



OmbudsmanSA

Annual Report
2019-2020

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 referrals from the Independent Commissioner Against Corruption to investigate allegations of misconduct and maladministration.

From 1 July 2019 the Ombudsman can receive 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 it is not under 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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OmbudsmanSA

The Honourable President
LEGISLATIVE COUNCIL
Parliament House
Adelaide

The Honourable Speaker
HOUSE OF ASSEMBLY
Parliament House
Adelaide

It is my duty and privilege to submit the South Australian Ombudsman's Annual Report for 2019-20 to the Parliament, as required by section 29(1) of the *Ombudsman Act 1972*.

Wayne Lines
SA OMBUDSMAN

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The background is a solid teal color. It features three large, concentric circles of varying shades of teal, centered on the left side of the page. The innermost circle is the darkest shade, the middle one is a medium shade, and the outermost one is the lightest shade. The circles overlap and create a sense of depth and movement.

Introduction

Introduction

The South Australian Ombudsman is a statutory officer appointed by the Governor upon recommendation made by resolution of both Houses of Parliament. The Ombudsman is thus a Parliamentary officer who exists to serve South Australians by scrutinising executive and local government on behalf of the Parliament for the purpose of ensuring fairness and integrity in public administration.

It is both a solemn responsibility and rewarding privilege to hold government to account on behalf of Parliament for the benefit of South Australians. In this task I have been wonderfully supported by highly skilled and conscientious staff. They demonstrate their integrity, professionalism and dedication to serving the public interest on a daily basis. I am deeply grateful for their contribution to the work of the Office.

One of the key ways my Office holds government to account is to investigate those complaints that raise a clear public interest and the need for systemic change.

As in previous years, I completed several investigations that led to important, systemic changes in public administration. The reports of these investigations have been published on the Ombudsman SA website.

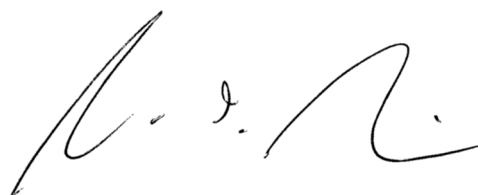
My Office's role of reviewing government decision making and actions with a view to resolving citizen's grievances is another means of keeping government accountable. In 2019-20, nearly 4,000 complaints have been handled by my Office.

My Office has the vital role of reviewing Freedom of Information (FOI) determinations by agencies. In this reporting year, I received 273 external review requests and completed 278. This is the highest number of external reviews received and completed by my Office in any single year since my appointment in 2014.

As a Parliamentary officer, whose key function is to hold government agencies to

account, it is essential that that the Ombudsman demonstrate his or her own accountability to Parliament. Under the *Ombudsman Act 1972* the only formal accountability expectation placed on the Office is to send copies of the annual report directly to the President of the Legislative Council and the Speaker of the House of Assembly for laying before their respective Houses¹. While submitting an annual report is no doubt important, in my view, it would be beneficial if there was a more in-depth review of the Office's performance, functions and resourcing undertaken by a Parliamentary Committee or their appointed Reviewer. This occurs for ombudsmen in other jurisdictions and should be considered for my Office. I have made this submission to both the Attorney-General and the Parliamentary Committee for Crime and Public Integrity Policy. However, no final decision has been made about that.

As the chief means of demonstrating my accountability, it is my privilege to present this report of the work of my Office in 2019-20 to the Parliament of South Australia.



Wayne Lines
SA OMBUDSMAN

¹ Section 29, Ombudsman Act

Year at a Glance

3835

complaints resolved



35

ICAC

referrals
completed



19 final investigation
reports issued



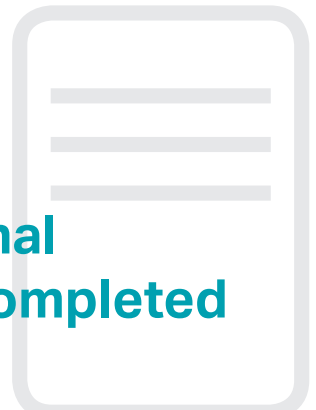
58

recommendations
issued



278

FOI external
reviews completed



Complaints and Investigations

Ombudsman Act Jurisdiction

Return to Work Act Jurisdiction

Independent Commissioner Against Corruption Act Jurisdiction

Recommendations

Ombudsman Act Jurisdiction

The *Ombudsman Act 1972* (the Ombudsman Act) empowers me to investigate complaints about state government departments and authorities, universities and local government councils (agencies). I am also able to undertake investigations referred to me by Parliament and conduct investigations on my own initiative.

I have comprehensive powers to investigate administrative acts where I consider an agency's decision-making process or decision is flawed; section 25(1) of the Act empowers me to make findings that an administrative act was unlawful, unreasonable or otherwise wrong.

Some of my jurisdictional limits are: I must not investigate policy, a complainant must be directly affected by the relevant administrative act, generally the complaint must be made within 12 months of the complainant becoming aware of the matter, and generally I do not investigate where the complainant has an alternative right of review. Further, I can decide not to investigate under section 17(2) of the Act a matter where in all the circumstances of the case, it is trivial or an investigation is unnecessary or unjustifiable.

In exercising my discretion as to whether to investigate a matter I consider the public interest and the improvement of public administration, and 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?
- 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 or is the complainant in vulnerable circumstances?
- would investigation of the complaint be likely to lead to meaningful outcomes for the complainant and/or to 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?

Where I have formed the view that there has been an administrative error, I am able to make recommendations to the agency involved. 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.

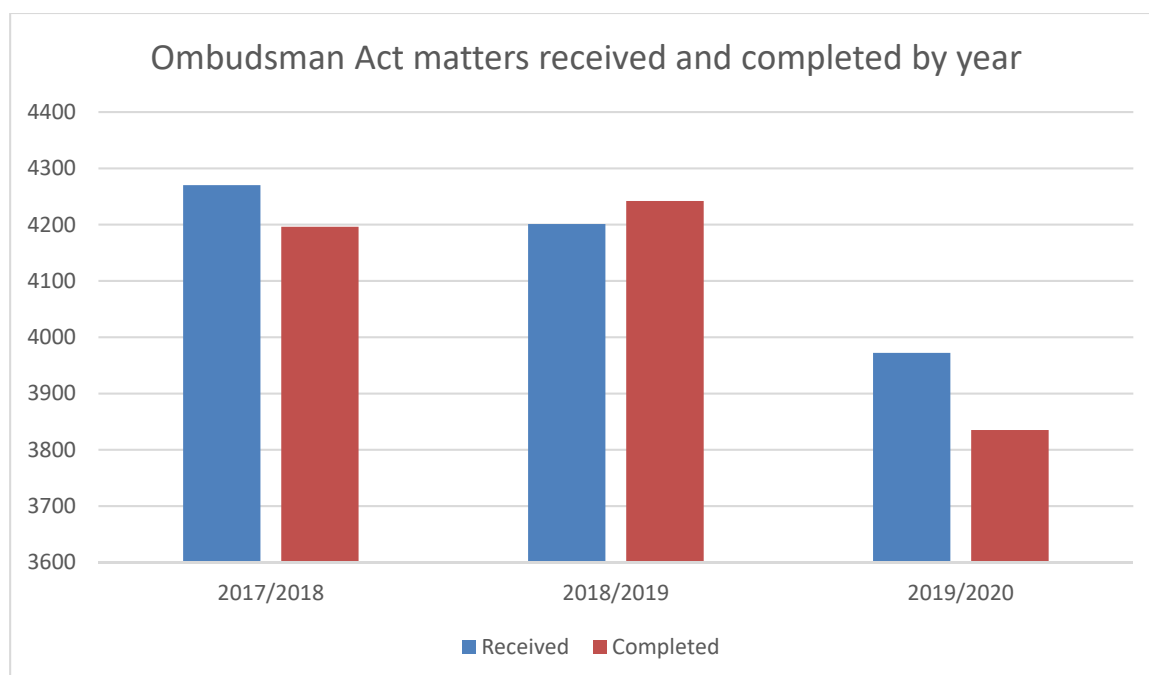
The number of Ombudsman Act complaints received was less than last year: 4,201 in 2018-19 compared to 3,972 this year. Complaints under the *Return to Work Act 2014* (RTW Act) and referrals from the Independent Commissioner Against Corruption (ICAC) are reported on separately.

Ombudsman Act complaints received and completed

	Received	Completed
Government Departments	2 334	2 302
Local Government	947	888
Other Authorities	691	645
Total	3 972	3 835

This year I completed 19 formal investigations by way of an investigation report. Twelve of these arose from ICAC referrals. The other 7 reports related to investigations that originated under the Ombudsman Act.

OMBUDSMAN ACT JURISDICTION	2017-2018				2018-2019				2019-2020			
	Government Departments	Local Government	Other Authorities	Total	Government Departments	Local Government	Other Authorities	Total	Government Departments	Local Government	Other Authorities	Total
Matters received	2379	974	917	4270	2291	968	942	4201	2334	947	691	3972
Matters closed	2355	939	902	4196	2306	990	946	4242	2302	888	645	3835
Audit completed	20			20	1			1	1			1



Ombudsman Act Complaints - Early Resolution

My Office fielded 1956 approaches relating to matters outside of my jurisdiction and handled 797 general enquiries. These are usually finalised immediately.

Close to 98% of incoming complaints were dealt with at the assessment stage by the Intake and Assessment Team. 83% of these matters were completed within 14 days. The average period for completion is 10 days. Approximately 8% of complaints are resolved with the co-operation of the agency.

The following case studies highlight the important outcomes that are able to be achieved by my Office with the co-operation of agencies for people who are often in vulnerable circumstances.

Early Resolution Case Studies

Department for Innovation and Skills - Immigration SA

Early resolution - unreasonable assessment of 'state nomination' application

2019/07869

Complaint

My Office received a complaint from a person living overseas about Immigration SA, a business unit within the Department for Innovation and Skills.

The complainant alleged that Immigration SA had unreasonably refused his application for 'state nomination' for the purposes of his obtaining a class 489 visa from the Commonwealth government.

The complainant alleged that Immigration SA had wrongfully concluded that he resided interstate at the time of his application, when in fact he had been absent from Australia for several years. The complainant also alleged that Immigration SA had failed to have regard to a skills assessment supporting his application (which the complainant acknowledged had been lodged after a relevant deadline).

The complainant informed my Office that the matter was urgent because in less than two weeks the state nomination process for class 489 visas was due to close. The complainant explained that, although Immigration SA had advised him to file a fresh application, he was prevented from doing so because his occupation had been removed from the list of eligible occupations after his initial application.

An officer of my Office promptly contacted Immigration SA to provide information about the complaint and to enquire whether it was willing and able to conduct a review of the determination at issue. My officer asked Immigration SA whether it had any power to extend the deadline for state nomination to allow my Office sufficient time to consider the complaint.

Outcome

In response, Immigration SA advised my officer that the deadline for the granting of state nominations had been imposed by the Commonwealth government and that Immigration SA did not have the power to extend it. Immigration SA nevertheless agreed to conduct an internal review of its determination prior to expiration of the deadline, in which it undertook to consider additional information and points of clarification provided by the complainant.

Immigration SA subsequently advised my Office that, on review of the application, it had determined to set aside the original decision and grant the complainant's request for state nomination. On this basis, I determined that an investigation of the matter was not necessary.

Department for Child Protection (DCP)

Early Resolution - Concerns about neighbouring children

2020/01482

Complaint

A complainant contacted my Office with a concern about three children living in a house in her street. She stated that the children are aged 3, 5 and 8 years she and believed the 5 and 8 year old are autistic. She stated that they are locked in their rooms unless they are attending school. The 8 year old is still in nappies.

She held concerns that the 8 year old is banging on his bedroom window, children are constantly screaming and the mother is swearing and abusing them for long periods of time. While she had contacted Police no action appears to have been taken. She was concerned due to the family being in lockdown and the possibility of the children getting hurt.

Outcome

This complaint was referred to DCP and they took action to investigate. The children have now been removed under section 41 of the *Children and Young People (Safety) Act 2017*. Matter was listed in the Youth Court for hearing.

University of Adelaide

Early resolution - Request for reimbursement of course fees

2020/01682

Complaint

The complainant advised that he had enrolled in a Coding Boot Camp through the University. Due to the COVID-19 virus restrictions, the course was being undertaken on-line only. The complainant advised that he struggles with studying on-line and only undertook the course because it required attendance at classes.

He states that he was advised that he could postpone studying until the next semester but subsequently was informed that there will no longer be classes available at the University.

The complainant was unable to make any further payment towards his studies due to his partner losing her job following the pandemic lockdown and he requested to have the initial payment reimbursed and that he be withdrawn from further studies. This was initially declined by the University.

The University advised that the Coding Boot Camp is a program the University runs in partnership with Trilogy Education Services.

Outcome

My Office engaged in discussion with Trilogy Education Services and the complainant following which Trilogy confirmed that they will be providing the complainant with a full refund of the fees paid (approximately \$4,000) and will be arranging for him to be withdrawn from the course in view of his current position.

Ombudsman Act Investigations

In the reporting year, I exercised my discretion under section 26(3) of the Ombudsman Act to publish on-line 19 reports or statements on investigations. Some of these related to investigations completed in the latter part of the previous financial year.

The website link to published investigation reports is:

www.ombudsman.sa.gov.au/publications/investigation-reports/

Two significant reports of investigations involving the Adelaide Youth Training Centre were released during the year.

The first concerned the use of 'spit hoods' in restraining young people at the Centre and resulted in a recommendation that they be abolished. I tabled the report in Parliament due to the importance of the issue. Pleasingly, the Department of Human Services, which administers the Centre, has now implemented that recommendation.

The second involved an investigation into the treatment of two young people at the Centre. My investigation concluded that they had both been treated inhumanely by being subjected to excessive periods of confinement and segregation in breach of human rights standards. I issued 20 recommendations to improve practices at the Centre. The Department has accepted all of them and is making good progress with the implementation.

In November 2019, I tabled in Parliament a report of an investigation arising from a death that occurred at the Echunga Police Training Reserve in October 2016. The investigation concerned whether the Department for Planning, Transport and Infrastructure had failed to conduct regular and meaningful inspections of government worksites for the purposes of identifying plant and equipment requiring preventative maintenance, contrary to its obligations under the Across Government Facilities Management Agreement. The issue arose after a worksite fatality involving a walk-in freezer at the Reserve.

I concluded that the Department had committed maladministration in public administration by failing to properly discharge its responsibilities under the Agreement to inspect government worksites. I separately concluded that SAPOL had committed maladministration by failing to ensure the Department inspected the Reserve facility.

In my report, I called on the Government to adequately resource the Department to regularly inspect all Government worksites.

Ten of the investigation reports completed this year related to local government. Five of these dealt with alleged breaches of the Code of Conduct of Council Members. Breaches of confidentiality by council members have featured prominently in complaints about elected member conduct.

Local Government continues to be an abundant source of complaints to my Office with over 900 complaints received this year. Many of these (over 33%) I have declined to investigate because an investigation was not warranted or the complainant had available to them an alternative avenue of review.

Prisoners are another significant source of complaints to my Office. This year the Office received 770 complaints from prisoners:

Complaints received from prisoners 2019-2020

Prison	Total
Adelaide Pre-Release Centre	3
Adelaide Remand Centre	104
Adelaide Women's Prison	113
Cadell Training Centre	8
Holden Hill Watchhouse	1
Mobilong Prison	29
Mount Gambier Prison	207
Port Augusta Prison	54
Port Lincoln Prison	23
Yatala Labour Prison	228
Total	770

The Department for Correctional Services has been very effective in responding to my officers' enquiries and as a result, compared to previous years, relatively few complaints have been escalated to an investigation.

RTW 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 both Return to Work SA (RTWSA) and the Crown and Private self-insured insurers, 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.

Statement of Service Standards

Clause 4 of Schedule 5 of the RTW Act sets out the service standards that apply to RTWSA, claims agents and self-insured employers. They are required to:

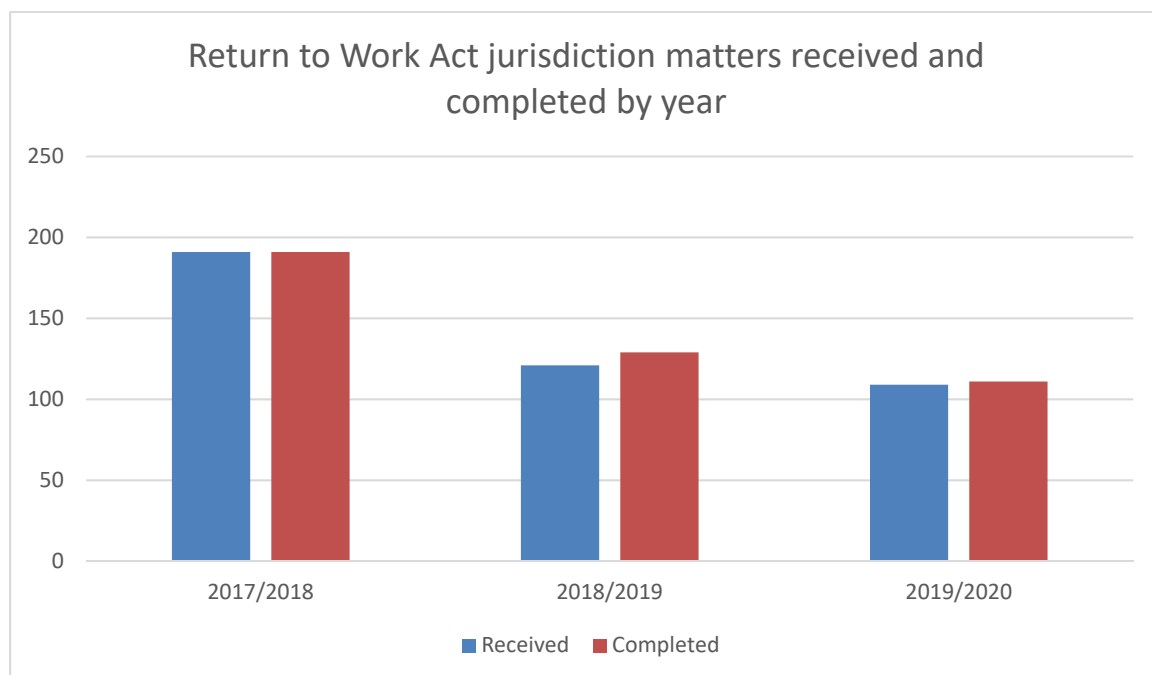
- a. View a worker's recovery and return to work as the primary goal if a worker is injured while at work;
- b. Ensure that early and timely intervention occurs to improve recovery and return to work outcomes including after retraining (if required);
- c. With the active assistance and participation of the worker and the employer, consistent with their obligations under this Act, ensure that recovery and return to work processes focus on maintaining the relationship between the worker and the employer;
- d. Ensure that a worker's employer is made aware of, and fulfils, the employer's recovery and return to work obligations because early and effective workplace-based coordination of a timely and safe return to work benefits an injured worker's recovery;
- e. Treat a worker and an employer fairly and with integrity, respect and courtesy, and comply with stated timeframes;
- f. Be clear about how the Corporation can assist a worker and an employer to resolve any issues by providing accurate and complete information that is consistent and easy to understand (including options about any claim, entitlements, obligations and responsibilities);
- g. Assist a worker in making a claim and, if necessary, provide a worker with information about where the worker can access advice, advocacy services and support;
- h. Take all reasonable steps to provide services and information in a worker's or employer's preferred language and format, including through the use of interpreters if required, and to demonstrate respect and sensitivity to a person's cultural beliefs and values;
- i. Respect and maintain confidentiality and privacy in accordance with any legislative requirements;
- j. Provide avenues for feedback or for making complaints, and to be clear about what can be expected as a response;

- k. Recognise a right of a worker or an employer to be supported by another person and to be represented by a union, advocate or lawyer.

In the reporting year, the Office received 109 complaints relating to the Service Standards. As in previous years the majority of the complaints were about being treated fairly, respectfully and within stated timeframes (Standard 4(e)) and being given assistance to resolve issues (Standard 4(f)).

An investigation into one complaint has been commenced and is due to be completed in the next reporting year. All the other complaints were resolved informally. Only 15 of the 109 complaints related to self-insured employers. The rest were made against RTWSA and its claims agents.

RTW ACT JURISDICTION	2017-2018				2018-2019				2019-2020			
	Claims Agent	Self-Insured Employer	ReturnTo WorkSA	Total	Claims Agent	Self-Insured Employer	ReturnTo WorkSA	Total	Claims Agent	Self-Insured Employer	ReturnTo WorkSA	Total
Matters received	115	53	23	191	79	20	22	121	67	15	27	109
Matters closed	117	53	21	191	82	23	24	129	69	14	28	111



I have not been called upon to review a decision by RTWSA or a self-insured employer under section 180(8) of the RTW Act in regard to a worker having access to their claims file.

Informal Resolution Case Studies (RTW)

I provide some examples of the informal resolutions achieved in response to complaints received under the Act.

Employers Mutual

Early resolution - Unreasonable delay reimbursing travel expenses

2019/10164

Complaint

The complainant made a complaint to my Office after they had not been reimbursed for their travel expenses when this had been part of the agreed settlement. When the payments had not been made after more than two months, the complainant attempted to contact the agency over a six week period and did not receive any responses to their enquiries.

Outcome

My Office contacted Employers Mutual, which looked in to the matter and found that the complainant's lawyer had not submitted the receipts for the travel reimbursement. Within two days of the complainant contacting my Office, Employers Mutual had contacted the complainant and assisted them to provide the required documents to get the payments.

Employers Mutual

Early resolution - Failure to pay outstanding account

2020/00251

Complaint

The complainant was the owner of a chemist that had a workers compensation account for a customer. The chemist owner complained that Employers Mutual had not paid the customer's account for almost a year but, rather, requested itemised accounts from the chemist on multiple occasions. The complainant had made a number of attempts to resolve the matter with the agency to request that it paid the outstanding account, without success.

Outcome

My Office contacted Employers Mutual, which looked in to the matter and advised that there was confusion about the account. Employers Mutual contacted the chemist and obtained the required information and paid the outstanding account.

Gallagher Bassett Services

Early resolution - Unreasonable refusal of request for costs to clean car

2019/08519

Complaint

The complainant injured his hand whilst at work. They were able to return to work earlier than anticipated, in an environment that causes their car to become very dirty. They were unable to clean their car due to the injury to the hand and requested that Gallagher Bassett Services arrange for them to have their car washed every few weeks until they were able to. The request was refused and the complainant considered that this was unreasonable given the injury to their hand and the fact that they were unable to get it wet.

Outcome

After being contacted by my Office, the agency reviewed the decision and discussed it with the complainant. The agency offered to provide the complainant with a car wash service that they were satisfied with.

ICAC Act Jurisdiction

The ICAC may refer matters that raise potential issues of ‘misconduct’ and/or ‘maladministration’ in public administration to the Ombudsman for investigation. The *Independent Commissioner Against Corruption Act 2012* (the ICAC Act) defines misconduct and maladministration and sets out what constitutes ‘public officers’ and ‘public authorities’ for the purposes of the Act. The matters referred may derive from complaints made to the Office for Public Integrity (OPI) by members of the public (‘complaints’) or by reports made to the OPI by public officers (‘reports’).

Pursuant to section 14B of the Ombudsman Act, a matter referred to the Ombudsman by the Commissioner is dealt with under the Ombudsman Act as if a complaint had been made under the Ombudsman Act. Accordingly, the Ombudsman investigates such referrals by exercising his powers under the Ombudsman Act.

The ICAC referred 30* complaints and reports of misconduct or maladministration in public administration to my Office pursuant to section 24(2)(a) of the ICAC Act completed 35 referred matters.

In this reporting period I issued 12 formal reports arising from ICAC referrals and found 13 allegations of misconduct and maladministration substantiated relating to 9 public officers or public authorities.

[*The number of referrals is less than the number reported by ICAC in his annual report as on several matters my Office has counted a number of referrals relating to the same public officer or public authority as constituting one or more issues on the one complaint.]

ICAC ACT JURISDICTION	2017-2018				2018-2019				2019-2020				
	Government Departments	Local Government	Other Authorities	Total	Government Departments	Local Government	Other Authorities	Total	Government Departments	Local Government	Other Authorities	Other	Total
Matters received under s24 referral	6	18	8	32	2	26	5	33	1	27	1	1	30
Matters closed	7	19	9	35	8	31	8	47	4	25	6		35

ICAC Act jurisdiction matters received under s24 referral and closed by year



Recommendations

Pursuant to section 25(2) of the Ombudsman Act, the Ombudsman may make such recommendations as he sees fit if, upon investigating a matter, the Ombudsman is of the opinion that an administrative error has occurred.

The Ombudsman is required to provide a copy of any report or recommendation made under section 25(2) of the Ombudsman Act to the responsible Minister and, according to section 25(4), the principal officer of the agency in relation to which the recommendation is made must, upon the Ombudsman's request, report on what steps have been taken to give effect to the recommendation or give reasons why there has been inaction.

If the Ombudsman is not satisfied with the action taken to give effect to the recommendations, the Ombudsman 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), the Ombudsman must advise the complainant if the Ombudsman is of the opinion that reasonable steps have not been taken to implement the recommendation within a reasonable time.

In 16 of the 19 investigation reports issued, I formed the view that public officers or agencies had committed administrative error within the meaning of section 25(1) of the Ombudsman Act. Altogether I made 58 recommendations to remedy these errors. As at time of writing 42 or 72% have been implemented. Implementation of a further 15 recommendations are in progress. Once completed this will represent an implementation rate of 98%.

It should be noted that I do not have an express power to issue recommendations upon forming a view about misconduct or maladministration under the ICAC Act. However, where the actions under investigation can be construed as administrative acts within the meaning of the Ombudsman Act, I usually express a view in accordance with section 25(1) of the Ombudsman Act which allows me to make a recommendation under section 25(2) of that Act.

During the reporting year, I exercised my discretion under section 26 of the Ombudsman Act to publish 19 of the final reports or a summary statement of them. The website link to the published reports is: www.ombudsman.sa.gov.au/publications/investigation-reports/

In accordance with my 'Early Resolution' Policy, I seek to adopt a formal early resolution process where my Office has undertaken an assessment of the merits of the complaint and a potential administrative error has been identified but it appears likely that the same or similar outcome to an investigation could be achieved voluntarily and in a shorter timeframe.

This year, in several investigations I have given an agency the opportunity to enter a voluntary agreement to remedy an error instead of me completing a formal investigation report and issuing recommendations under section 25 of the Ombudsman Act. This has been appropriate when the agency has unequivocally acknowledged the error and accepted responsibility and the matter being complained about is not so serious that the public interest requires a formal investigation to be completed.

The following is a case study example of where a formal early resolution is appropriate.

A complaint by a prisoner was received by my Office about the failure of the Department for Correctional Services (**the department**) to notify the prisoner's nominated next of kin when he was placed in an induced coma while in custody. The prisoner's 'next of kin' was not notified because he was also a prisoner and the department determined that notification would present a security risk. However, this had not been identified as a potential issue when the prisoner nominated his next of kin to be contacted in the case of an emergency. After raising the complaint with the department, the Chief Executive agreed to review and amend the Standard Operating Procedure 006A - Prisoner Death or Critical Injury (**SOP 006A**), to address the concerns detailed in my letter.

On the basis of the Chief Executive's agreement to take that action, I declined to investigate the complaint as I considered that the review and amendments were likely to be consistent with recommendations that I might have made had I investigated the matter and made a finding of error.

Within a few months, the department confirmed that the review had been completed and provided my Office with a copy of the amended SOP 006A. The amendments relevant to my concerns include:

- the term 'next of kin' has been replaced with 'emergency contact', which may be a family member or significant other. Definitions of these terms are provided and I note that a significant other includes a person who is a part of the prisoner's extended family, resulting from their cultural background and family obligations that extend beyond the prisoner's immediate family
- a KEX process has been added for prisoners to update the contact details of their nominated emergency contact and prisoners are responsible for ensuring that these details are complete and up to date
- where an emergency contact is not available, the Public Trustee is listed as the default emergency contact
- prisoners are expressly prohibited from listing another prisoner as an emergency contact.

I considered that the amendments to SOP 006A appropriately addressed my concerns in this matter.

This formal early resolution process has proven successful and I intend on employing it as often as the circumstances allow.

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Audits

Audits

Ombudsman Act

Under section 14A of the Ombudsman Act, the Ombudsman may conduct a review of the administrative practices and procedures of an agency to which the Act applies where the Ombudsman considers it in the public interest to do so.

In this reporting year, I did not undertake an audit pursuant to the Ombudsman Act.

Forensic Procedures Audit

When the Police Ombudsman was abolished in 2017, the responsibility for conducting the annual audit of compliance with the *Criminal Law (Forensic Procedures) Act 2007 (the CLFP Act)* was transferred to my Office. A report is required to be submitted to the Attorney-General by 30 September each year. The Deputy Ombudsman submitted the first audit by my Office to the Attorney-General on 28 September 2018. The audit covered the period February 2017 to May 2018.

This reporting year, the audit was provided to the Attorney-General on 30 September 2019 and covered the period from 11 May 2018 to 30 June 2019. It was laid before each House of Parliament by the Attorney-General on 14 November 2019.

The 2019 audit revealed widespread compliance with the CLFP Act; indeed a higher level of compliance than the previous year. The report notes that all seven recommendations made in the 2018 report have been implemented by SA Police. In the 2019 audit report, a further four recommendations were made to improve practice and compliance with the provisions of the CLFP Act and regulations.

Recommendation 1	That consideration be given by the Commissioner of SA Police to amend the General Order to provide that, where reasonably practicable, interpreters should be professionally qualified interpreters.
Recommendation 2	That documentation concerning sexual assault forensic examinations is amended so as to ensure that advice is provided regarding the volunteers/victims right to request the making of an audio-visual record of the procedure.
Recommendation 3	That the SA Police consider issuing a reminder to staff that an appropriate representative must be present at an authorised forensic procedure where the subject is a protected person in accordance with section 25(2) of the CLFP Act.
Recommendation 4	That the SA Police give consideration to amending relevant procedures to ensure that reasonable steps are taken to notify suspects of the results of the testing, whatever those results may be.

The audit report is available on the Ombudsman SA website at:
<https://www.ombudsman.sa.gov.au/publications/audit-reports/>

The background is a solid teal color with several overlapping, semi-transparent circles of varying shades of teal, creating a layered, abstract effect. The circles are centered and overlap each other, with some appearing more prominent than others.

Freedom of Information Jurisdiction

Freedom of Information Act Jurisdiction

The *Freedom of Information Act 1991* (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 completed 278 external reviews for the year. This compares to 154 last year. 124 of the external reviews were finalised by way of a formal determination and a further 42 were settled or withdrawn following intervention by my Office.

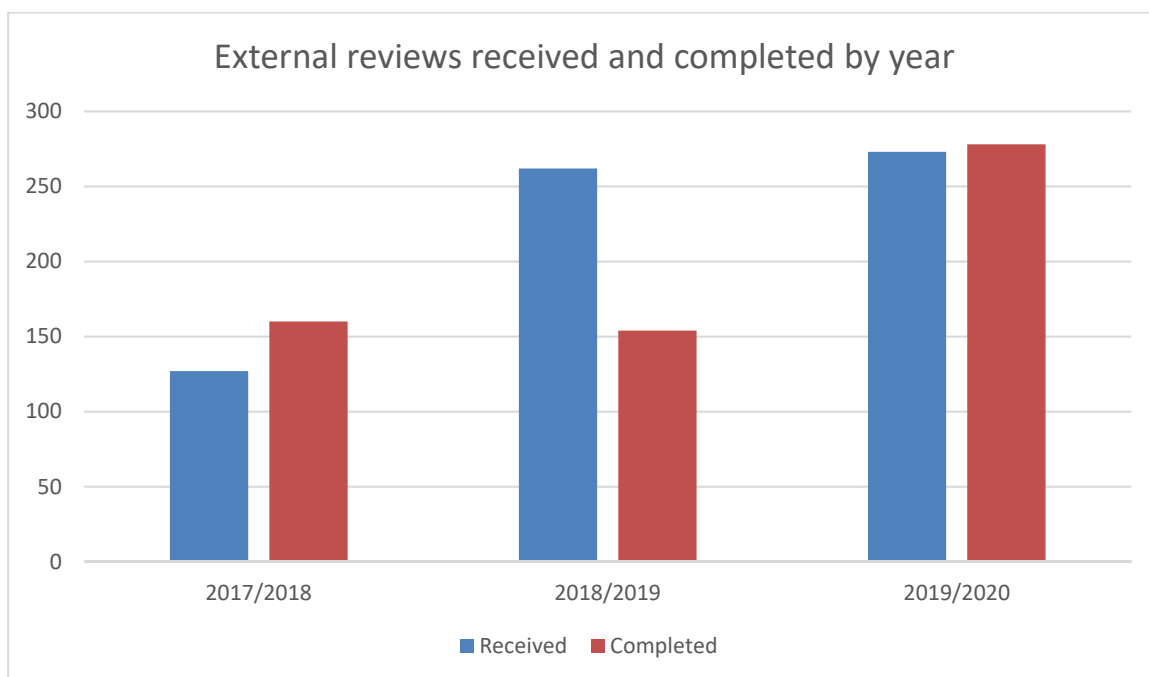
I exercised my power under section 39(14) of the FOI Act to publish 19 of the determinations on the Ombudsman SA website. These can be accessed at:

www.ombudsman.sa.gov.au/publications/foi-determinations/

2019-20 saw the highest number of applications for external review received by my Office since my appointment in 2014. The number is more than double that of two years ago and has placed significant pressure on our human resources.

This is evidenced by average time to complete an external review during the year increasing from 86 days (approximately three months) in 2018-19 to 194 days (more than six months) this year. Even so, the Office closed a record number of external reviews in the year.

FOI JURISDICTION	2017-2018					2018-2019					2019-2020				
	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	55	28	33	11	127	150	26	46	40	262	119	17	79	58	273
External Reviews closed	67	32	48	13	160	84	14	37	19	154	146	21	57	54	278



Complaints about FOI matters

In addition to conducting external reviews, my Office receives complaints about the way agencies have managed the FOI application. Most of these complaints are about agencies not being able to locate documents that the applicant believes they hold. A claim by an agency that it does not hold a document requested under the FOI Act is not a determination for the purpose of the FOI Act and is therefore not reviewable under that Act. This means that such a claim cannot be reviewed by the agency concerned on internal review or by my Office as an external review authority, or by SACAT on external review.

However, I continue to consider grievances arising out of such claims but treat them as complaints under the *Ombudsman Act 1972*, rather than as external reviews under the FOI Act. This is a very unsatisfactory state of affairs and is one of the numerous deficiencies in the Act that I am hopeful will be addressed by the current amendment Bill being considered by Parliament.

During the reporting year, I received 54 FOI Act complaints and completed 47. On average, complaints were finalised within 186 days compared to 49 days the previous year.

Every year my Office provides advice on the operation of the Act to agency FOI officers and applicants. This reporting year the Office dealt with 216 requests for advice, a substantial increase on the 129 closed the previous year.

Matter type	2017-2018		2018-2019		2019-2020	
	Received	Closed	Received	Closed	Received	Closed
FOI external reviews	127	160	262	154	273	278
FOI advices	158	158	130	129	215	216
FOI complaints	19	23	50	39	54	47
Summary of FOI complaints						
FOI Practices & procedures	2	2	16	11	36	23
Sufficiency of search	17	21	34	28	18	24

	2017-2018	2018-2019	2019-2020
Average days open - FOI external reviews	125 days	86 days	194 days
Average days open - FOI complaints	78 days	49 days	186 days

External reviews completed within time periods for the last 2 financial years

	<30 days	<120 days	<180 days	<270 days	<365 days	>365 days	Total
2017/2018	26	61	32	30	8	3	160
2018/2019	55	54	19	21	4	1	154
2019/2020	41	65	36	60	39	37	278



Other Activities

Other Activities

Submissions

Freedom of Information (Miscellaneous) Amendment Bill 2019

In August 2018, I submitted a proposal for reform of the *FOI Act 1991* to the Chief Executive of the Attorney-General's Department. In June 2019 I had opportunity to comment on a draft amendment bill and, in January 2020, I provided the Attorney-General's Department's Legislative Services with further feedback on a revised draft bill that the Attorney-General had tabled in the House of Assembly.

Statutes Amendment (Local Government Reform) Bill 2020

The Minister for Transport, Infrastructure and Local Government embarked upon a review of the Code of Conduct for Council Members as well as the Local Government Act and my Office was represented in a working group that contributed to a discussion paper for consultation. My Office provided a submission in response to the discussion paper titled '*Reforming Local Government in South Australia*' in October 2019. In June 2020, I provided comment on a draft amendment bill.

Crime and Public Integrity Policy Committee

In April 2019, I provided a written submission to the parliamentary standing committee for Crime and Public Integrity Policy which was convening an Inquiry into the functions, interrelationships between and resources required to support the operations of the Auditor-General, ICAC, and the Ombudsman and the functions of the Crime and Public Integrity Policy Committee amongst other matters. On 8 July 2019, I appeared before the Committee to give evidence for the Inquiry.

Draft regulations under the Ombudsman Act 1972

In September 2019 I provided feedback to the Minister on draft regulations under the Ombudsman Act relating to Joint Planning Boards under the *Planning, Development and Infrastructure Act 2016*. The draft regulations are aimed at including Joint Planning Boards and subsidiaries in the definition of 'agency' for the purpose of the Ombudsman Act.

Australasian and Pacific Ombudsmen Region Conference

As a member of the International Ombudsman Institute (IOI), I attended a three day conference held in Taipei, Taiwan in September 2019 for the Australasian and Pacific Ombudsman Region, a division of the IOI. This was an opportunity to meet with many ombudsmen from the region and to reflect on issues important to our work. The conference's theme was 'The Ombudsman's Role in Human Rights Protection'.

Public Interest Disclosure Act disclosures and notifications

The *Public Interest Disclosure Act 2018* (PID Act) commenced operation 1 July 2019. Under that Act, I am a relevant authority for receiving disclosures of public interest information that relates to an agency to which the Ombudsman Act applies.

Pursuant to section 7(1)(c) of that Act, I am required to notify the Office for Public Integrity of each disclosure I receive under the Act in accordance with the ICAC guidelines. In 2019-20 I received 33 public interest disclosures.

These disclosures concerned the various agency groups as follows:

	Disclosures
Government Departments	3
Local Government	25
Councils - 9	
Elected Members - 16	
Other Authorities	5
Total	33

In March 2020, the Attorney-General invited me to outline any issues I was experiencing with the operation of the Act. I replied in April 2020 raising the following issues:

- the criteria for qualifying as an appropriate disclosure under the Act needed to be tightened to require the informant to expressly request that action be taken on their disclosure
- the timeframes stipulated under the Act for notifying the information of the action being taken on a disclosure and the outcome of that action were proving to be difficult to meet and should be lengthened
- the current process requires me to make two reports to OPI of the same information: one pursuant to the PID Act and one pursuant to the ICAC Act
- clarification is required as to what constitutes 'action being taken' in relation to a disclosure
- confidentiality of the informant's identity applies even between the OPI and ICAC and myself so that when I report to OPI pursuant to the Act and the ICAC Act I cannot identify the informant in the report unless I have the informant's express consent.

The Attorney-General has indicated that she will give further consideration to these issues after a review of the Act has been completed in its second year of operation.

Judicial review

The General Manager of the APY Lands, Mr Richard King, sought judicial review of my investigation of him in response to complaints about him from a former Chair of the APY Lands Board. In a report dated 8 May 2018, I had concluded that the General Manager was wrong to refuse the Chair of the Board's request for copies of his handwritten notes of the meeting minutes and I recommended he apologise to the Chair. The hearing held by the Supreme Court was completed in December 2018 and a decision was handed down on 26 June 2019. The Court dismissed the application for judicial review holding that I had acted within my jurisdiction and that the General Manager had failed to demonstrate that any of my conclusions arising from the investigation were legally unreasonable.

The General Manager subsequently appealed to the Full Supreme Court. The appeal was heard in March 2020. The Full Court's decision dismissing the appeal was handed down after the reporting year, on 15 September 2020.

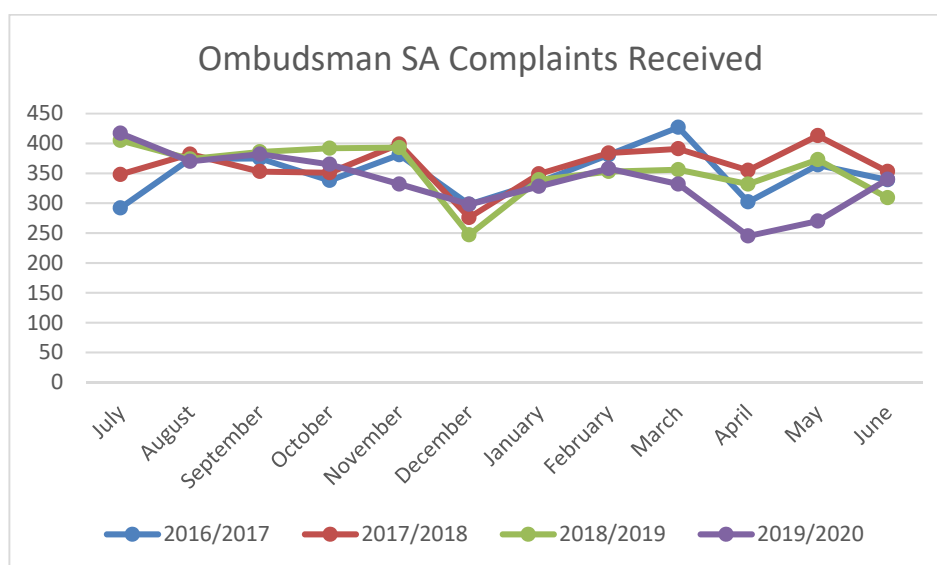
I here record my disappointment that the General Manager chose to take this relatively minor matter to the Full Supreme Court to challenge my jurisdiction, apparently for the sake of avoiding having to apologise to the former Chair of the Board.

Response to COVID-19 Pandemic

Following the declaration of a Major Emergency in relation to the COVID-19 pandemic under the *Emergency Management Act 2004* on 22 March 2020, all staff began working from home and all work was performed remotely via mobile phones, video conferencing and the internet. This arrangement continued until late June 2020 when staff were able to return to work in the office environment.

While face-to-face meetings with complainants could not be held and all contact with them had to be by phone or on-line, I am pleased to say that our service to the public continued unabated over this period. We even managed to reduce some of our backlog of cases. This is a credit to the staff and the excellent IT support we received through the Attorney-General's Department.

We experienced a decrease of around 20% of new complaints during the 'lockdown' months of April and May. By June the rate of new complaints had returned to normal levels. The table below provides a comparison of complaints received on a monthly basis for the last four years.



Up to the end of the financial year, the Office received 21 enquiries on COVID-19 related issues and 59 complaints about government actions in regard to the COVID-19 restrictions. These complaints mainly concerned the Departments for Correctional Services, Child Protection and Planning, Transport and Infrastructure. I am satisfied that each agency has responded appropriately to the concerns raised with them.

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 on referral from the Independent Commissioner Against Corruption
- 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: 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 actions and decisions of:

- employers - on matters that affect their employees
- private persons, businesses or companies
- Commonwealth or interstate government agencies
- government Ministers and Cabinet
- 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.

Service principles

If the 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

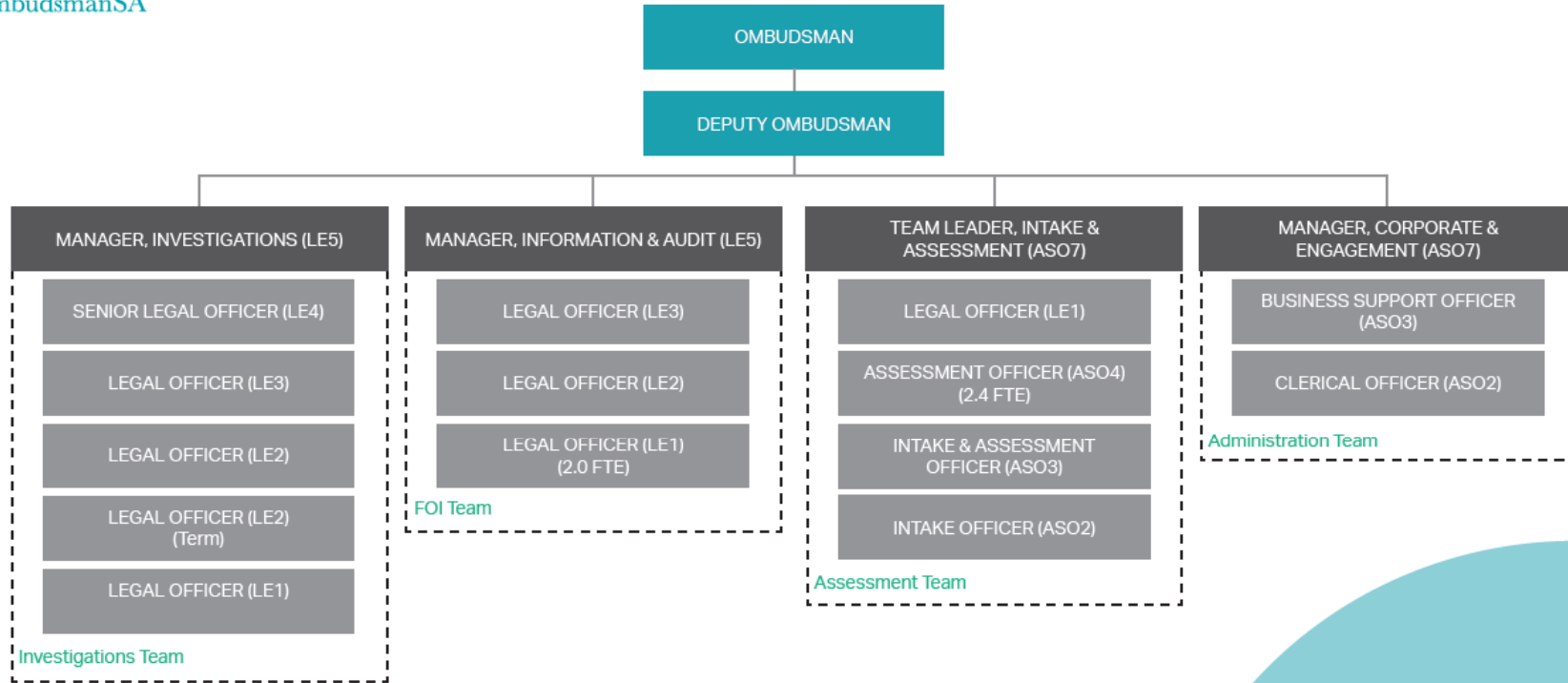
Parties who are unhappy with our service can find our complaints policy and procedures at <http://www.ombudsman.sa.gov.au/about-us/complaints-about-us/>.

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 24 complaints made about my Office in the 2019/2020 year and I set out a summary of them below.

Matter number	Complaint subject matter	Outcome/actions taken
2017/06026	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome varied
2017/07437	Request for internal review of OSA decision	OSA Decisions\No Internal Review
2017/10810	Complaint about OSA services	OSA Services\Not substantiated
2018/02529	Complaint about OSA decision	OSA Decisions\No Internal Review
2019/05842	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome confirmed
2019/06058	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome confirmed
2019/06609	Complaint about OSA service	OSA Services\Not substantiated
2019/06953	Complaint about OSA service	OSA Services\Partly substantiated
2019/07330	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome varied
2019/07724	Complaint about OSA services	OSA Services\Partly substantiated
2018/06168	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome varied
2019/08456	Complaint about OSA service	OSA Services\Not substantiated
2019/08510	Complaint about OSA service	OSA Services\Not substantiated
2019/09189	Request for internal review of OSA decision	OSA Decisions\No Internal Review
2019/09401	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome confirmed
2019/09497	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome confirmed
2019/09997	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome confirmed
2020/00294	Complaint about OSA service	OSA Services\Not substantiated
2020/00530	Complaint about OSA services	OSA Services\Partly substantiated
2020/00756	Complaint about OSA service	OSA Services\Not substantiated
2020/01161	Request for internal review of OSA decision	OSA Decisions\Internal Review\Outcome confirmed
2020/01484	Complaint about OSA service	OSA Services\Not substantiated
2020/01529	Complaint about OSA service	OSA Services\Not substantiated
2019/07003	Complaint about OSA service	OSA Services\Not substantiated

Organisational Chart

as at 30 June 2020



Financial statement

Expenditure	2017/18	2018/19	2019/20
Annual Report	4 905	3 654	
Computer expenses	74 742	71 148	90 960
Contributions to projects	6 000		
Equipment maintenance	3 330	2 376	1 366
Equipment purchases	11 728	2 578	822
* Fringe Benefits Tax	11 330	13 755	11 471
* Motor vehicles	16 154	16 786	14 398
Postage	5 017	3 997	7 655
Printing and stationery	10 732	11 034	5 292
Publications and subscriptions	5 271	3 218	2 225
Staff development	19 090	24 234	17 553
Sundries	31 500	30 159	24 351
Telephone charges	19 023	15 303	18 489
Travel/taxi charges	13 786	15 643	9 251
Website Development	4 500	3 435	22 305
Sub-total	237 108	217 320	226 138
* Accommodation and energy	365 351	385 000	391 271
Consultant/Contract staff/Prof costs	47 865	85 497	42 476
Sub-total	413 216	470 497	433 747
* Salaries	2 662 602	2 909 892	2 837 953
Sub-total	2 662 602	2 909 892	2 837 953
** Income	(533 307)	(653 000)	(611 621)
Sub-total	(533 307)	(653 000)	(611 621)
* Figures include expenses incurred by the Ombudsman position (funded by Special Acts)			
** Includes recovery of expenditure from ReturnToWorkSA			
Net expenditure	2 779 619	2 697 419	2 886 217

Ombudsman Act Jurisdiction

Government departments

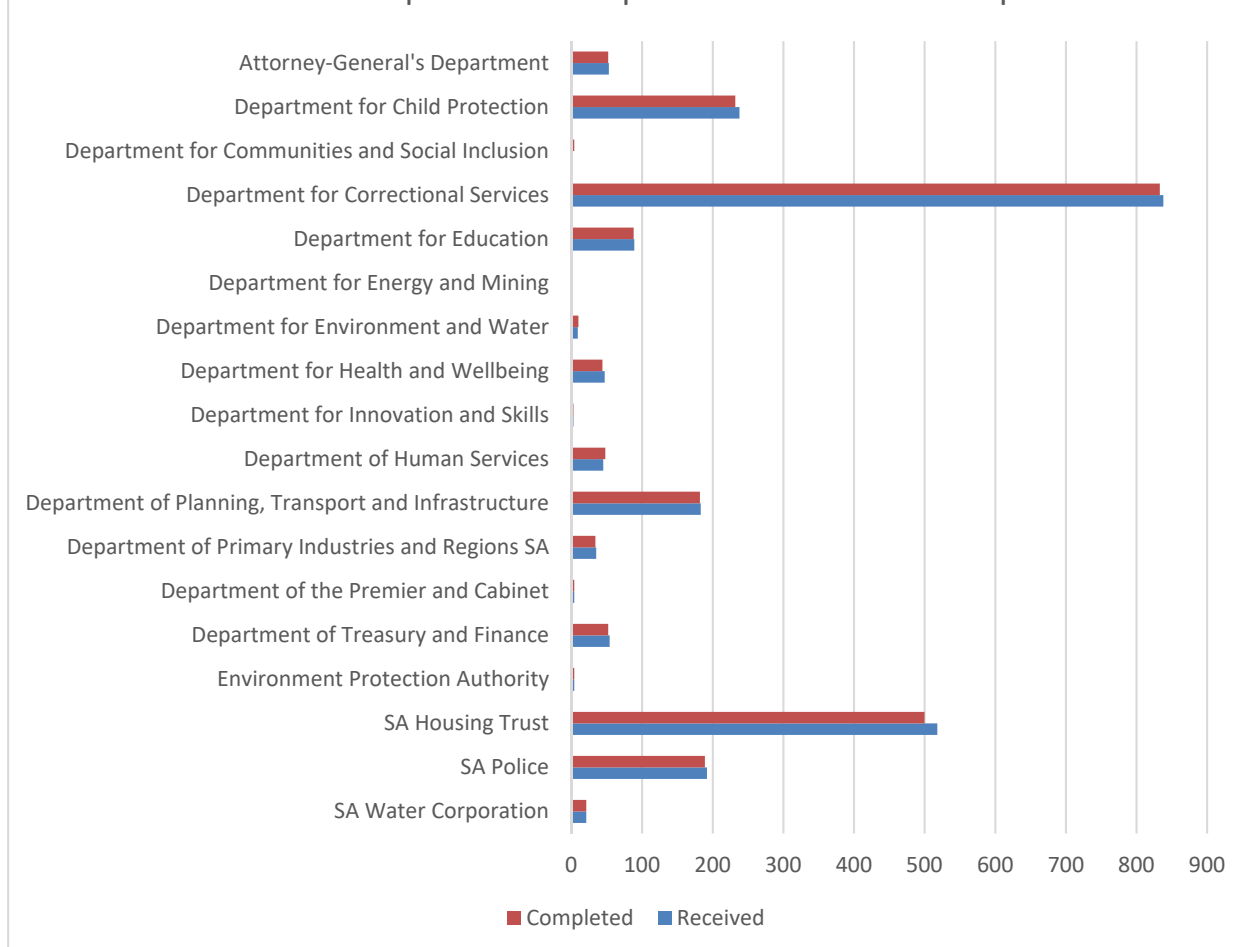
Summary tables

1 July 2019 - 30 June 2020

Complaints: received and completed

Department	Received	Percentage	Completed	Percentage
Attorney-General's Department	53	2.3	52	2.3
Department for Child Protection	238	10.2	232	10.1
Department for Communities and Social Inclusion			4	0.2
Department for Correctional Services	838	35.9	833	36.2
Department for Education	89	3.8	88	3.8
Department for Energy and Mining	1	0.0	2	0.1
Department for Environment and Water	9	0.4	10	0.4
Department for Health and Wellbeing	47	2.0	44	1.9
Department for Innovation and Skills	3	0.1	3	0.1
Department of Human Services	45	1.9	48	2.1
Department of Planning, Transport and Infrastructure	183	7.8	182	7.9
Department of Primary Industries and Regions SA	35	1.5	34	1.5
Department of the Premier and Cabinet	4	0.2	4	0.2
Department of Treasury and Finance	54	2.3	52	2.3
Environment Protection Authority	4	0.2	4	0.2
SA Housing Trust	518	22.2	500	21.7
SA Police	192	8.2	189	8.2
SA Water Corporation	21	0.9	21	0.9
Total	2334	100%	2302	100%

Government department complaints received and completed



Complaints: outcomes

Outcome	Total	Percentage
Advice given	14	0.6
Alternate remedy available with another body	315	13.7
Complaint cannot be contacted	33	1.4
Declined/Investigation unnecessary or unjustifiable	388	16.9
Declined/No sufficient personal interest or not directly affected	14	0.6
Declined/Out of time	7	0.3
Not substantiated/No s25 finding	3	0.1
Out of Jurisdiction/Agency not within jurisdiction	6	0.3
Out of Jurisdiction/Employment	5	0.2
Outside of Jurisdiction/Judicial Body	1	0.0
Out of Jurisdiction/Minister	1	0.0
Outside of Jurisdiction/Police Matter	1	0.0
Outside of Jurisdiction/Policy	1	0.0
Referred back to agency	1215	52.8
Report to OPI	1	0.0
Resolved with agency cooperation	233	10.1
s25 Finding/Finding/Contrary to law	3	0.1
s25 Finding/Finding/Unreasonable	2	0.1
s25 Finding/Finding/Mistake of law or fact	1	0.0
s25 Finding/Wrong	6	0.3
Withdrawn by complainant	52	2.3
Total	2302	100%

Local government

Summary tables

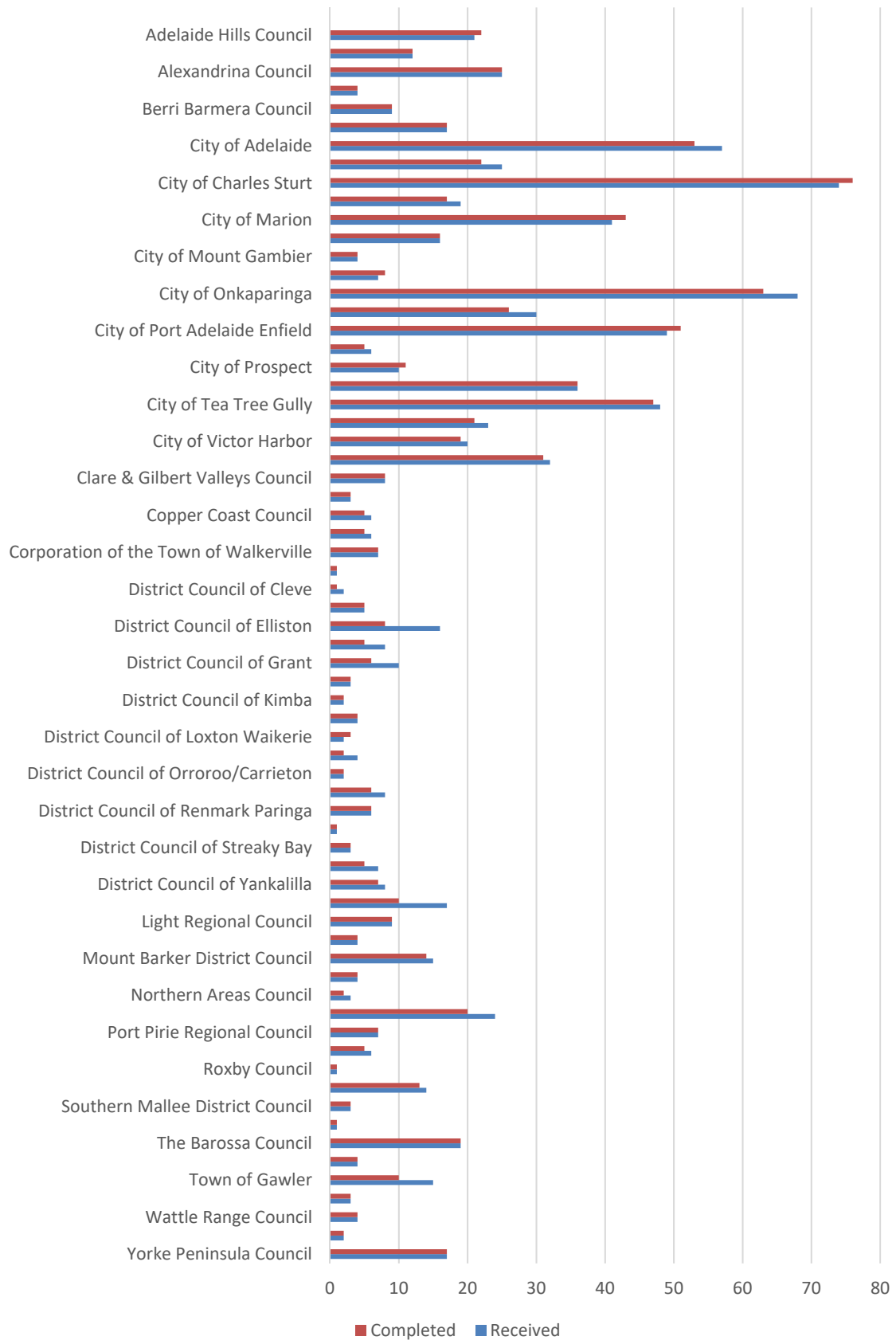
1 July 2019 - 30 June 2020

Complaints: received and completed

Council	Received	%	Population 30 June 2019	Received/1 0,000 population	Completed	%	Completed /10,000 Population
Adelaide Hills Council	21	2.2	39 977	5.3	22	2.5	5.5
Adelaide Plains Council	12	1.3	9 137	13.1	12	1.4	13.1
Alexandrina Council	25	2.6	27 427	9.1	25	2.8	9.1
Barunga West Council	4	0.4	2 563	15.6	4	0.5	15.6
Berri Barmera Council	9	1.0	10 842	8.3	9	1.0	8.3
Campbelltown City Council	17	1.8	52 192	3.3	17	1.9	3.3
City of Adelaide	57	6.0	25 456	22.4	53	6.0	20.8
City of Burnside	25	2.6	45 816	5.5	22	2.5	4.8
City of Charles Sturt	74	7.8	118 943	6.2	76	8.6	6.4
City of Holdfast Bay	19	2.0	37 435	5.1	17	1.9	4.5
City of Marion	41	4.3	93 448	4.4	43	4.8	4.6
City of Mitcham	16	1.7	67 474	2.4	16	1.8	2.4
City of Mount Gambier	4	0.4	27 275	1.5	4	0.5	1.5
City of Norwood, Payneham & St Peters	7	0.7	37 056	1.9	8	0.9	2.2
City of Onkaparinga	68	7.2	172 938	3.9	63	7.1	3.6
City of Playford	30	3.2	94 848	3.2	26	2.9	2.7
City of Port Adelaide Enfield	49	5.2	127 740	3.8	51	5.7	4.0
City of Port Lincoln	6	0.6	14 718	4.1	5	0.6	3.4
City of Prospect	10	1.1	21 520	4.6	11	1.2	5.1
City of Salisbury	36	3.8	143 560	2.5	36	4.1	2.5
City of Tea Tree Gully	48	5.1	100 261	4.8	47	5.3	4.7
City of Unley	23	2.4	39 208	5.9	21	2.4	5.4
City of Victor Harbor	20	2.1	15 465	12.9	19	2.1	12.3
City of West Torrens	32	3.4	60 842	5.3	31	3.5	5.1
Clare & Gilbert Valleys Council	8	0.8	9 424	8.5	8	0.9	8.5
Coorong District Council	3	0.3	5 429	5.5	3	0.3	5.5
Copper Coast Council	6	0.6	15 010	4.0	5	0.6	3.3
Corporation of the City of Whyalla	6	0.6	21 665	2.8	5	0.6	2.3
Corporation of the Town of Walkerville	7	0.7	8 000	8.8	7	0.8	8.8
District Council of Ceduna	1	0.1	3 442	2.9	1	0.1	2.9
District Council of Cleve	2	0.2	1 792	11.2	1	0.1	5.6
District Council of Coober Pedy	5	0.5	1 834	27.3	5	0.6	27.3
District Council of Elliston	16	1.7	1 008	158.7	8	0.9	79.4
District Council of Franklin Harbor	8	0.8	1 304	61.3	5	0.6	38.3
District Council of Grant	10	1.1	8 584	11.6	6	0.7	7.0
District Council of Karoonda East Murray	3	0.3	1 107	27.1	3	0.3	27.1
District Council of Kimba	2	0.2	1 065	18.8	2	0.2	18.8

Council	Received	%	Population 30 June 2019	Received/1 0,000 population	Completed	%	Completed /10,000 Population
District Council of Lower Eyre Peninsula	4	0.4	5 780	6.9	4	0.5	6.9
District Council of Loxton Waikerie	2	0.2	11 743	1.7	3	0.3	2.6
District Council of Mount Remarkable	4	0.4	2 909	13.8	2	0.2	6.9
District Council of Orroroo/Carrieton	2	0.2	850	23.5	2	0.2	23.5
District Council of Peterborough	8	0.8	1 687	47.4	6	0.7	35.6
District Council of Renmark Paringa	6	0.6	9 907	6.1	6	0.7	6.1
District Council of Robe	1	0.1	1 450	6.9	1	0.1	6.9
District Council of Streaky Bay	3	0.3	2 192	13.7	3	0.3	13.7
District Council of Tumby Bay	7	0.7	2 702	25.9	5	0.6	18.5
District Council of Yankalilla	8	0.8	5 572	14.4	7	0.8	12.6
Kangaroo Island Council	17	1.8	4 983	34.1	10	1.1	20.1
Light Regional Council	9	1.0	15 359	5.9	9	1.0	5.9
Mid Murray Council	4	0.4	9 094	4.4	4	0.5	4.4
Mount Barker District Council	15	1.6	36 571	4.1	14	1.6	3.8
Naracoorte Lucindale Council	4	0.4	8 555	4.7	4	0.5	4.7
Northern Areas Council	3	0.3	4 619	6.5	2	0.2	4.3
Port Augusta City Council	24	2.5	13 862	17.3	20	2.3	14.4
Port Pirie Regional Council	7	0.7	17 634	4.0	7	0.8	4.0
Regional Council of Goyder	6	0.6	4 190	14.3	5	0.6	11.9
Roxby Council	1	0.1	3 954	2.5	1	0.1	2.5
Rural City of Murray Bridge	14	1.5	22 495	6.2	13	1.5	5.8
Southern Mallee District Council	3	0.3	2 080	14.4	3	0.3	14.4
Tatiara District Council	1	0.1	6 816	1.5	1	0.1	1.5
The Barossa Council	19	2.0	25 021	7.6	19	2.1	7.6
The Flinders Ranges Council	4	0.4	1 692	23.6	4	0.5	23.6
Town of Gawler	15	1.6	24 416	6.1	10	1.1	4.1
Wakefield Regional Council	3	0.3	6 838	4.4	3	0.3	4.4
Wattle Range Council	4	0.4	12 041	3.3	4	0.5	3.3
Wudinna District Council	2	0.2	1 300	15.4	2	0.2	15.4
Yorke Peninsula Council	17	1.8	11 324	15.0	17	1.9	15.0
Total	947	100%			888	100%	

Complaints received and completed



Complaints: outcomes

Outcome	Total	Percentage
Advice Given	6	0.7
Alternate Remedy Available with Another Body	61	6.9
Complainant Cannot be Contacted	9	1.0
Declined\Investigation Unnecessary or Unjustifiable	268	30.2
Declined\No Sufficient Personal Interest or Not Directly Affected (s17(2))	4	0.5
Declined\Out of Time	4	0.5
Not Substantiated / No s25 Finding	1	0.1
Referred Back to Agency	466	52.5
Report to OPI	23	2.6
Resolved with Agency Co-operation	24	2.7
S25 Finding\s25(1)(a) Finding / Contrary to Law	1	0.1
Withdrawn by Complainant	21	2.4
Total	888	100%

Other authorities

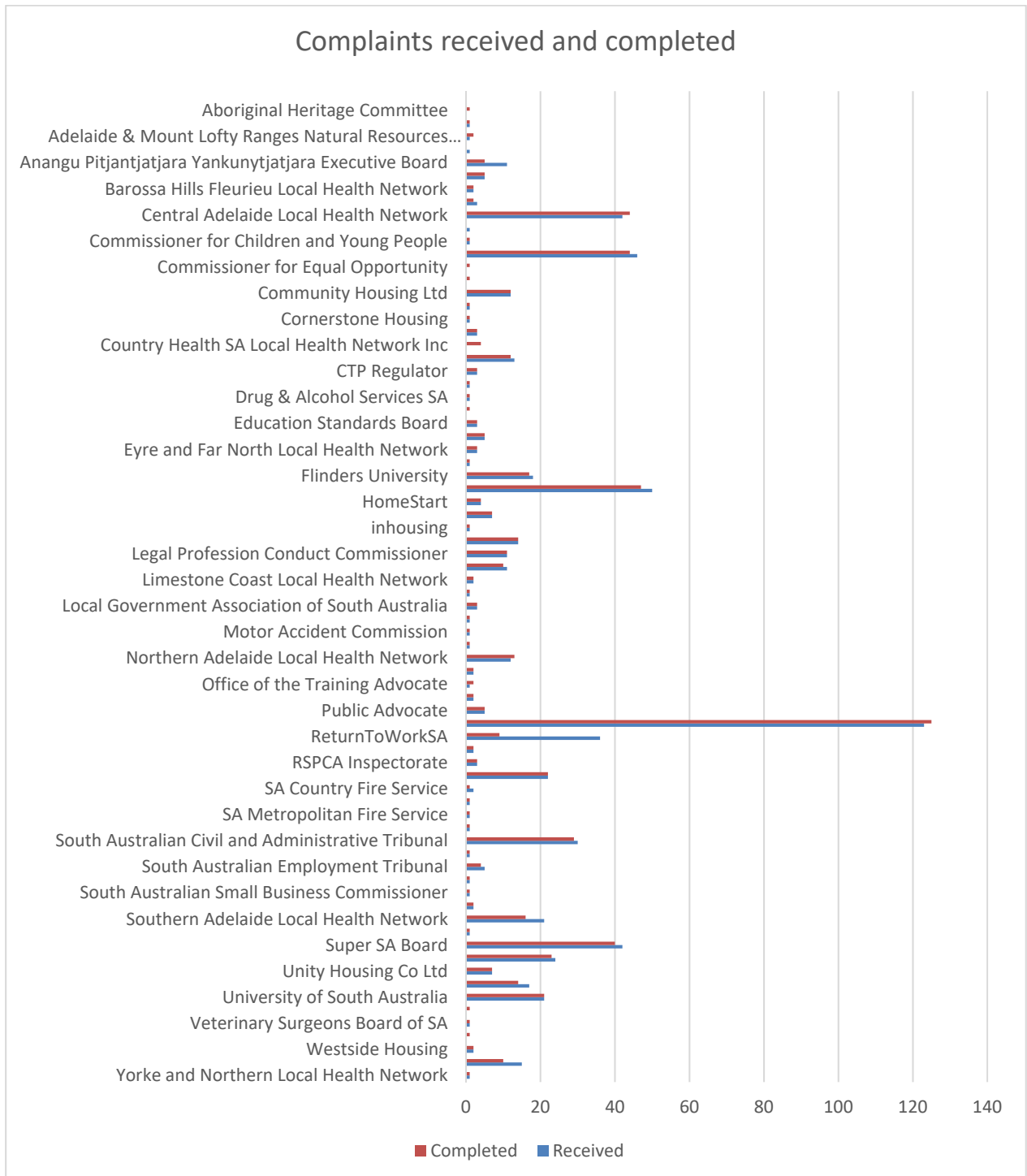
Summary tables

1 July 2019 - 30 June 2020

Complaints: received and completed

Authority	Received	Percentage	Completed	Percentage
Aboriginal Heritage Committee			1	0.2
Aboriginal Lands Trust	1	0.1	1	0.2
Adelaide & Mount Lofty Ranges Natural Resources Management Board	1	0.1	2	0.3
Adelaide Cemeteries Authority	1	0.1		
Anangu Pitjantjatjara Yankunytjatjara Executive Board	11	1.6	5	0.8
Anglicare Housing SA Ltd	5	0.7	5	0.8
Barossa Hills Fleurieu Local Health Network	2	0.3	2	0.3
Centennial Park Cemetery Authority	3	0.4	2	0.3
Central Adelaide Local Health Network	42	6.1	44	6.8
Coast Protection Board	1	0.1		
Commissioner for Children and Young People	1	0.1	1	0.2
Commissioner for Consumer Affairs	46	6.7	44	6.8
Commissioner for Equal Opportunity			1	0.2
Commissioner for Victims' Rights			1	0.2
Community Housing Ltd	12	1.7	12	1.9
Community Living Options	1	0.1	1	0.2
Cornerstone Housing	1	0.1	1	0.2
Coroner	3	0.4	3	0.5
Country Health SA Local Health Network Inc			4	0.6
Courts Administration Authority	13	1.9	12	1.9
CTP Regulator	3	0.4	3	0.5
Director of Public Prosecutions	1	0.1	1	0.2
Drug & Alcohol Services SA	1	0.1	1	0.2
Eastern Eyre Health Advisory Council			1	0.2
Education Standards Board	3	0.4	3	0.5
Electoral Commission of South Australia	5	0.7	5	0.8
Eyre and Far North Local Health Network	3	0.4	3	0.5
Flinders and Upper North Local Health Network	1	0.1	1	0.2
Flinders University	18	2.6	17	2.6
Health & Community Services Complaints Commissioner	50	7.2	47	7.3
HomeStart	4	0.6	4	0.6
Housing Choices SA	7	1.0	7	1.1
inhousing	1	0.1	1	0.2
Junction Australia Ltd	14	2.0	14	2.2
Legal Profession Conduct Commissioner	11	1.6	11	1.7
Legal Services Commission	11	1.6	10	1.6
Limestone Coast Local Health Network	2	0.3	2	0.3
Local Government Association Mutual Liability Scheme	1	0.1	1	0.2
Local Government Association of South Australia	3	0.4	3	0.5
Lotteries Commission	1	0.1	1	0.2
Motor Accident Commission	1	0.1	1	0.2
Native Vegetation Council	1	0.1	1	0.2
Northern Adelaide Local Health Network	12	1.7	13	2.0
Office of the Technical Regulator	2	0.3	2	0.3
Office of the Training Advocate	1	0.1	2	0.3
Outback Communities Authority	2	0.3	2	0.3
Public Advocate	5	0.7	5	0.8
Public Trustee	123	17.8	125	19.4
ReturnToWorkSA	36	5.2	9	1.4
Riverland Mallee Coorong Local Health Network	2	0.3	2	0.3
RSPCA Inspectorate	3	0.4	3	0.5
SA Ambulance Service	22	3.2	22	3.4
SA Country Fire Service	2	0.3	1	0.2
SA Forestry Corporation	1	0.1	1	0.2
SA Metropolitan Fire Service	1	0.1	1	0.2
Salvation Army Housing SA	1	0.1	1	0.2
South Australian Civil and Administrative Tribunal	30	4.3	29	4.5
South Australian Dental Service	1	0.1	1	0.2
South Australian Employment Tribunal	5	0.7	4	0.6
South Australian Fire and Emergency Services Commission	1	0.1	1	0.2
South Australian Small Business Commissioner	1	0.1	1	0.2
South Australian Tourism Commission	2	0.3	2	0.3
Southern Adelaide Local Health Network	21	3.0	16	2.5

Authority	Received	Percentage	Completed	Percentage
State Planning Commission	1	0.1	1	0.2
Super SA Board	42	6.1	40	6.2
TAFE SA	24	3.5	23	3.6
Unity Housing Co Ltd	7	1.0	7	1.1
University of Adelaide	17	2.5	14	2.2
University of South Australia	21	3.0	21	3.3
Urban Renewal Authority			1	0.2
Veterinary Surgeons Board of SA	1	0.1	1	0.2
West Beach Trust			1	0.2
Westside Housing	2	0.3	2	0.3
Women's and Children's Health Network	15	2.2	10	1.6
Yorke and Northern Local Health Network	1	0.1	1	0.2
Total	691	100%	645	100%



Complaints: outcomes

Outcome	Total	Percentage
Advice Given	24	3.7
Alternate Remedy Available with Another Body	129	20.0
Complainant Cannot be Contacted	10	1.6
Declined\Investigation Unnecessary or Unjustifiable	121	18.8
Declined\No Sufficient Personal Interest or Not Directly Affected (s17(2))	2	0.3
Declined\Out of Time	10	1.6
Not Substantiated / No s25 Finding	2	0.3
Out of Jurisdiction\Agency Not Within Jurisdiction	3	0.5
Out of Jurisdiction\Employment	1	0.2
Out of Jurisdiction\Judicial Body	5	0.8
Referred Back to Agency	264	40.9
Report to OPI	3	0.5
Resolved with Agency Co-operation	44	6.8
S25 Finding\s25(1)(b) Finding / Unreasonable	1	0.2
S25 Finding\s25(1)(g) Finding / Wrong	1	0.2
Withdrawn by Complainant	25	3.9
Total	645	100%

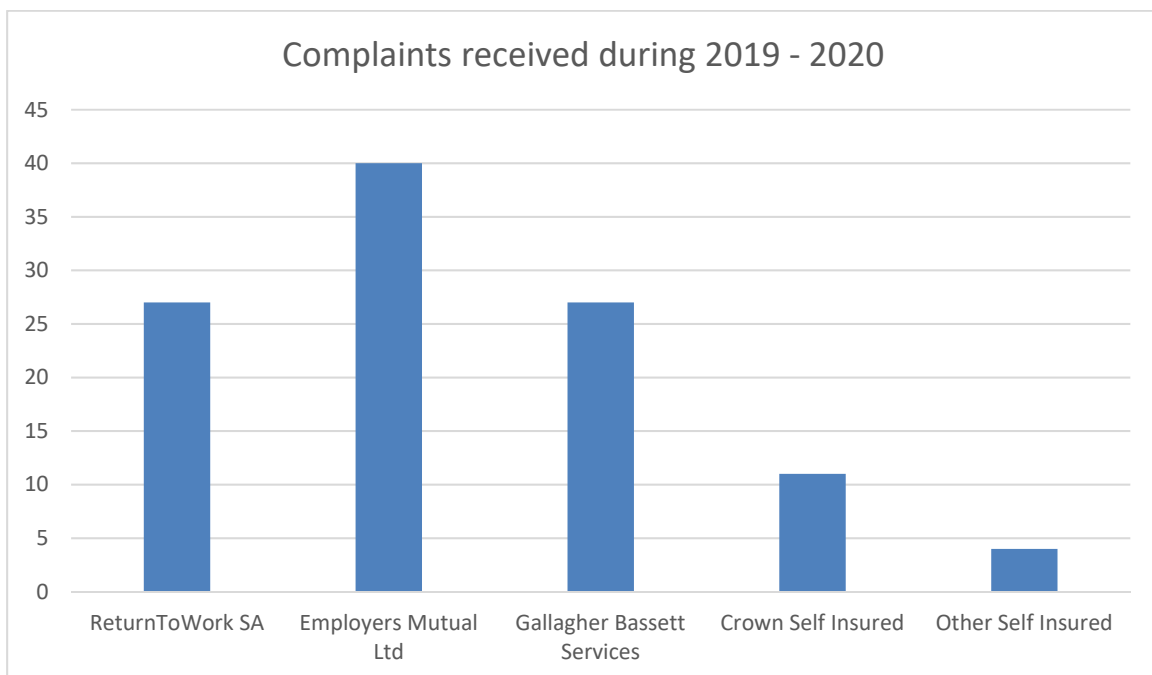
RTW Act Jurisdiction

Summary tables

1 July 2019 - 30 June 2020

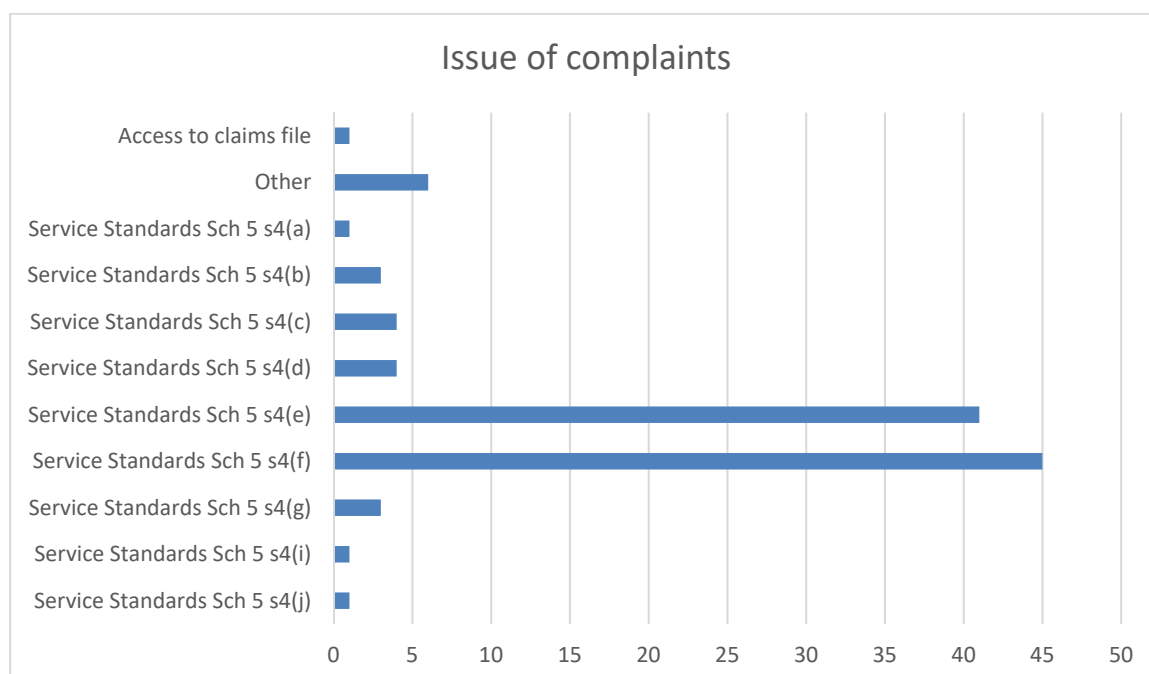
Complaints received per respondent per month

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
ReturnToWork SA	1	0	2	2	2	5	4	2	2	3	1	3	27
Employers Mutual Ltd	7	5	4	5	5	3	4	1	1	1	1	3	40
Gallagher Bassett Services	2	0	4	5	4	2	5	4	1	0	0	0	27
Crown Self Insured	1	0	2	1	1	2	1	0	1	1	0	1	11
Other Self Insured	0	0	0	2	1	1	0	0	0	0	0	0	4
Total	11	5	12	15	13	13	14	7	5	5	2	7	109



Issues

Issue	Total	Percentage
Access to claims file	1	0.9
Other	6	5.5
Service Standards Sch 5 s4(a)	1	0.9
Service Standards Sch 5 s4(b)	3	2.7
Service Standards Sch 5 s4(c)	4	3.6
Service Standards Sch 5 s4(d)	4	3.6
Service Standards Sch 5 s4(e)	41	37.3
Service Standards Sch 5 s4(f)	45	41.0
Service Standards Sch 5 s4(g)	3	2.7
Service Standards Sch 5 s4(i)	1	0.9
Service Standards Sch 5 s4(j)	1	0.9
Total	110	100%



Complaints: outcomes

Outcome	Total	Percentage
Alternate remedy available with another body	14	12.6
Complainant cannot be contacted	1	0.9
Declined/Investigation unnecessary or unjustifiable	24	21.6
Declined/No sufficient personal interest or not directly affected	2	1.8
Out of time	1	0.9
Referred back to compensating authority	57	51.4
Resolved with compensating authority's cooperation	7	6.3
Withdrawn by complainant	5	4.5
Total	111	100%

ICAC Act Jurisdiction

Summary tables

1 July 2019 - 30 June 2020

Response to proposed referrals

	Government Departments	Local Government	Other Authorities	Other	Total
Agree to referral	1	23	2		26
Disagree to referral	2	2		1	5
ICAC exercise Ombudsman powers - agree	2		1		3
Partially agree with referral		2			2
Total	5	27	3	1	36

Findings made on ICAC referrals

	Government Departments	Local Government	Other Authorities	Other	Total
Discontinued - no finding		11	4		15
Finding of maladministration	1	4			5
Finding of misconduct	1	5			6
No finding of misconduct or maladministration	1	2	1		4
Finding wrong (s25)	1		1		2
Declined\Investigation unnecessary or unjustifiable (s17(2)(d))		3			3
Total	4	25	6		35

FOI Act Jurisdiction

Summary tables

1 July 2019 - 30 June 2020

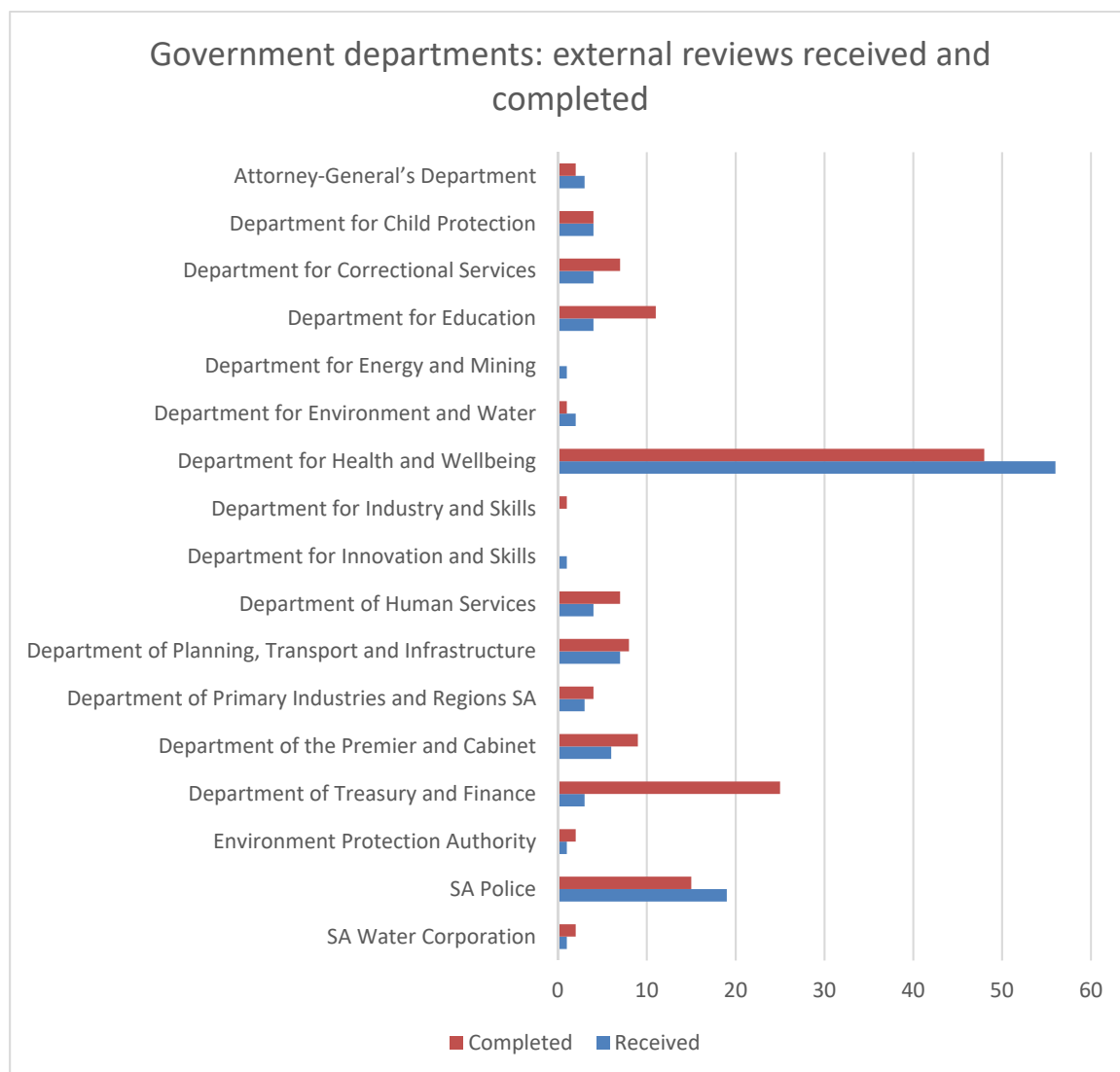
Outcomes of external reviews conducted by the Ombudsman 2019-2020

Outcome	Total	Percentage
Application Dismissed Because of Lack of Cooperation of Applicant	2	0.7
Application for Review Withdrawn by Applicant	20	7.2
Application for review withdrawn following OSA intervention	41	14.7
Application Settled During Review	1	0.4
Determination Confirmed	26	9.4
Determination Reversed	25	9.0
Determination Revised by Agency	23	8.3
Determination Varied	73	26.2
Extension of time/Discretion not exercised	6	2.2
Outside of Jurisdiction	61	21.9
Total	278	100%

Government departments

External reviews: received and completed

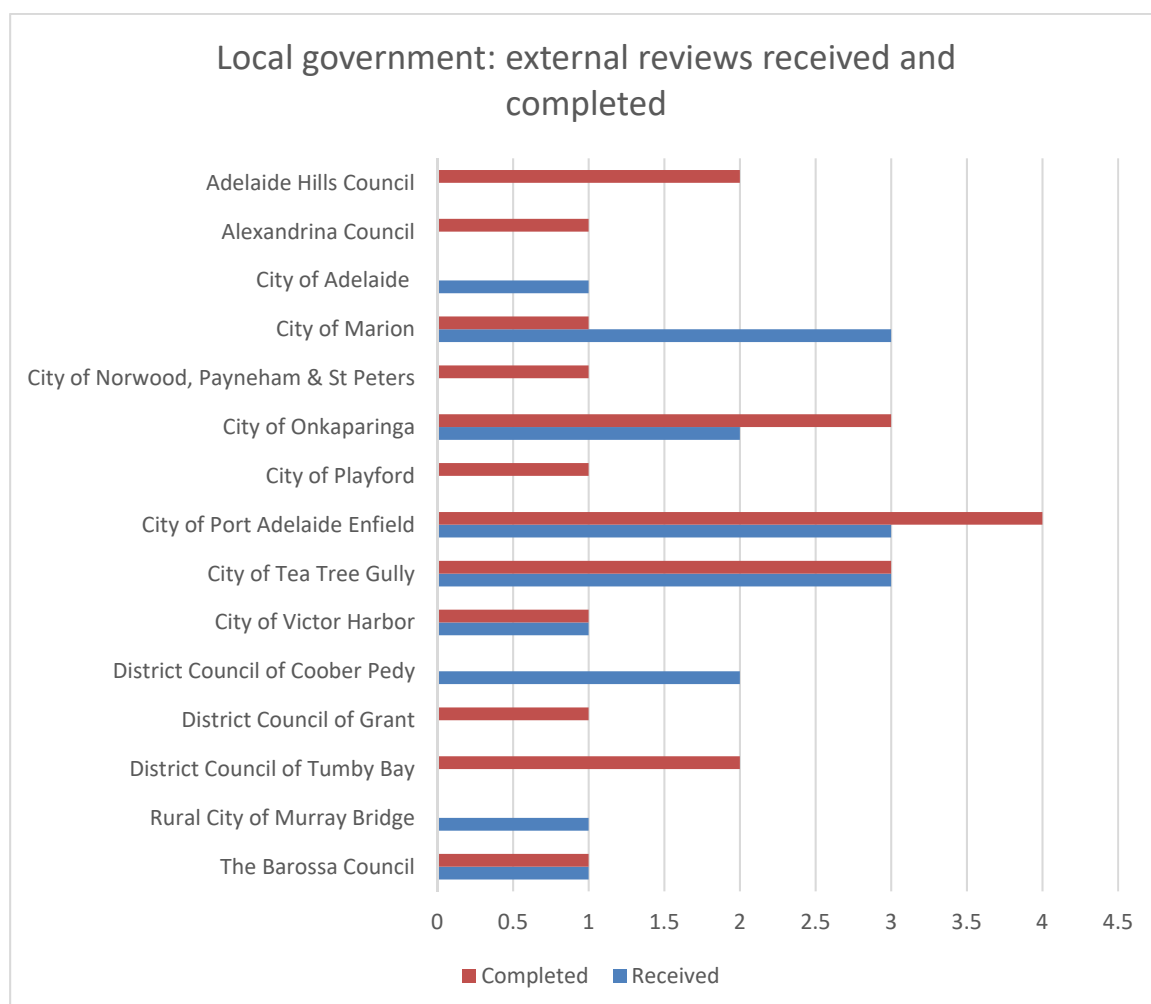
Department	Received	Completed
Attorney-General's Department	3	2
Department for Child Protection	4	4
Department for Correctional Services	4	7
Department for Education	4	11
Department for Energy and Mining	1	
Department for Environment and Water	2	1
Department for Health and Wellbeing	56	48
Department for Industry and Skills		1
Department for Innovation and Skills	1	
Department of Human Services	4	7
Department of Planning, Transport and Infrastructure	7	8
Department of Primary Industries and Regions SA	3	4
Department of the Premier and Cabinet	6	9
Department of Treasury and Finance	3	25
Environment Protection Authority	1	2
SA Police	19	15
SA Water Corporation	1	2
Total	119	146



Local government

External reviews: received and completed

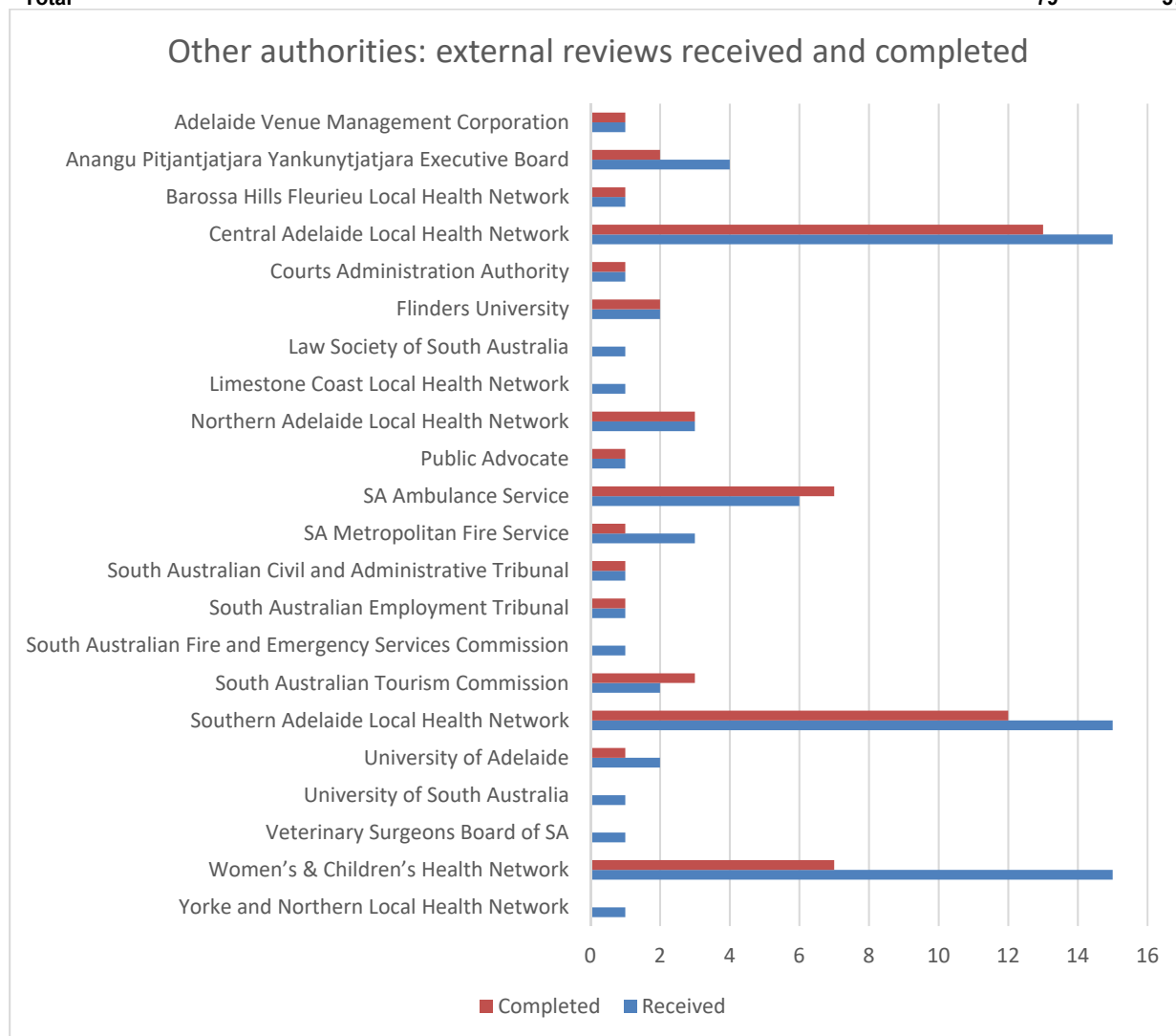
Council	Received	Completed
Adelaide Hills Council		2
Alexandrina Council		1
City of Adelaide	1	
City of Marion	3	1
City of Norwood, Payneham & St Peters		1
City of Onkaparinga	2	3
City of Playford		1
City of Port Adelaide Enfield	3	4
City of Tea Tree Gully	3	3
City of Victor Harbor	1	1
District Council of Coober Pedy	2	
District Council of Grant		1
District Council of Tumby Bay		2
Rural City of Murray Bridge	1	
The Barossa Council	1	1
Total	17	21



Other authorities

External reviews: received and completed

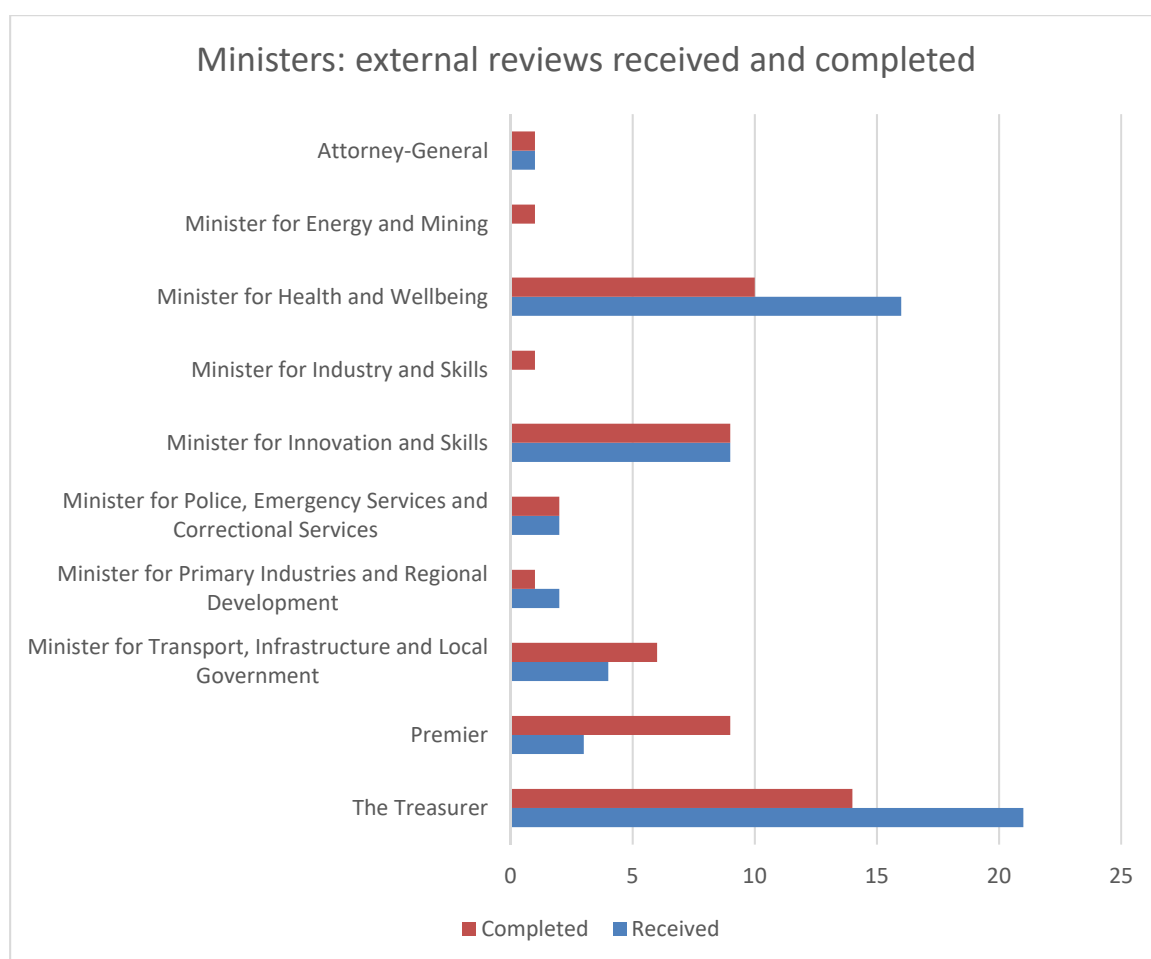
Authority	Received	Completed
Adelaide Venue Management Corporation	1	1
Anangu Pitjantjatjara Yankunytjatjara Executive Board	4	2
Barossa Hills Fleurieu Local Health Network	1	1
Central Adelaide Local Health Network	15	13
Courts Administration Authority	1	1
Flinders University	2	2
Law Society of South Australia	1	
Limestone Coast Local Health Network	1	
Northern Adelaide Local Health Network	3	3
Public Advocate	1	1
SA Ambulance Service	6	7
SA Metropolitan Fire Service	3	1
South Australian Civil and Administrative Tribunal	1	1
South Australian Employment Tribunal	1	1
South Australian Fire and Emergency Services Commission	1	
South Australian Tourism Commission	2	3
Southern Adelaide Local Health Network	15	12
University of Adelaide	2	1
University of South Australia	1	
Veterinary Surgeons Board of SA	1	
Women's & Children's Health Network	15	7
Yorke and Northern Local Health Network	1	
Total	79	57



Ministers

External reviews: received and completed

Minister	Received	Completed
Attorney-General	1	1
Minister for Energy and Mining		1
Minister for Health and Wellbeing	16	10
Minister for Industry and Skills		1
Minister for Innovation and Skills	9	9
Minister for Police, Emergency Services and Correctional Services	2	2
Minister for Primary Industries and Regional Development	2	1
Minister for Transport, Infrastructure and Local Government	4	6
Premier	3	9
The Treasurer	21	14
Total	58	54



Appendices

Appendix A: Description of outcomes - Ombudsman Act Jurisdiction

Appendix B: Return to Work Act Jurisdiction

Appendix C: Independent Commissioner Against Corruption Act Jurisdiction

Appendix D: Freedom of Information Act Jurisdiction

Appendix E: Acronyms

Appendix A

Description of outcomes: Ombudsman Act jurisdiction

OUTCOME	DESCRIPTION
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 giving information or advice to the public about Ombudsman SA e.g. address details, a request for a copy of an annual report or pamphlets giving FOI advice. <p>For approaches or complaints, more specific outcomes are used – such as 'Referred Back to Agency', 'Alternate Remedy Available with Another Body', 'Out of Jurisdiction'.</p>
OUT OF JURISDICTION	<p>This outcome is not available when a matter reaches the stage of a complaint.</p> <p>It is used when:</p> <ul style="list-style-type: none"> the complaint body is not an 'agency' (section 3) the act was performed by a Minister of the Crown the complaint is not about an 'administrative act' because it was <ul style="list-style-type: none"> done in the discharge of a judicial authority (section 3) done in the capacity of legal adviser to the Crown (section 3) the act relates to a police matter (section 5(2)) the act was strictly a policy decision (<i>City of Salisbury v Biganovsky</i> 54 SASR 117) the act is a complaint by an employee about their current or past employer (section 17(1))
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>
REFERRED BACK TO AGENCY	<p>This outcome is used usually during the assessment phase, but may be used in the investigation phase.</p> <p>It is used when:</p> <ul style="list-style-type: none"> it is proper for the complainant to complain to the agency, or go back to the agency to seek a review of their complaint (Ombudsman SA policy – the Ombudsman is an 'office of last resort'), or the complainant has a right of appeal, reference or review with the agency such as: <ul style="list-style-type: none"> with a council under section 270 of the Local Government Act review processes for students in universities review processes for prisoners in the Department for Correctional Services

- review and appeal regarding land tax under the Taxation Administration Act

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)).

ALTERNATE AVAILABLE WITH ANOTHER BODY	REMEDY WITH ANOTHER	<p>This outcome is only used when the agency being complained about is within jurisdiction.</p> <p>It is used where the complainant has a right of appeal, reference or review with another body such as:</p> <ul style="list-style-type: none"> • the Health and Community Services Complaints Commissioner • the Environment Resources and Development Court <p><i>unless</i> 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>
RESOLVED WITH COOPERATION	AGENCY	<p>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.</p> <p>It is not used if Ombudsman SA has not had contact with the agency. In this case, the outcome ‘Withdrawn by Complainant’ will probably be applicable.</p>
WITHDRAWN COMPLAINANT	BY	<p>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.</p>
DECLINED/ TRIVIAL, VEXATIOUS, NOT MADE IN GOOD FAITH (SECTION 17(2))	FRIVOLOUS, NOT MADE IN	<p>This outcome is used for a complaint, where the Ombudsman decides</p> <ul style="list-style-type: none"> • not to commence an assessment or investigation or • not to continue with an assessment or investigation <p>because:</p> <ul style="list-style-type: none"> • the complaint is trivial (section 17(2)(a)) • the complaint was frivolous, vexatious or not made in good faith (section 17(2)(b)).
DECLINED/ NO SUFFICIENT INTEREST or AFFECTED (SECTION 17(2))	PERSONAL NOT DIRECTLY	<p>This outcome is used for a complaint, where the Ombudsman decides:</p> <ul style="list-style-type: none"> • not to commence an assessment or investigation or • not to continue with an assessment or investigation <p>because:</p> <ul style="list-style-type: none"> • the complainant or their representative did not have sufficient personal interest (section 17(2)(c)) • the complainant was not directly affected by the administrative act (section 15(3a)).
DECLINED/ OUT OF TIME		<p>This outcome is used for a complaint, where the Ombudsman decides:</p> <ul style="list-style-type: none"> • not to commence an assessment or investigation or • not to continue with an assessment or investigation <p>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.</p>
DECLINED/		<p>This outcome is used for a complaint, where the Ombudsman decides</p>

INVESTIGATION UNNECESSARY UNJUSTIFIABLE	OR	<ul style="list-style-type: none"> not to commence an assessment or investigation or not to continue with an assessment or investigation <p>because having regard to the circumstances of the case, such action is unnecessary or unjustifiable (section 17(2)(d)). For example:</p> <ul style="list-style-type: none"> 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) the complaint is minor the complainant and/or the agency has taken action to rectify the problem it would not be in the public interest for the Ombudsman to investigate or continue investigating the complaint.
NOT SUBSTANTIATED/NO SECTION 25 FINDING		<p>This outcome is used:</p> <ul style="list-style-type: none"> after a preliminary (or more rarely a full) investigation and a report has been completed, and there is no administrative error under section 25(1)(a)-(g).
OMBUDSMAN WARRANTED	COMMENT	<p>This outcome is used <i>only</i> after a <i>preliminary</i> 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.</p>
SECTION 25(1)(a) FINDING: CONTRARY TO LAW		<p>These outcomes are used <i>only</i> when making a finding of administrative error after a <i>full</i> investigation, and reflect section 25(1)(a)-(g) of the Ombudsman Act.</p>
SECTION 25(1)(b) FINDING: UNREASONABLE		
SECTION 25(1)(c) FINDING: UNREASONABLE LAW OR PRACTICE		
SECTION 25(1)(d) FINDING: IMPROPER PURPOSE OR IRRELEVANT GROUNDS OR CONSIDERATIONS		
SECTION 25(1)(e) FINDING: NO REASON GIVEN		
SECTION 25(1)(f) FINDING: MISTAKE OF LAW OR FACT		
SECTION 25(1)(g) FINDING: WRONG		

Appendix B

Description of outcomes: RTW jurisdiction

OUTCOME	Description
RTW - ADVICE GIVEN	<p>This outcome must only be 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. Only use when matter is Cat 1 and no other outcome is suitable.</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> <p>Where a white telephone contact slip is responded to, this outcome is used when:</p> <ul style="list-style-type: none"> if there is no answer, a recorded message has been left stating the officer's name and that s/he is from Ombudsman SA. If the complainant does not respond, the file can be closed if there is no facility for a recorded message to be left, three contact attempts have been made over 2-3 days. If no contact has been made, the file can be closed where email or postal contact details have been provided, contact is attempted by this means, but no response is received within 7 days. <p>All attempts to contact the complainant must be clearly recorded.</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 s5(1)(a) of schedule 5, Return to Work Act.</p> <p>Reasons for the outcome must be recorded.</p>
RTW - ALTERNATE REMEDY AVAILABLE WITH ANOTHER BODY	<p>This outcome is only used where the complainant has right of appeal, reference or review with another body such as the SAET.</p>

**RTW - RESOLVED WITH
COMPENSATING
AUTHORITY'S COOPERATION**

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.

Reasons for the outcome must be recorded.

**RTW - WITHDRAWN BY
COMPLAINANT**

This outcome is used when the complainant expressly wishes to withdraw their complaint, even if Ombudsman SA has not contacted the respondent. It can be used at any stage of an assessment or investigation.

It must be established and recorded that the complainant wishes to formally withdraw the complaint.

It must not be used when Ombudsman SA cannot contact the complainant. See 'Cannot Contact Person' Outcome.

Reasons for the outcome must be recorded.

**RTW - DECLINED/TRIVIAL,
FRIVOLOUS, VEXATIOUS, NOT
MADE IN GOOD FAITH**

This outcome is used for a complaint, where the Ombudsman decides

- not to commence an assessment or investigation or
- not to continue with an assessment or investigation

because:

- the complaint is trivial (section 17(2)(a) Ombudsman Act)
- the complaint is frivolous or vexatious or is not made in good faith (section 17(2)(b) Ombudsman Act)

**RTW - DECLINED/NO
SUFFICIENT PERSONAL
INTEREST OR NOT DIRECTLY
AFFECTED**

This outcome is used for a complaint, where the Ombudsman decides

- not to commence an assessment or investigation or
- not to continue with an assessment or investigation

because:

- the complainant or their representative did not have sufficient personal interest
- the complainant was not directly affected by the breach of service standards.

**RTW - DECLINED/
INVESTIGATION
UNNECESSARY OR
UNJUSTIFIABLE**

This outcome is used for a complaint, where the Ombudsman decides

- not to commence an assessment or investigation or
- not to continue with an assessment or investigation

because, having regard to the circumstances of the case, such action is unnecessary or unjustifiable (section 17(2)(d) Ombudsman Act). For example:

- after assessing or commencing an investigation of the complaint, it appears that there is no evidence of a breach of service standards
- the complaint is minor
- the complainant and/or the agency has taken action to rectify the problem
- it would not be in the public interest for the Ombudsman to investigate or continue investigating the complaint.

**RTW - BREACH OF SERVICE
STANDARDS**

This outcome is only used when making a finding of a breach of the service standards after an investigation.

**RTW - BREACH OF SERVICE
STANDARDS NOT
SUBSTANTIATED**

This outcome is used

- after a preliminary (or more rarely a full) investigation and a report has been completed; and

- when making a finding there has been no breach of the service standards.

RTW - OMBUDSMAN COMMENT WARRANTED

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.

RTW - S180 REVIEW APPLICATION WITHDRAWN BY APPLICANT

This outcome means that during or at the conclusion of the external review, the applicant decided to withdraw the 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.

This outcome does not include instances where the agency has revised its determination to give access to documents.

RTW - S180 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 - 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 - S180 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 - S180 REVIEW NO JURISDICTION

The outcome is relevant when the applicant seeks the s180 review before they have sought or finalised internal review processes, and hence the Ombudsman is unable to undertake a review.

RTW - S180 REVIEW REVISED DURING REVIEW

This outcome is used when the agency releases the documents after the commencement of the review.

Appendix C

Description of outcomes: ICAC Act jurisdiction

Outcome	Description
Response to proposed referral	<i>The Commissioner must seek the views of the Ombudsman in relation to a matter raising a potential issue of misconduct or maladministration before deciding to exercise the Ombudsman's powers in respect of the matter or referring the matter to the Ombudsman for investigation (see sections 36A and 37 of the ICAC Act).</i>
Agree to referral	This outcome means the Ombudsman agreed with OPI/ICAC that a matter raising a potential issue of misconduct or maladministration in public administration should be referred to this Office.
Disagree to referral	This outcome means the Ombudsman, in response to a proposal by OPI/ICAC that a matter raising a potential issue of misconduct or maladministration in public administration should be referred to this Office for investigation, expressed a view that the matter should not be referred to him.
ICAC exercise Ombudsman powers	This outcome means the Ombudsman considers that a matter raising a potential issue of misconduct or maladministration in public administration should be investigated by the Commissioner by exercising the powers of the Ombudsman.
Partially agree with Referral	This outcome means the Ombudsman, in response to a proposal by OPI/ICAC that matters raising potential issues of misconduct or maladministration in public administration should be referred to this Office for investigation, expressed a view that some but not all of the matters should be referred to this Office.
ICAC Investigation	<i>The Commissioner may refer matters raising potential issues of misconduct or maladministration to the Ombudsman for investigation (see section 24(2)(a) of the ICAC Act).</i>
Discontinued	This means that the Ombudsman has determined that an investigation into misconduct or maladministration on referral from the Commissioner is unnecessary or unjustifiable (for example, because of a lack of evidence).
Finding of Maladministration	This means a matter that has been referred from the Commissioner has resulted in the Ombudsman making a finding of 'maladministration' as defined in the ICAC Act 2012.
Finding of Misconduct	This means a matter that has been referred from the ICAC has resulted in the Ombudsman making a finding of 'misconduct' as defined in the ICAC Act 2012.

No finding of Misconduct or Maladministration

This means a matter that has been referred from the ICAC has resulted in the Ombudsman making a finding there has not been 'misconduct' or 'maladministration' as defined in the ICAC Act 2012.

Appendix D

Description of outcomes: FOI Act jurisdiction

OUTCOME	DESCRIPTION
FOI APPLICATION FOR REVIEW WITHDRAWN BY APPLICANT	<p>This outcome means that during or at the conclusion of the external review, the applicant decided to withdraw the 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>The outcome is 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. This outcome does not include instances where the agency has revised its determination to give access to documents.</p>
FOI APPLICATION SETTLED DURING REVIEW (SECTION 39(5))	<p>This outcome means that the Ombudsman exercised settlement powers under section 39(5)(c). A 'Notice of Finalisation' is sent to parties. There is no formal determination by the Ombudsman under section 39(11).</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>
FOI DETERMINATION REVISED BY AGENCY (SECTION 19(2)(A))	<p>This outcome means that all documents were released by the agency under section 19(2A) 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</p>

disagreed in part with the agency's determination (section 39(11)).

**FOI EXTENSION OF TIME FOR
APPLICATION FOR REVIEW
(SECTION 39(4))
DISCRETION NOT VARIED**

This outcome means that the Ombudsman did not exercise his discretion to accept an external review application out of time under section 39(4).

Appendix E

Acronyms

AGD	Attorney-General's Department
ARC	Adelaide Remand Centre
CAA	Courts Administration Authority
CEO	Chief Executive Officer
DCP	Department for Child Protection
DCS	Department for Correctional Services
DCSI	Department for Communities and Social Inclusion
DECD	Department for Education and Child Development
DEWNR	Department of Environment, Water and Natural Resources
DHA	Department for Health and Ageing
DPC	Department of the Premier and Cabinet
DPTI	Department of Planning, Transport and Infrastructure
DPA	Development Plan Amendment
DSD	Department of State Development
DTF	Department of Treasury and Finance
FERU	Fines and Recovery Unit
FOI	Freedom of Information
ICAC	Independent Commissioner Against Corruption
ICT	Information and Communication Technology
LSC	Legal Services Commission
ISG	Information Sharing Guidelines
OPI	Office for Public Integrity
PIRSA	Department of Primary Industries and Regions SA
RTWSA	Return to Work SA
SACAT	South Australian Civil and Administrative Tribunal
SAPOL	South Australian Police
SOP	Standard Operating Procedure
VOC	Victims of Crime



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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