Network	3	0.43%	3	0.46%
RSPCA Inspectorate	7	1.01%	8	1.23%
SA Ambulance Service	30	4.34%	29	4.47%
SA Country Fire Service	19	2.75%	13	2.00%
SA Film Corporation	4	0.58%	3	0.46%
SA Forestry Corporation	2	0.29%	1	0.15%
SA Metropolitan Fire Service	7	1.01%	5	0.77%
SACE Board of SA	2	0.29%	1	0.15%
Salvation Army Housing SA	1	0.14%	1	0.15%
South Australian Civil and Administrative Tribunal	49	7.09%	51	7.86%
South Australian Dental Service	8	1.16%	8	1.23%
South Australian Heritage Council	1	0.14%	1	0.15%
South Australian Small Business Commissioner	2	0.29%	1	0.15%
South Australian Tertiary Admissions Centre	1	0.14%	1	0.15%
Southern Adelaide Local Health Network	6	0.87%	5	0.77%
State Commission Assessment Panel	1	0.14%	1	0.15%
State Planning Commission	5	0.72%	3	0.46%
Super SA Board	27	3.91%	26	4.01%
TAFE SA	39	5.64%	31	4.78%
Teachers Registration Board	2	0.29%	2	0.31%
Torrens University	3	0.43%	3	0.46%
Unity Housing Co Ltd	8	1.16%	8	1.23%
University of Adelaide	26	3.76%	24	3.70%
University of South Australia	34	4.92%	35	5.39%
Urban Renewal Authority	0	0.00%	1	0.15%
Westside Housing	1	0.14%	1	0.15%
Women's and Children's Health Network	5	0.72%	5	0.77%
Total	691	100.00%	649	100.00%

Other Authorities complaints received and completed



OFFICIAL

Complaint outcomes

Outcome	Total	%
Alternate Remedy Available with Another Body	25	3.85%
Complainant Cannot be Contacted	15	2.31%
Declined s12H\Other Good Reason (s12H (1)(c))	404	62.25%
Declined s12H\Previously Dealt With (s12H (1)(c))	1	0.15%
Declined s12H\Referred to Other Agency (s12H(1)(b))	3	0.46%
Declined\Investigation Unnecessary or Unjustifiable	49	7.55%
Declined\Out of Time	1	0.15%
Investigation Outcome\Not substantiated	1	0.15%
Investigation Outcome\Partly substantiated	1	0.15%
Not Substantiated / No s25 Finding	1	0.15%
Out of Jurisdiction\12B ? Complainant not directly affected	1	0.15%
Out of Jurisdiction\Agency Not Within Jurisdiction	7	1.08%
Out of Jurisdiction\Employment	1	0.15%
Out of Jurisdiction\Judicial Body	3	0.46%
Out of Time (s12C)	6	0.92%
Own initiative - discontinued	2	0.31%
Referred Back to Agency	76	11.71%
Report to OPI	3	0.46%
Resolved with Agency Co-operation	29	4.47%
S24(2)(a) ICAC Act\Discontinued	2	0.31%
S25 Finding\s25(1)(c) Finding / Unreasonable Law or Practice	1	0.15%
Withdrawn by Complainant	17	2.62%
Total	649	100.00%

FOI Act jurisdiction

Summary tables

1 July 2021 - 30 June 2022

Outcomes of external reviews conducted by the Ombudsman in 2021-22

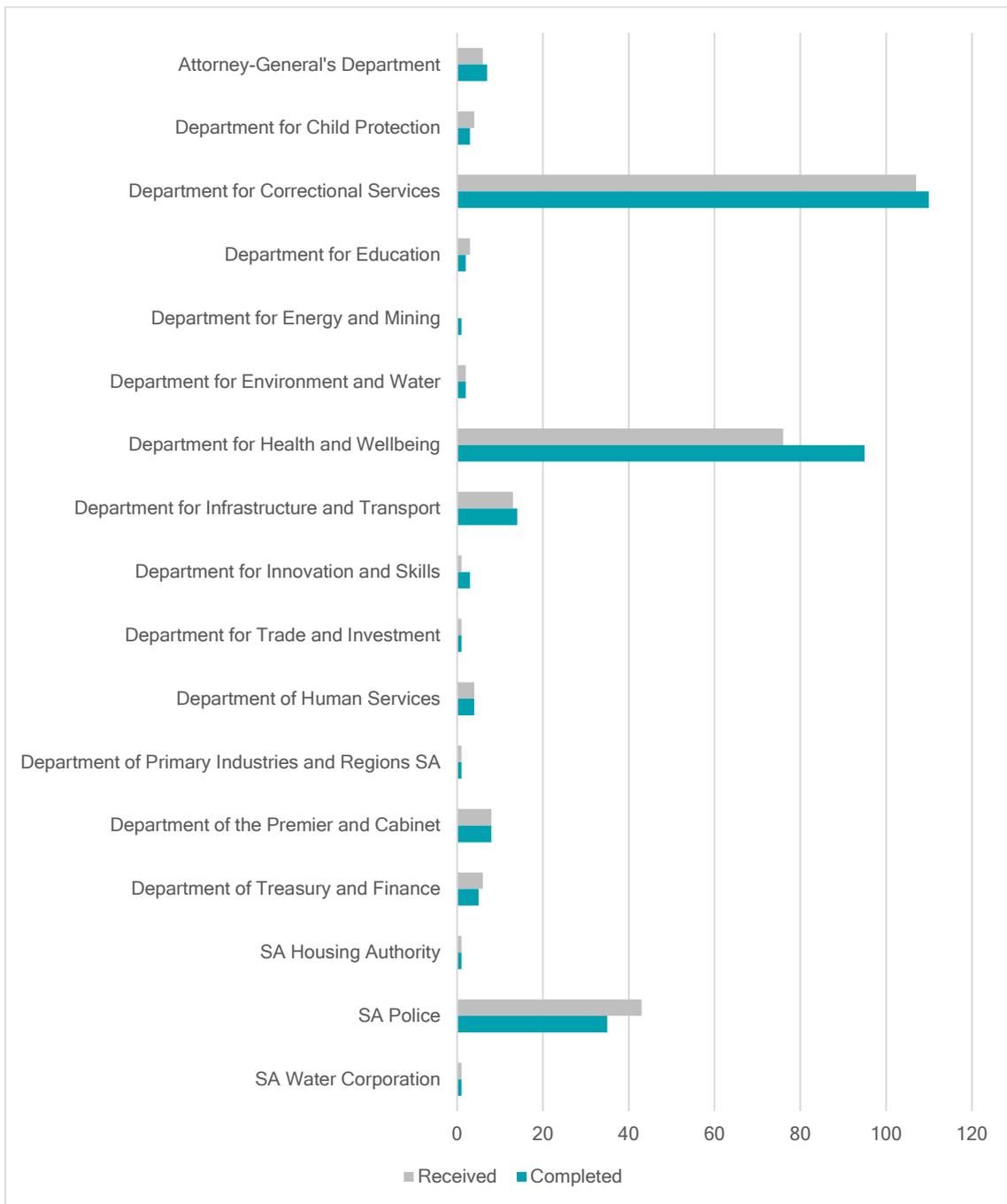
Matter Outcome	Total	%
Application Dismissed Because of Lack of Co-operation of Applicant	1	0.24%
Application for Review Withdrawn by Applicant	28	6.62%
Application for review withdrawn following OSA intervention	10	2.36%
Application Settled During Review	4	0.95%
Fees and Charges Confirmed	1	0.24%
Determination Confirmed	54	12.77%
Determination Reversed	82	19.39%
Determination Varied	167	39.48%
No Documents in Scope	18	4.26%
Outside of Jurisdiction	58	13.71%
Total	423	100.00%

Government departments

External reviews received and completed

Department	Received	%	Completed	%
Attorney-General's Department	6	2.17%	7	2.39%
Department for Child Protection	4	1.44%	3	1.02%
Department for Correctional Services	107	38.63%	110	37.54%
Department for Education	3	1.08%	2	0.68%
Department for Energy and Mining	0	0.00%	1	0.34%
Department for Environment and Water	2	0.72%	2	0.68%
Department for Health and Wellbeing	76	27.44%	95	32.42%
Department for Infrastructure and Transport	13	4.69%	14	4.78%
Department for Innovation and Skills	1	0.36%	3	1.02%
Department for Trade and Investment	1	0.36%	1	0.34%
Department of Human Services	4	1.44%	4	1.37%
Department of Primary Industries and Regions SA	1	0.36%	1	0.34%
Department of the Premier and Cabinet	8	2.89%	8	2.73%
Department of Treasury and Finance	6	2.17%	5	1.71%
SA Housing Authority	1	0.36%	1	0.34%
SA Police	43	15.52%	35	11.95%
SA Water Corporation	1	0.36%	1	0.34%
Total	277	100.00%	293	100.00%

Government departments external reviews received and completed

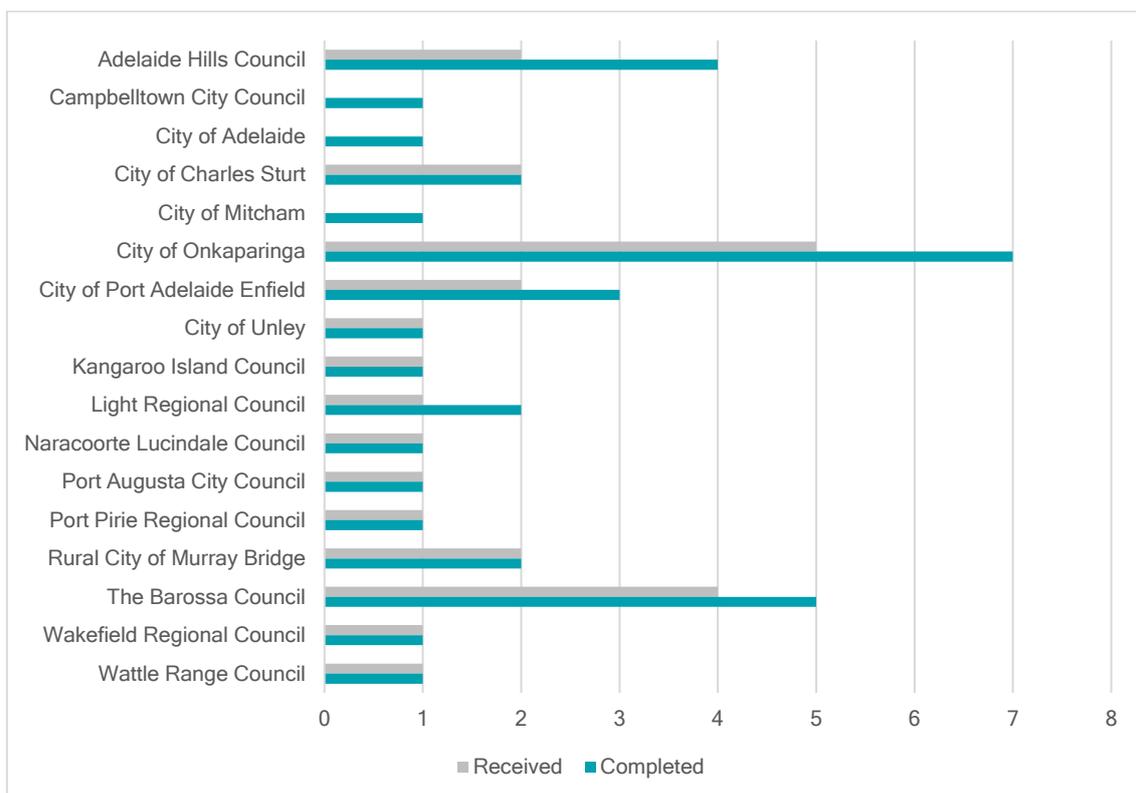


Local government

External reviews received and completed

Local Council	Received	%	Completed	%
Adelaide Hills Council	2	8.00%	4	11.43%
Campbelltown City Council	0	0.00%	1	2.86%
City of Adelaide	0	0.00%	1	2.86%
City of Charles Sturt	2	8.00%	2	5.71%
City of Mitcham	0	0.00%	1	2.86%
City of Onkaparinga	5	20.00%	7	20.00%
City of Port Adelaide Enfield	2	8.00%	3	8.57%
City of Unley	1	4.00%	1	2.86%
Kangaroo Island Council	1	4.00%	1	2.86%
Light Regional Council	1	4.00%	2	5.71%
Naracoorte Lucindale Council	1	4.00%	1	2.86%
Port Augusta City Council	1	4.00%	1	2.86%
Port Pirie Regional Council	1	4.00%	1	2.86%
Rural City of Murray Bridge	2	8.00%	2	5.71%
The Barossa Council	4	16.00%	5	14.29%
Wakefield Regional Council	1	4.00%	1	2.86%
Wattle Range Council	1	4.00%	1	2.86%
Total	25	100.00%	35	100.00%

Local government external reviews received and completed

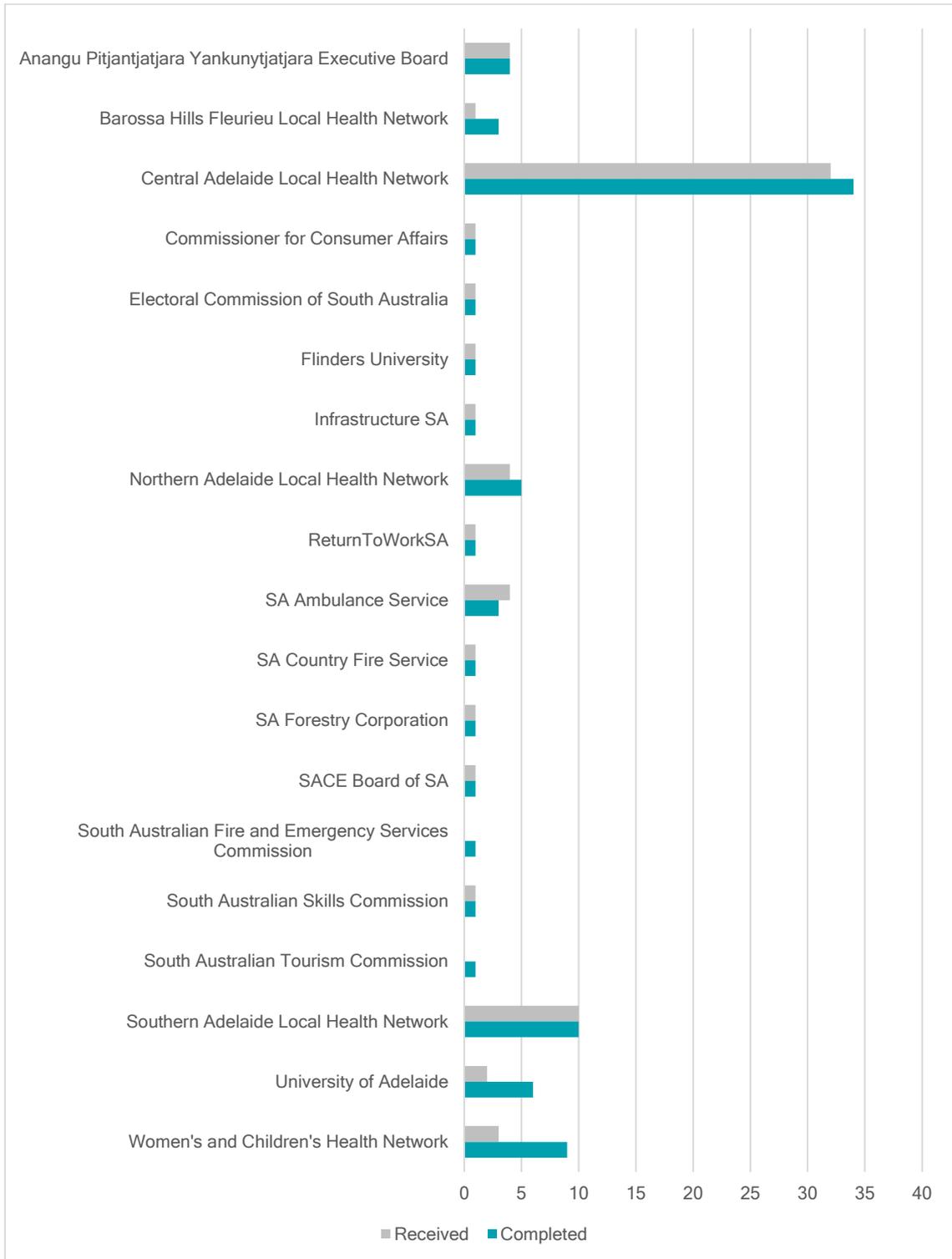


Other authorities

External reviews received and completed

Authority	Received	%	Completed	%
Anangu Pitjantjatjara Yankunytjatjara Executive Board	4	5.80%	4	4.71%
Barossa Hills Fleurieu Local Health Network	1	1.45%	3	3.53%
Central Adelaide Local Health Network	32	46.38%	34	40.00%
Commissioner for Consumer Affairs	1	1.45%	1	1.18%
Electoral Commission of South Australia	1	1.45%	1	1.18%
Flinders University	1	1.45%	1	1.18%
Infrastructure SA	1	1.45%	1	1.18%
Northern Adelaide Local Health Network	4	5.80%	5	5.88%
ReturnToWorkSA	1	1.45%	1	1.18%
SA Ambulance Service	4	5.80%	3	3.53%
SA Country Fire Service	1	1.45%	1	1.18%
SA Forestry Corporation	1	1.45%	1	1.18%
SACE Board of SA	1	1.45%	1	1.18%
South Australian Fire and Emergency Services Commission	0	0.00%	1	1.18%
South Australian Skills Commission	1	1.45%	1	1.18%
South Australian Tourism Commission	0	0.00%	1	1.18%
Southern Adelaide Local Health Network	10	14.49%	10	11.76%
University of Adelaide	2	2.90%	6	7.06%
Women's and Children's Health Network	3	4.35%	9	10.59%
Total	69	100.00%	85	100.00%

Other authorities external reviews received and completed

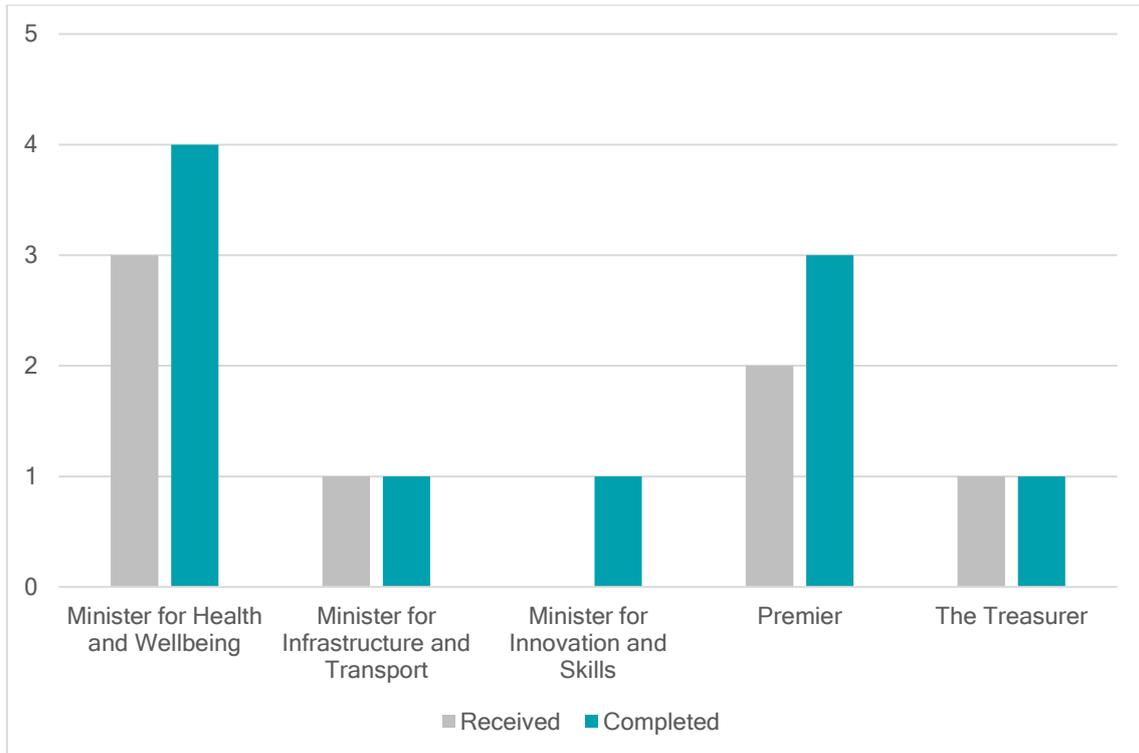


Ministers

External reviews received and completed

Minister	Received	%	Completed	%
Minister for Health and Wellbeing	3	42.86%	4	40.00%
Minister for Infrastructure and Transport	1	14.29%	1	10.00%
Minister for Innovation and Skills	0	0.00%	1	10.00%
Premier	2	28.57%	3	30.00%
The Treasurer	1	14.29%	1	10.00%
Total	7	100.00%	10	100.00%

Ministerial external reviews received and completed



Appendices

Appendix A

Description of outcomes: Ombudsman Act jurisdiction

*Note: A number of the outcomes described below will be removed or replaced as a result of amendments made to the *Ombudsman Act 1972*, effective 7 October 2021. These outcomes have been italicised.

OUTCOME	DESCRIPTION
ADVICE GIVEN	<p>This outcome is used to record a response to a general enquiry, such as giving:</p> <ul style="list-style-type: none"> • advice that does not relate to a specific approach or complaint • information or advice to the public about Ombudsman SA (such as address details, a request for a copy of an annual report, pamphlets or reporting guidelines) • FOI advice on a general query. <p>This outcome is used for a general enquiry. For approaches or complaints, more specific outcomes are used.</p>
<i>ALTERNATIVE REMEDY AVAILABLE WITH ANOTHER BODY</i>	<p><i>This outcome is used when the agency being complained about is within jurisdiction and the complainant has a right of appeal, reference, or review with another body.</i></p> <p><i>The Ombudsman may exercise discretion to investigate the complaint if of the opinion that it is not reasonable, in the circumstances of the case, to expect that the complainant should resort or should have resorted to that appeal, reference, review or remedy (section 13(3)).</i></p>
COMPLAINANT CANNOT BE CONTACTED	<p>This outcome is used after all reasonable attempts have been made to contact the complainant by telephone, email or letter. It can be used at any stage of an assessment or investigation.</p>
DECLINED s 12H / OTHER GOOD REASON - s 12H(1)(c)	<p>This outcome is used where the Ombudsman has determined it is not in the public interest to investigate the matter, or there is some other reason (not otherwise provided for in the outcomes) in the discretion of the Ombudsman not to investigate.</p> <p>This outcome is also used where a person who has approached the office is advised to first raise their complaint with the subject agency, seeking resolution with that agency, before submitting a complaint to the Ombudsman for assessment.</p>
DECLINED s 12H / PREVIOUSLY DEALT WITH - s 12H(1)(c)	<p>This outcome is used where a matter is assessed as having been already dealt with by an 'inquiry agency' - the Ombudsman, Independent Commission Against Corruption or Judicial Conduct Commissioner.</p>

OUTCOME	DESCRIPTION
DECLINED s 12H / REFERRED TO OTHER AGENCY - s 12H(1)(b)	This outcome is used where a matter is formally assessed as not raising an issue that should be investigated under the Ombudsman Act but rather is considered to raise some other issue that should be formally referred to a law enforcement agency, another inquiry agency, a public authority or a public officer.
DECLINED s 12H / TRIVIAL / VEXATIOUS / FRIVOLOUS - s 12(1)(c)	This outcome is used where the matter is assessed as raising a matter that is considered trivial or frivolous, or the making of the complaint is determined to be vexatious.
<i>DECLINED / INVESTIGATION UNNECESSARY OR UNJUSTIFIABLE</i>	<p><i>This outcome is used for a complaint, where the Ombudsman decides</i></p> <ul style="list-style-type: none"> • <i>not to commence an assessment or investigation or</i> • <i>not to continue with an assessment or investigation</i> <p><i>because, having regard to the circumstances of the case, such action is unnecessary or unjustifiable (section 17(2)(d)). For example:</i></p> <ul style="list-style-type: none"> • <i>after assessing or commencing an investigation of the complaint, it appears that there is no evidence of administrative error under section 25(1)(a)-(g)</i> • <i>the complaint is minor</i> • <i>the complainant and/or the agency has taken action to rectify the problem</i> • <i>it would not be in the public interest for the Ombudsman to investigate or continue investigating the complaint.</i>
<i>DECLINED / NO SUFFICIENT PERSONAL INTEREST; NOT DIRECTLY AFFECTED - s 17(2)</i>	<p><i>This outcome is used for a complaint where the Ombudsman decides:</i></p> <ul style="list-style-type: none"> • <i>not to commence an assessment or investigation or</i> • <i>not to continue with an assessment or investigation</i> <p><i>because:</i></p> <ul style="list-style-type: none"> • <i>the complainant or their representative did not have sufficient personal interest (section 17(2)(c))</i> • <i>the complainant was not directly affected by the administrative act (section 15(3a)).</i>
<i>DECLINED / OUT OF TIME</i>	<p><i>This outcome is used for a complaint, where the Ombudsman decides:</i></p> <ul style="list-style-type: none"> • <i>not to commence an assessment or investigation or</i> • <i>not to continue with an assessment or investigation</i> <p><i>because the complaint was made more than 12 months after the day on which the complainant first had notice of the events alleged in the complaint.</i></p>
<i>DECLINED / TRIVIAL, VEXATIOUS, NOT MADE IN GOOD FAITH - s 17(2)</i>	<p><i>This outcome is used for a complaint, where the Ombudsman decides</i></p> <ul style="list-style-type: none"> • <i>not to commence an assessment or investigation or</i> • <i>not to continue with an assessment or investigation because:</i> • <i>the complaint is trivial (section 17(2)(a))</i> • <i>the complaint was frivolous, vexatious or not made in good faith (section 17(2)(b))</i>

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OUTCOME	DESCRIPTION
INVESTIGATION OUTCOME <ul style="list-style-type: none"> • NOT SUBSTANTIATED • PARTIALLY SUBSTANTIATED • SUBSTANTIATED 	<p>This outcome is used where the Ombudsman has completed an investigation and has formed a view under section 25(2) that certain action should be taken in relation to the act (or part thereof) to which the investigation related and the basis for that.</p>
<p><i>NOT SUBSTANTIATED / NO s 25 FINDING</i></p>	<p><i>This outcome is used:</i></p> <ul style="list-style-type: none"> • <i>after a preliminary (or more rarely a full) investigation and a report has been completed, and</i> • <i>there is no administrative error under section 25(1)(a)-(g).</i>
<p><i>OMBUDSMAN COMMENT WARRANTED</i></p>	<p><i>This outcome is used only after a preliminary investigation. No administrative error has been found under section 25(1)(a)-(g), but an issue worthy of the Ombudsman's comment has been identified.</i></p>
<p>OUT OF JURISDICTION / COMPLAINANT NOT DIRECTLY AFFECTED- s 12B</p>	<p>This outcome is used where the complainant is not directly affected by the subject administrative act and thus the act is outside the jurisdiction of the Ombudsman.</p> <ul style="list-style-type: none"> • This outcome does not apply to a complaint relating to alleged misconduct or maladministration, which may be made by any person • The Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People and the Guardian for Children and Young People may make a complaint under the Ombudsman Act despite the fact they are not directly affected by the act to which the complaint relates.
<p>OUT OF JURISDICTION / OUT OF TIME - s 12C</p>	<p>This outcome is used where a complaint has been made after 12 months from the day the complainant first had notice of the matters alleged in the complaint and the Ombudsman is not of the opinion that, in all the circumstances of the case, it is proper to entertain the complaint.</p>
<p>OUT OF JURISDICTION / STATUTORY OR LEGAL REMEDY - s 13(3)</p>	<p>This outcome is only used when:</p> <ul style="list-style-type: none"> • the agency being complained about is within jurisdiction but • the complainant has a right of appeal, reference, or review with another body <p>unless the Ombudsman is of the opinion that it is not reasonable, in the circumstances of the case, to expect that the complainant should resort or should have resorted to that appeal, reference, review or remedy (section 13(3)).</p> <p>Reasons for the outcome and details of the other agency must be recorded.</p>
<p>OUT OF JURISDICTION / AGENCY NOT WITHIN JURISDICTION</p>	<p>This outcome is used where the agency complained about is outside the jurisdiction of the Ombudsman, for example, as it relates to a Commonwealth agency.</p>

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OUTCOME	DESCRIPTION
<i>OUT OF JURISDICTION / EMPLOYMENT</i>	<i>This outcome is used where the matter pertains solely to employment.</i>
OUT OF JURISDICTION / JUDICIAL BODY	This outcome is used where the act complained about relates to the discharge of judicial authority, such as a judicial decision.
OUT OF JURISDICTION / JUDICIAL OFFICER CONDUCT	This outcome is used where the act complained about relates to the conduct of judicial officers outside of the exercise of judicial authority.
OUT OF JURISDICTION / MINISTER	This outcome is used where the act was performed by a Minister of the Crown in the discharge of that position (other than misconduct or maladministration).
OUT OF JURISDICTION / POLICE MATTER	The outcome is used where the complaint relates solely to the conduct of a police investigation
<i>OUT OF JURISDICTION / POLICY</i>	<i>This outcome is used where the complaint relates solely to the policy of an agency:</i>
OUT OF JURISDICTION / SAPOL OFFICER CONDUCT	This outcome is used where the act complained about relates to the conduct of South Australia Police Officers.
OUT OF JURISDICTION / NO ADMINISTRATIVE ACT	This outcome is used where the complaint does not relate to an administrative act as defined in section 3 of the Ombudsman Act and is not otherwise misconduct or maladministration.
OWN INITIATIVE - DISCONTINUED	This outcome is used where the Ombudsman commenced and then discontinued an own initiative investigation.
<i>REFERRED BACK TO AGENCY</i>	<p><i>This outcome is used where a matter is formally assessed as not raising an issue that should be investigated under the Ombudsman Act but rather raising some other issue that should be referred to a law enforcement agency, another inquiry agency, a public authority or a public officer.</i></p> <p><i>Note - where an approach was advised to raise their complaint to the subject agency prior to submitting a complaint with the Ombudsman for assessment, the outcome 'Declined: Investigation Unnecessary or Unjustifiable' should be used.</i></p>
REPORT TO OPI	<p>The outcome is used where the Ombudsman has reported a matter to the OPI.</p> <p>The Ombudsman must report matters to OPI that the Ombudsman reasonably suspects involves corruption in public administration.</p>
RESOLVED WITH AGENCY CO-OPERATION	This outcome is used usually during the assessment phase of a complaint where Ombudsman SA has made contact with the agency, and the agency has taken action to remedy the complaint to the satisfaction of the complainant.

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OUTCOME	DESCRIPTION
WITHDRAWN BY COMPLAINANT	This outcome is used when the complainant expressly wishes to withdraw their complaint, even if Ombudsman SA has not contacted the agency. It can be used at any stage of an assessment or investigation.
s 18(5) REFERRED EVIDENCE OF MISCONDUCT OR MAL-ADMINISTRATION TO PRINCIPAL OFFICER	Per section 18(5) the Ombudsman must report any evidence of misconduct or maladministration in public administration to the relevant public authority. This outcome is used when such a report has been made.
<i>SECTION 25(1)(a) FINDING: CONTRARY TO LAW</i>	<i>These outcomes are used only when making a finding of administrative error after a full investigation, and reflect section 25(1)(a)-(g) of the Ombudsman Act.</i>
<i>SECTION 25(1)(b) FINDING: UNREASONABLE</i>	
<i>SECTION 25(1)(c) FINDING: UNREASONABLE LAW OR PRACTICE</i>	
<i>SECTION 25(1)(d) FINDING: IMPROPER PURPOSE OR IRRELEVANT GROUNDS OR CONSIDERATIONS</i>	
<i>SECTION 25(1)(e) FINDING: NO REASON GIVEN</i>	
<i>SECTION 25(1)(f) FINDING: MISTAKE OF LAW OR FACT</i>	
<i>SECTION 25(1)(g) FINDING: WRONG</i>	

Appendix B

Description of outcomes: RTW Act jurisdiction

*Note: A number of the outcomes described below will be removed or replaced as a result of amendments made to the *Ombudsman Act 1972*, effective 7 October 2021. These outcomes have been italicised.

OUTCOME	DESCRIPTION
RTW - ADVICE GIVEN	<p>This outcome is used when:</p> <ul style="list-style-type: none"> giving advice that does not relate to a specific approach or complaint. information has been received and only needs to be noted. <p>*Note - more specific outcomes are preferable where available.</p>
RTW - OUT OF JURISDICTION	<p>This outcome is used where the complaint relates to a worker's compensation matter that relates to:</p> <ul style="list-style-type: none"> an agency that is not in jurisdiction an interstate jurisdiction where the worker is located in South Australia, however the claim has been made under the Commonwealth worker's compensation Act i.e. Comcare or a judicial body i.e. SAET
RTW - COMPLAINANT CANNOT BE CONTACTED	<p>This outcome is used after all reasonable attempts have been made to contact the complainant by telephone, email or letter. It can be used at any stage of an assessment or investigation.</p>
RTW - REFERRED BACK TO COMPENSATING AUTHORITY	<p>This outcome is used usually during the assessment phase but may be used in the investigation phase.</p> <p>It is used when it is proper for the complainant to complain to, or seek a review, of their complaint from the claims agent/RTW SA/self-insured employer unless the Ombudsman is of the opinion that it is not reasonable, in the circumstances of the case, to expect that the complainant should resort or should have raised the complaint with the Corporation or delegate.</p> <p>See s 5(1)(a) of schedule 5, Return to Work Act.</p>
<i>RTW - ALTERNATE REMEDY AVAILABLE WITH ANOTHER BODY</i>	<p><i>This outcome is only used where the complainant has right of appeal, reference or review with another body such as the SAET.</i></p>
RTW - RESOLVED WITH COMPENSATING AUTHORITY'S COOPERATION	<p>This outcome is used where Ombudsman SA has made contact with the agency and the agency has taken action to remedy the complaint to the satisfaction of the complainant.</p>

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OUTCOME	DESCRIPTION
RTW - WITHDRAWN BY COMPLAINANT	This outcome is used when the complainant expressly withdraws their complaint, even if Ombudsman SA has not contacted the respondent. It can be used at any stage of an assessment or investigation.
<i>RTW - DECLINED/TRIVIAL, FRIVOLOUS, VEXATIOUS, NOT MADE IN GOOD FAITH</i>	<p><i>This outcome is used for a complaint, where the Ombudsman decides</i></p> <ul style="list-style-type: none"> • <i>not to commence an assessment or investigation or</i> • <i>not to continue with an assessment or investigation</i> <p><i>because:</i></p> <ul style="list-style-type: none"> • <i>the complaint is trivial (section 17(2)(a) Ombudsman Act)</i> • <i>the complaint is frivolous or vexatious or is not made in good faith (section 17(2)(b)) Ombudsman Act)</i>
<i>RTW - DECLINED/NO SUFFICIENT PERSONAL INTEREST OR NOT DIRECTLY AFFECTED</i>	<p><i>This outcome is used for a complaint, where the Ombudsman decides</i></p> <ul style="list-style-type: none"> • <i>not to commence an assessment or investigation or</i> • <i>not to continue with an assessment or investigation</i> <p><i>because:</i></p> <ul style="list-style-type: none"> • <i>the complainant or their representative did not have sufficient personal interest</i> • <i>the complainant was not directly affected by the breach of service standards.</i>
<i>RTW - DECLINED/ INVESTIGATION UNNECESSARY OR UNJUSTIFIABLE</i>	<p><i>This outcome is used for a complaint, where the Ombudsman decides</i></p> <ul style="list-style-type: none"> • <i>not to commence an assessment or investigation or</i> • <i>not to continue with an assessment or investigation</i> <p><i>because, having regard to the circumstances of the case, such action is unnecessary or unjustifiable (section 17(2)(d) Ombudsman Act). For example:</i></p> <ul style="list-style-type: none"> • <i>after assessing or commencing an investigation of the complaint, it appears that there is no evidence of a breach of service standards</i> • <i>the complaint is minor</i> • <i>the complainant and/or the agency has taken action to rectify the problem</i> • <i>it would not be in the public interest for the Ombudsman to investigate or continue investigating the complaint.</i>
RTW - BREACH OF SERVICE STANDARDS	This outcome is used when making a finding of a breach of the service standards.
RTW - BREACH OF SERVICE STANDARDS NOT SUBSTANTIATED	This outcome is used when making a finding there has been no breach of the service standards.
<i>RTW - OMBUDSMAN COMMENT WARRANTED</i>	<i>This is to be used only after a preliminary investigation. No breach of the service standards has been found, but an issue worthy of the Ombudsman's comment has been identified.</i>

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OUTCOME	DESCRIPTION
RTW - s 180 REVIEW: APPLICATION WITHDRAWN BY COMPLAINANT	<p>This outcome means that during or at the conclusion of the external review, the applicant decided to withdraw the section 180 application. For example, the applicant may have decided to pursue other avenues of redress; or with the passage of time, the applicant no longer wished to pursue document access.</p> <p>This outcome does not include instances where the agency has revised its determination to give access to documents.</p>
RTW - s 180 REVIEW: DECISION CONFIRMED	This outcome means that at the conclusion of the external review, the Ombudsman agreed (in whole) with the Corporation's decision (section 180(10)(b)).
RTW - s 180 REVIEW: DECISION VARIED	This outcome means that at the end of the external review, the Ombudsman agreed in part and disagreed in part with the Corporation's decision (section 180(10)(b)).
RTW - s 180 REVIEW: DECISION REVERSED	This outcome means that at the conclusion of the external review, the Ombudsman disagreed (in whole) with the Corporation's decision (section 180(10)(b)).
RTW - s 180 REVIEW: NO JURISDICTION	The outcome is relevant when the applicant seeks the section 180 review before they have sought or finalised internal review processes, and hence the Ombudsman is unable to undertake a review.
RTW - s 180 REVIEW: REVISED DURING REVIEW	This outcome is used when the agency releases the documents after the commencement of the review.
OUT OF TIME	The outcome is used where a complaint is made to the Ombudsman outside of the statutory timeframes.
RTW - DECLINED - OTHER GOOD REASON - s 12H(1)(c) of the Ombudsman Act	<p>This outcome is used where the Ombudsman has determined it is not in the public interest to investigate the matter, or there is some other reason (not otherwise provided for in the outcomes) in the discretion of the Ombudsman not to investigate.</p> <p>This outcome is also used where a person who has approached the office is advised to first raise their complaint with the subject agency (i.e. ReturntoWork SA), seeking resolution with that agency, before submitting a complaint to the Ombudsman for assessment.</p>
RTW - DECLINED - PREVIOUSLY DEALT WITH - s 12H(1)(c) of the Ombudsman Act	This outcome is used where a matter is assessed as having been already dealt with by an 'inquiry agency' - the Ombudsman, Independent Commission Against Corruption or Judicial Conduct Commissioner.

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OUTCOME	DESCRIPTION
RTW - DECLINED - REFERRED TO OTHER AGENCY - s 12H(1)(b) of the Ombudsman Act	This outcome is used where a matter is formally assessed as not raising a workers compensation issue that should be investigated under the Ombudsman Act but rather is considered to raise some other issue that should be formally referred to a law enforcement agency, another inquiry agency, a public authority or a public officer.
RTW - DECLINED - TRIVIAL / VEXATIOUS / FRIVOLOUS -- s 12H(1)(c) of the Ombudsman Act	This outcome is used where the matter is assessed as raising a matter that is considered trivial or frivolous, or the making of the complaint is determined to be vexatious.

Appendix C

Description of outcomes: FOI Act jurisdiction

OUTCOME	DESCRIPTION
FOI APPLICATION FOR REVIEW WITHDRAWN BY APPLICANT	<p>This outcome means that during the external review, the applicant withdrew their application. For example, the applicant may have decided to pursue other avenues of redress; or with the passage of time, the applicant no longer wished to pursue document access.</p> <p>This outcome does not include instances where the agency has revised its determination to give access to documents and also does not include circumstances in which the application was withdrawn following actions by Ombudsman SA.</p>
FOI APPLICATION WITHDRAWN FOLLOWING OMBUDSMAN SA INTERVENTION	<p>This outcome means that during the course of an external review, the applicant was satisfied with informal actions taken by the Ombudsman and the applicant indicated that they did not need to continue with the review. For example, the agency may have decided to disclose documents or information sought by an applicant after being notified of an external review, or the Ombudsman may have clarified an issue for the applicant and the applicant no longer considered an external review to be necessary.</p> <p>This outcome does not include instances where the applicant withdrew an application for external review for reasons other than the Ombudsman's involvement, or where a formal settlement occurred under section 39(5)(c).</p>
FOI APPLICATION SETTLED DURING REVIEW (SECTION 39(5))	<p>This outcome means the Ombudsman exercised settlement powers under section 39(5)(c). A determination is sent to the parties giving effect to the settlement.</p>
FOI DETERMINATION CONFIRMED (SECTION 39(11))	<p>This outcome means that at the conclusion of the external review, the Ombudsman agreed (in whole) with the agency's determination (section 39(11)).</p> <p>*Note – the Ombudsman's reasons may differ from the agency (for example, a different exemption clause may apply).</p>
FOI DETERMINATION REVERSED (SECTION 39(11))	<p>This outcome means that at the conclusion of the external review, the Ombudsman disagreed (in whole) with the agency's determination (section 39(11)).</p>

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OUTCOME	DESCRIPTION
FOI DETERMINATION REVISED BY AGENCY (SECTION 19(2)(A))	<p>This outcome means that all documents were released by the agency, or the agency submits the documents can be released after the commencement of the external review.</p> <p>The outcome may occur, for example, in an external review dealing with an agency's 'double deemed refusal', where the agency has had a chance to consider the documents and decides that the documents should be released.</p>
FOI DETERMINATION VARIED (SECTION 39(11))	<p>This outcome means that at the end of the external review, the Ombudsman agreed in part and disagreed in part with the agency's determination (section 39(11)).</p> <p>Note this outcome should not be used if the only change from the agency's determination is to alter the reasons for refusing access to the documents.</p>
FOI EXTENSION OF TIME FOR APPLICATION FOR REVIEW (SECTION 39(4)) DISCRETION NOT VARIED	<p>This outcome means that the Ombudsman did not exercise his discretion to accept an external review application out of time under section 39(4).</p>
FOI NO DOCUMENTS IN SCOPE	<p>This outcome means that during the course of an external review, it came to light that the agency did not hold documents within the scope of an initial application for access. No practical outcome would have been achieved by continuing the external review and the Ombudsman declined to confirm, vary or reverse the agency's determination.</p>
FOI APPLICATION DISMISSED BECAUSE OF LACK OF CO-OPERATION OF APPLICANT (section 39(8))	<p>This outcome means the Ombudsman considers the Applicant has failed to comply with section 39(7).</p>
FOI OOJ (out of jurisdiction)	<p>This outcome means the agency subject of the FOI application is not an agency or is an exempt agency.</p> <p>The outcome is also relevant when the applicant seeks the external review before they have sought or finalised internal review processes, and hence the Ombudsman is unable to undertake an external review.</p>

Appendix D

Acronyms

FERU	Fines Enforcement and Recovery Unit
FOI	Freedom of information
ICAC	Independent Commission Against Corruption
NDIS	National Disability Insurance Scheme
OGCYP	Office of the Guardian for Children and Young People
OPI	Office for Public Integrity
RTWSA	Return to Work SA
SAHA	South Australian Housing Authority
SA Police	South Australia Police

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OmbudsmanSA

Values

Honesty

Truthful, faithful, keeping promises, taking responsibility for our behaviour, admitting mistakes, sincere

Helpfulness

Empathetic, accessible, approachable, open to reason, encouraging, constructive, solution focussed, pleasant, embracing diversity, considerate, thinking the best of others

Professionalism

Striving for excellence, continuously improving, curious, courteous, respectful, ethical, undeterred by criticism, resilient, diligent, respectful of authority, efficient, self-reflective

Fairness

Impartial, objective, factual, evidence based, open-minded, consistent



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