OmbudsmanSA

2025-26 ANNUAL REPORT

What does **Ombudsman SA do?**

Ombudsman SA investigates complaints about South Australian government and local government agencies under the *Ombudsman Act 1972* and *Local Government Act 1999* as well as complaints about breaches of the service standards under the *Return to Work Act 2014*. Ombudsman SA also conducts Freedom of Information reviews and receives reports and complaints about misconduct and maladministration in public administration.

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

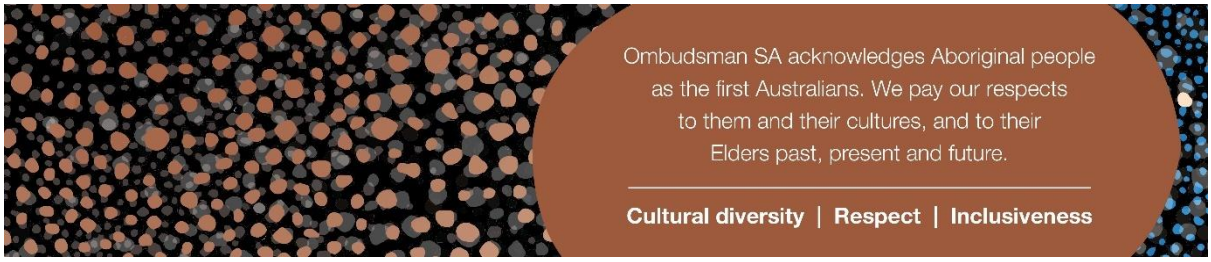
If you're not sure whether Ombudsman SA can help you, we are happy to discuss your matter further. If your matter is not in our jurisdiction, we will be happy to point you to another agency who may be able to assist.

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

Level 8
95 Grenfell Street
Adelaide SA 5000

Telephone: 08 7322 7020
Toll free (outside Adelaide metro): 1800 182 150
10.00am – 4.00pm, Monday to Friday

www.ombudsman.sa.gov.au



OmbudsmanSA

Hon Reggie Martin MLC
President
Legislative Council
Parliament House
ADELAIDE SA 5000

Hon Nat Cook MP
Speaker
House of Assembly
Parliament House
ADELAIDE SA 5000

Hon Kyam Maher MLC
Attorney-General
ADELAIDE SA 5000

Dear Mr President, Ms Speaker and Attorney

I am pleased to present the South Australian Ombudsman's Annual Report for 2025-26 to the Parliament, as required by section 29B of the *Ombudsman Act 1972*.

I note the requirement in section 29B(6) that this report be laid by the President and the Speaker before their respective Houses on the first sitting day after receiving it.

Yours sincerely

Emily Strickland
SA OMBUDSMAN

29 September 2026

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Introduction

Ombudsman's Message

I am pleased to present the 2025-26 Annual Report of the Office of the South Australian Ombudsman.

This year my Office delivered significantly more outcomes than in the previous reporting period. In particular, Ombudsman SA:

- formally resolved 60 matters (an increase of 25%)
- investigated 70 issues (a four-fold increase)
- issued 65 formal recommendations (a five-fold increase)
- finalised 130 external review determinations under the *Freedom of Information Act 1991* (an increase of 36%).

As well as providing outcomes for individuals, each of these matters provided an opportunity to achieve lasting systemic improvement to public administration. Wherever complaints are formally resolved and wherever recommendations are made following an investigation, action (usually in the form of policy or practice change or training delivery) is taken by agencies to prevent errors from re-occurring or to minimise opportunities for misconduct and maladministration from arising.

The impact of such improvements is difficult to quantify and, indeed, the difference Ombudsman SA has made over the last 12 months is perhaps best understood in the stories we have included as case studies in this report. By way of example: one woman's experience means that female prisoners now have access to early medication terminations; a vulnerability framework now informs state taxation recovery practices; new policies ensure that university credit cards are used appropriately; and the Housing Trust has implemented improved processes where the condition of a property affects a tenant's health.

In addition to informal and formal Ombudsman recommendations being implemented by single agencies, education activities undertaken by my Office influence administrative improvement across the public sector. Ombudsman learnings from individual matters have been disseminated by publishing complaint outcomes, investigation reports and FOI determinations and through the delivery of 24 training sessions to state and local government. We have also sought to extend our reach and accessibility by launching new communication channels in the form of a quarterly newsletter for public sector employees and by adopting a social media presence.

Ombudsman SA's community outreach program, in addition to creating awareness of our services, provides an opportunity to hear from peak bodies and service providers about systemic issues experienced by vulnerable cohorts. This year we focussed on connecting

with First Nations communities, children and young people in care or detention, and adults in custody.

Our strategic focus on ensuring individual matters influence systemic improvements is increasingly important as complaint volumes continue to rise. Ombudsman SA experienced a significant increase in approaches in the 2025-26 financial year: a 9.5% increase in complaints and a 45% increase in applications for external review under the Freedom of information Act.

My Office was able to respond to these volumes – completing 5150 complaints and 248 FOI applications in the reporting period – first and foremost due to the hard work and commitment of Ombudsman SA staff to whom I am greatly indebted. Internal efficiencies have also been realised through an effective program of business and process improvement implemented over the last few years. This has been driven by learnings from complaints about our decisions and services, Office of the Inspector suggestions for improvement, and our own quality assurance processes. Change implemented during the reporting period included an organisational restructure followed by a review of its implementation and further process improvements.

Responding to high complaint volumes has also been assisted by the application of our public interest criteria earlier in our assessment processes; this means matters that do not meet the criteria for investigation are more quickly referred to other bodies or declined. This strategy likely contributed to a reduction in early resolution rates (206 to 163), although complainants referred to agency complaints processes are able to return to OSA if they remain dissatisfied. At the same time, the Office implemented a new policy framework during the reporting period for identifying, monitoring, and responding to systemic issues. This framework will ensure matters of significance are prioritised, guide resource allocation, and assist in planning proactive and preventative activities that maximise impact on public administration.

Consistent with previous years, the agencies subject of the highest number of complaints were the SA Housing Trust, the Department for Correctional Services, SA Police and the Department for Child Protection. With the exception of SA Police (where complaints are mostly fine-related or comprise conduct issues which are referred elsewhere), these agencies are frequently involved in formal resolutions and investigations, a trend in part attributable to the application of our public interest criteria. Other notable trends during the reporting period include:

- complaints about local government increased by 15%
- complaints alleging misconduct and maladministration increased by 35%
- we continued to receive high numbers of allegations of elected member integrity breaches
- consistent with last year, the Office varied or reversed approximately half of all agency determinations on external review under the Freedom of Information Act.

For the first time Ombudsman SA sought feedback from state and local government agencies via a stakeholder survey. 86% of respondents said they were satisfied or very

satisfied with interactions with Ombudsman SA in 2025/26 and several opportunities for improvement were identified. While our continuous improvement practices have resulted in reduced timeframes for completing matters this year, the survey highlighted that timeliness continues to be an area we need to strengthen.

The achievements outlined in this report were made possible by agencies engaging effectively with my Office during the assessment and investigation of matters; I thank leaders in the public sector for their willingness to resolve complaints and implement recommendations, and for taking robust action on matters I referred to them.

I also acknowledge the complainants who have entrusted this Office with their concerns; so often the motivation of those who approach us is 'I don't want this to happen to others'. I am proud that we have delivered on that in many matters, and that we are continuing to influence public administration in South Australia in a positive and proactive way.

Emily Strickland
SA Ombudsman
September 2026

A Year at a Glance **2025-26**

5198

COMPLAINTS RECEIVED
(AN INCREASE OF 9.5%)

253

FOI EXTERNAL REVIEW APPLICATIONS RECEIVED
(AN INCREASE OF 45%)

35

MATTERS UNDER INVESTIGATION
AS AT 30 JUNE 2026

130

FOI EXTERNAL DETERMINATIONS ISSUED
(AN INCREASE OF 36%)

70

ISSUES INVESTIGATED
(A 4-FOLD INCREASE)

65

FORMAL RECOMMENDATIONS AS A RESULT OF INVESTIGATION
(A 5-FOLD INCREASE)

A Year at a Glance **2025-26**

60

FORMAL RESOLUTION OF MATTERS
(AN INCREASE OF 25%)

163

EARLY RESOLUTION OF MATTERS
(A DECREASE OF 26%)

418

MISCONDUCT AND MALADMINISTRATION ISSUES COMPLETED
(AN INCREASE OF 35%)

152

PUBLIC INTEREST DISCLOSURES
(A DECREASE OF 16%)

51

AGENCY INVESTIGATIONS MONITORED
(AN INCREASE OF 24%)

24

EDUCATION SESSIONS DELIVERED

About **Ombudsman SA**

What we do

We safeguard fairness, integrity and transparency in public administration. The Ombudsman is empowered to:

- investigate and conciliate the administrative acts of state government agencies, local government councils and statutory authorities
- investigate misconduct and maladministration in public administration
- conduct audits of state and local government agencies and statutory authorities
- evaluate the practices, policies and procedures of agencies to assist in the prevention and minimisation of misconduct and maladministration
- undertake educational activities to assist in the prevention and minimisation of misconduct and maladministration
- conduct an annual audit under the *Criminal Law (Forensics Procedures) Act 2007*
- review determinations under the *Freedom of Information Act 1991*
- receive reports confidentially under the *Public Interest Disclosure Act 2018*
- investigate alleged breaches of service standards under the *Return to Work Act 2014*
- review determinations under the *Ageing and Adult Safeguarding Act 1995*.

Our jurisdiction

Certain agencies are outside Ombudsman SA's jurisdiction. We cannot consider actions of:

- private persons, businesses or companies unless they are acting under a contract for services with an agency within jurisdiction
- Commonwealth or interstate government agencies
- government Ministers and Cabinet
- courts and judges
- legal advisers to the Crown.

We can review applications made to Ministers under the *Freedom of Information Act 1991*. We can also investigate allegations of misconduct and maladministration by Ministers or other members of parliament.

Service Principles

If the complaint is within the Ombudsman's jurisdiction, we aim to:

- provide an accessible and timely service
- provide impartial and relevant advice and clear information about what we can and cannot do
- provide impartial and fair assessment and investigation of complaints
- ensure confidentiality
- keep people informed throughout the investigation of a complaint
- provide procedural fairness to persons affected by our decisions
- provide concise and accurate information about any decisions or recommendations made and provide reasons wherever possible.

Ombusman Act
Jurisdiction

Ombudsman Act **Jurisdiction**

Under the *Ombudsman Act 1972* (the Ombudsman Act), the Ombudsman receives, assesses and investigates or otherwise deals with:

- complaints about public administration (i.e. 'administrative acts' by relevant agencies)
- complaints and reports about misconduct by public officers
- complaints and reports about maladministration by public officers and public authorities.

The Ombudsman can also conduct investigations using own initiative powers and must investigate matters within jurisdiction which are referred by Parliament.

Relevant agencies and public authorities include state government departments and authorities, universities and local government councils.

Limits on the Ombudsman's complaints function include:

- a complainant must be directly affected by a relevant administrative act
- generally, a complaint must be made within 12 months of the complainant becoming aware of the matter (although there is a discretion in this regard)
- generally, the Ombudsman does not investigate where the complainant has a statutory right of review or legal remedy (although there is a discretion in this regard)
- there needs to be a relevant administrative act (policy-making is not within jurisdiction).

Those limits do not apply to reports by public officers about misconduct and maladministration.

Complaints can be resolved by an agency agreeing to take appropriate action, as a result of a conciliated agreement between the complainant and the agency, or by formal investigation. Ombudsman SA also refers matters to agencies and monitors their handling of them to ensure robust and appropriate resolution.

The **complaint process**

Tell us what has happened

We receive your complaint and acknowledge it within two business days.

What we are looking for:

Administrative Error | Misconduct | Maladministration

We look into your complaint and either:

REFER

We may refer your back to the agency you are complaining about in the first instance to provide them an opportunity to resolve your complaint. We may refer the matter to the agency to investigate or deal with; we may monitor the outcome. We may also refer you to another complaint handling body better placed to deal with your complaint.

NO FURTHER ACTION

If the Ombudsman does not intend to take further action on your complaint, we let you know why and give you the opportunity to comment.

RESOLVE

Many complaints can be fixed by us contacting the relevant agency to facilitate a quick early resolution. Other complaints may be resolved by a formal agreement with the agency or conciliation between the parties.

INVESTIGATE

If the matter is not suitable for resolution, and meets our public interest criteria for investigation, we formally investigate the matter. While we have broad investigation powers, investigations may involve seeking a written response from the agency, assessing documents and interviewing witnesses.

Provisional view

The Ombudsman forms a provisional view about whether there has been error, misconduct or maladministration by the agency or a public officer. We give parties who may be affected by the provisional view a chance to comment (i.e. procedural fairness) before forming a final view.

Final view and recommendation

If the Ombudsman considers that the agency has made an error, or that there has been misconduct or maladministration, we make recommendations to address the issue and we notify the relevant Minister.

Publication

The Ombudsman will generally publish investigation reports or summary statements on the outcome of investigations. The Ombudsman may also publish details of formal resolutions. We seek the views of affected parties before making a decision to publish.

Complaints received and completed

Ombudsman SA has continued to receive and finalise a high volume of complaints. The Office received 5,198 complaints, an increase of 9.5% on last year and up 18% since 2022-23. The increase in overall matters reflects an increase in all agency categories, with complaints about State government agencies up 5% and complaints about local government and other authorities[1] both up 15%. The Office also dealt with 1,032 approaches relating to matters outside jurisdiction and responded to 1,523 other enquiries.

The Office completed 5,150 matters, an 8.7% increase since last year. Of these, 366 matters were categorised as complex, compared with 246 the previous year. The Office assesses incoming complaints against its public interest criteria[2] and seeks to focus its efforts on matters which appear to raise serious or systemic issues, or occur in higher-risk settings, such as prisons and child protection.

It is generally not considered to be in the public interest to make detailed enquiries or investigate matters where a complainant has a right of appeal or review, another complaint handling body would be a more appropriate avenue, or where the matter primarily concerns the complainant's personal interests rather than an issue of broad public concern. As set out on Ombudsman SA's website, this typically includes the following types of matters:

- expiation notices
- development approvals
- workplace disputes.

Given the increasing volume of complaints, a focus this year has been on the early identification of matters which do not meet our public interest criteria and providing those complainants with information about alternative options.

The increase in overall complaint volume has placed considerable pressure on the resources of this Office. This has been compounded by an observed increase in complainants submitting lengthy complaints and voluminous supporting documents and submissions.

This trend appears to have been impacted by an increased use of generative AI, which enables complainants to generate significant volumes of material quickly. While Ombudsman SA recognises the potential value of AI to assist a complainant who may otherwise struggle to articulate their complaint, we have observed a common pattern of AI-assisted complaints using faux-legalistic language (often at the expense of explaining what actually happened), containing legal errors or hallucinations, seeking to cast ordinary administrative complaints as misconduct or maladministration, and seeking outcomes this Office is unable to deliver. These features can tend to obscure what a complaint is really about and significantly increase the resources required to deal with a complaint.

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[1] Public authorities other than State government departments and councils

[2] Ombudsman SA website – How does the Ombudsman decide to investigate a complaint or report?

This Office has taken a number of steps to assist in managing these resourcing pressures.

In March 2026, the Ombudsman published guidance on the Ombudsman SA website for complainants who may wish to use AI tools to prepare complaints.[3] Where Ombudsman SA receives voluminous or unclear material, including where that appears to have been generated using AI, Ombudsman SA may require a complainant to restate their complaint in a summary form; we provide guidance to complainants on what kind of information will assist this Office. If a complainant does not meaningfully assist this Office to understand their complaint, the complaint may be closed.

In June 2026, Ombudsman SA reduced its telephone operating hours to 10am – 4pm (previously 9am – 4:30pm). This provides frontline staff with time to work on written correspondence, return calls and progress matter outcomes. It has also been necessary to close phone and reception services on a number of occasions[4] when no administration staff were available due to unplanned leave. Outside of telephone operating hours, automated messaging directs complainants to Ombudsman SA's online form, and the Office also continues to receive complaints by email. The reduced phone hours and periodic closures do not have appear to have impacted on overall complaint volume, but the Office will continue to monitor this.

It is pleasing that despite some of the challenges set out above, there has been an improvement in the time taken to deal with non-complex matters. 86% of complaints were completed in under 30 days (compared with 83% last year), with an average completion time of 11 days for non-complex matters (down from 17 days). Only 61% of complex matters were completed within the target of 120 days, but the average completion time for these matters was 147 days, down from 175 days the previous year. Reducing timeframes for these more complex matters continues to be a focus for the Office.

Matters received and completed by year

OMBUDSMAN ACT JURISDICTION	2023-24				2024-25				2025-26			
	Government Departments	Local Government	Other Authorities	**Total**	Government Departments	Local Government	Other Authorities	**Total**	Government Departments	Local Government	Other Authorities	**Total**
Matters received	2,761	1,108	764	**4,634**	2,751	1,170	825	**4,746**	2,891	1,356	951	**5,198**
Matters completed	2,685	1,076	746	**4,507**	2,739	1,172	830	**4,741**	2,858	1,362	930	**5,150**
Audits completed	1	0	0	**1**	1	0	0	**1**	1	0	0	**1**

[3] How to make a complaint | Ombudsman SA – see "Using AI tools for complaints"

[4] 13 March (part day); 17 April, 20 May and 19 June 2026. It is noted that the Office's dedicated prisoner complaint line remained open on these occasions.

Administrative error

The traditional role of the Ombudsman involves receiving and resolving complaints about the administrative acts of government agencies and councils. This jurisdiction is broad and empowers the Office to consider any administrative act of an agency that appears to be unfair, unreasonable or contrary to law; complaints of this nature comprise approximately 93% of matters received by Ombudsman SA.

Complaints about regulation and enforcement represent the top category of complaint received by the Office (851 or 16%), with the most common complaint in this category being about unreasonable enforcement action. The most common regulation and enforcement issue concerned parking infringements (231) and over half of these (162) related to the City of Adelaide (see further below in Local Government). As recipients of expiation notices have legal options to dispute the alleged offence, this Office typically will not investigate these matters.

Complaints about agency complaint handling continue to be a significant volume, comprising 748 or 14% (compared with 18% last year) of the matters received by the Office; this is the second highest category of complaint received. The Ombudsman expects agencies to have robust and fair processes in place to deal with complaints from members of the public; this is an essential aspect of good administrative practice. In accordance with best practice in complaint handling, complainants are generally expected to have raised their concerns via the agency's complaint pathway before approaching the Ombudsman. If they have not done so, complainants are usually referred back to the agency in the first instance to make a formal complaint (after consideration has been given to the seriousness of the issue and the complainant's capacity to raise the issues with the agency). This results in a number of benefits to the public and the agency, including quicker resolution of matters and better insight into the issues causing complaints so that systemic solutions can be implemented.

In this period, 2418 complaints were referred back to lodge a formal complaint with the relevant agency in the first instance (representing 46% of total complaints). Should the complainant return to this Office, the Ombudsman may consider the agency's complaint handling process as well as the original complaint.

The SA Housing Trust (SAHT) and the Department for Correctional Services (DCS) continue to be the government agencies about which the Office receives the most complaints (748 and 629 respectively); SAHT complaints have increased slightly (4%) since last financial year while complaints about DCS have gone down (17.5%). The Department for Child Protection (DCP) (323) and SA Police (SAPOL) (313) were the next two most complained about agencies; each of these has increased slightly. A total of 199 complaints were received about the Department of Health and Wellbeing (DHW) and all of the Local Health Networks, a decrease of 45 compared to last financial year.

For the matters categorised as complex, the top agencies were DCS (30), the Department of Education (25) and DCP (24). 24 complex matters related to DHW or a local health network. DCS and DCP are discussed in more detail below. Examples of the Office's work in relation

to the Department of Education include allegations of complaint handling failures, behavioural management failures, and employee conduct; DHW and local health network matters predominantly concerned employee conduct or other employment issues.

Across all complaint types, the Office has seen a reduction in "no error" outcomes and an increase in matters being finalised on the following grounds:

- the existence of a statutory or legal remedy
- that there is a more appropriate complaint handling body[5]
- that it is not in the public interest to investigate.

This reflects the focus on early identification of matters which do not meet our criteria for investigation.

The reported figures show a significant reduction in the use of the section 12H(1)(b) outcome. This outcome is intended to reflect that Ombudsman SA has formally referred a matter to another agency or public authority. During the reporting period, it was identified that this outcome was being inaccurately recorded in some matters where a complainant had a right of legal review or where the complainant had been referred to another complaint handling body; the matters themselves had been dealt with appropriately in accordance with the legislation, but there was some confusion about the correct recording of this in Ombudsman SA's case management system. Additional guidance has been provided to staff on the appropriate use of the referral outcome. Referrals to other agencies are discussed later in this report.

SA Housing Trust

Complaints against SAHT saw a slight increase of 4% to 748 matters (after a 20% decrease last year). The single most common issue raised was housing maintenance (310), with unreasonable delay being the most common complaint. 90 complaints raised issues about SAHT's complaint handling processes, with more than half of these also concerned with delays. These have been ongoing themes for the past several years in relation to SAHT complaints.

Where an issue appears urgent and the complainant has already sought to escalate it within SAHT, my Office will make enquiries with SAHT and seek to resolve matters promptly. Where a complainant is vulnerable, my Office may not require them to use internal channels before making enquiries. My Office has been able to resolve 81 SAHT matters with the agency's cooperation.

The complaints against SAHT raised a number of systemic concerns about SAHT's management of complaints and escalation pathways. Consistent themes raised by complainants concerned delay, poor communication and a lack of distinction between complaint handling and management of the underlying issue (that is, complaints about maintenance being referred back to maintenance rather than being escalated through a dedicated complaint pathway). As of 27 July 2026 (after the end of the present reporting

[5] To improve reporting, Ombudsman SA introduced a specific outcome for this during the financial year. Previously, these matters were recorded under the general discretion not to investigate on public interest grounds.

period), the Ombudsman has commenced an investigation to consider SAHT's complaint management system, and whether it meets the standards required by the Premier's Circular on Complaint Management in the SA Public Sector (PC039).

Last year's annual report discussed the work that SAHT was doing in response to a 2024 review of maintenance contracts. Ombudsman SA has continued to monitor SAHT's progress in implementing the recommendations from that review.

The Office continues to receive a large number of complaints related to housing maintenance, particularly in relation to delays and backlogs in undertaking work. However, the Ombudsman's monitoring of these issues has seen significant improvements, particularly in the timeliness of SAHT addressing maintenance issues that have been identified as urgent. SAHT's Maintenance Policy identifies such matters as Priority 1 issues, which are those that may affect someone's health or safety. The SAHT Maintenance Policy requires that works are to commence on Priority 1 issues within 4 hours of the issue being reported and are to be completed within 5 business days.

At the start of the reporting period, SAHT had 131 Priority 1 maintenance issues overdue. At the conclusion of the reporting period there were only 42 (a reduction of 68%). Further, as at 30 June 2026, 99% of all SAHT's Priority 1 Maintenance Works Orders were completed on time.

The benefits of these improvements also appear to have led to a reduction in the number of complaints received by Ombudsman SA about delays in addressing Priority 1 maintenance issues in the reporting period.

Ombudsman SA will continue to monitor and, where appropriate, take action in relation to SAHT maintenance request processes. However, SAHT is to be commended for improving these issues during the reporting period.

Case Study (Early resolution)

Unreasonable delay in addressing maintenance issue

A complaint was received about SAHT and its unreasonable delay in addressing a maintenance issue in a tenant's bathroom, and in failing to respond to a formal complaint about the issue. The tenant had complained to SAHT in November 2025 that their bathtub had multiple rust holes that had worsened over time. They said that a work order was raised to replace the bathtub, and contractors commenced the work, but it was not completed. Rather, the contractors left a large hole exposed in the side of the bathtub. The tenant believed that this left asbestos material visible and exposed, as well as a large opening where water could enter underneath the bath and where mould was now growing.

After enquiring with SAHT, this Office determined that the target date for works to address the issues the complainant raised had lapsed. Ombudsman SA formed the

view that the actions of SAHT may amount to an error insofar as it had delayed completing the works and it had not responded to the tenant's formal complaint.

The SAHT agreed to progress the work and respond to the tenant's formal complaint. It organised emergency accommodation for the complainant to ensure the works could be completed safely and committed to a new target date.

Case Study (Investigation)[6]

Insight
The SAHT has an obligation to ensure that its properties are safe for its tenants.

This investigation highlighted that a failure to take timely and sufficient action to address maintenance concerns can have serious impacts on tenants.

Investigation
The Ombudsman investigated a complaint about SAHT, which alleged that SAHT was failing to take action to address a tenant's concerns that her housing was contaminated with methamphetamine, which she alleged was impacting her health. It was also alleged that the tenant was moved into this house after her previous tenancy had been contaminated with black mould for over six years.

Outcome
In relation to the property contaminated with black mould, the investigation found that it took SAHT a total of 6.5 years to transfer the tenant out of the contaminated property. The Ombudsman determined that this delay was unreasonable and amounted to error.

In relation to the property contaminated with methamphetamine, the investigation found that SAHT had an obligation to relocate a tenant once it was aware there was drug contamination at unsafe levels and that it erred by not doing so.

The Ombudsman made several recommendations, aimed at ensuring urgent action is taken when a property's condition is impacting a tenant's health and that there is oversight of this action.

[6] Final Report – Investigation – SA Housing Trust

Department for Correctional Services

One of an Ombudsman's most important functions is to provide independent oversight of prisons. DCS operates an internal complaints service for prisoners and an internal investigations unit which deals with allegations of misconduct by correctional services officers. However, the Ombudsman resolves complaints made by prisoners and their families, oversees internal misconduct investigations, and investigates systemic issues occurring in the prison environment. Prisoners in each of the ten South Australian adult correctional institutions can contact Ombudsman SA free of charge on a direct line from prison phones and are immediately connected to an assessment officer to assist them.

Of the 629 complaints received about DCS, 484 were from prisoners (this represents 77% of all DCS complaints and a decrease of approximately 25% from last financial year). Other DCS complaints were typically from family or other prisoner supports.

Complaints received by prisons in 2025-26

Prison	Total
Adelaide Pre-Release Centre	9
Adelaide Remand Centre	43
Adelaide Women's Prison	78
Cadell Training Centre	8
James Nash House	0
Mobilong Prison	28
Mount Gambier Prison	63
Port Augusta Prison	57
Port Lincoln Prison	6
Yatala Labour Prison	167
Unknown	25
Total	484

The most common issue raised in relation to DCS is custodial-related services (such as health, property, telephone, mail and cell conditions), followed by prison and discipline management. 20 matters were resolved by agreement about issues ranging from missing property, purchased items and letters, failure to report allegations to SAPOL, and failure to facilitate medical care. 12 internal investigations were the subject of Ombudsman monitoring, five of which continue to be monitored. In one instance the Ombudsman commenced an investigation into the handling of the internal investigation.

As at 30 June 2026, there were four ongoing investigations concerning DCS.

Case Study (Formal resolution)

Failures relating to the searching of a prisoner and dealing with their property

A complaint was received about several failures in process relating to the searching of a prisoner and dealing with a prisoner's property that occurred when a prisoner was admitted to the Adelaide Remand Centre.

The Ombudsman identified that not only had these failures occurred, there were also failings in relation to the actions and incident reporting that occurred after the admission of the prisoner.

The department:

- acknowledged the errors that had occurred.
- agreed to take steps to ensure similar errors did not occur in the future, including auditing the Adelaide Remand Centre's local operating procedures and incident reporting.

Case Study (Investigation)[7]

Failure to release prisoner at sentence release date and failure to advise prisoner upon identifying the error

Insight

When public sector agencies make mistakes, including where individual's rights are infringed, they should take action to remedy those errors.

Investigation

The Ombudsman investigated an allegation that the DCS had unlawfully detained a prisoner by holding the prisoner in custody several months beyond their sentence release date.

The investigation found that:

- the prisoner was held in custody several months beyond their sentence release date due to a system deficiency, which meant that prison staff were not prompted to release the prisoner when his sentence had expired.
- when the department identified the error, the prisoner was released the same day but the department took five years to advise the prisoner that he was held beyond his sentence release date. The department only did so after the Ombudsman requested that it engage with the prisoner.
- the department's contact with the prisoner did not offer an apology or clearly explain that the prisoner may have a legal basis to make a claim against the state.

[7] Summary Statement - Investigation - Department for Correctional Services

Outcome
The Ombudsman found that the department erred by:

1. holding the prisoner beyond their sentence release date
2. failing to immediately advise the prisoner that they had been held beyond their sentence expiry.

The Ombudsman made recommendations to the department aimed at improving processes to ensure that the error in holding to prisoner in custody too long does not happen again and that prisoners are told of potential errors as soon as possible.

Case Study (Investigation)[8]

Failure to substantiate employee misconduct following an investigation

Insight
Where an agency investigation identifies evidence of misconduct, agencies are required to commence a disciplinary process and make a finding on the allegations. While agencies have significant discretion in imposing a sanction (or other outcome) following a finding of misconduct, a finding one way or the other should be made.

Investigation
The Ombudsman investigated the handling of an employee misconduct investigation by DCS. DCS' investigation report concluded that there was evidence which supported a finding of misconduct, but DCS chose not to commence a disciplinary process, or make any findings in relation to the alleged misconduct.

The Ombudsman determined that DCS had failed to comply with the Commissioner for Public Sector Employment's Guideline on the Management of Misconduct by failing to take appropriate action in response to an employee's apparent breach of the Code of Ethics for the South Australian Public Sector.

Outcome
The Ombudsman recommended further training for the staff who have delegation to determine misconduct matters.

Case Study (Monitoring)

Unreasonable use of force and lack of access to medical treatment

A prisoner complained about an incident that occurred involving the use of force by a correctional officer at a prison. The prisoner alleged his arm was grabbed by an officer, aggravating an existing injury. The prisoner also complained that he was not permitted to see a medical officer after the incident. The alleged incident occurred at

[8] Final Report – Investigation – Department for Correctional Services

a privately-operated prison; the Ombudsman determined that it was appropriate for DCS to investigate and the Ombudsman monitored the investigation.

As a result of DCS's investigation, the Ombudsman identified concerns that the prison may not have followed appropriate policies and procedures in relation to the following:

- activation of body worn cameras during incidents
- the investigation process when an assault has been alleged
- accurate and contemporaneous record keeping following incidents
- timely provision of medical attention after incidents and keeping records of all medical attendances
- management of a conflict of interest in relation to Use of Force Committee meetings.

DCS agreed to oversee a range of compliance measures in relation to these issues and to report any future compliance failures.

SA Police

The Office received 313 complaints about SAPOL[9] and closed 312, which is a slight increase from the previous year (286 complaints received and 280 closed). Of the complaints closed in 2025-26, 90 related to the conduct of police officers. As Ombudsman SA does not have jurisdiction to consider police officer conduct, complainants are referred to the Office for Public Integrity. This type of complaint decreased by almost 30% this year (down from 126).

In 82 matters, complainants were referred back to the agency; as noted above, this generally occurs when a complainant has not raised their complaint with the agency before approaching Ombudsman SA. In 42 matters, the complaints were assessed and it was determined that there was no error by SAPOL.

In 31 SAPOL matters, it was determined that the complainant had another legal remedy.[10] The majority of these related to expiation notices. As outlined earlier, expiation notice recipients have review rights under applicable legislation, and it is generally considered appropriate for complainants to exercise these rights.

13 matters were resolved with the agency's cooperation, and none were assessed as warranting investigation. Five of the resolved matters related to Freedom of Information Act processes and six were complaints about delay or lack of response.

[9] This includes 43 complaints about FOI, where SAPOL is the top agency. FOI complaints are discussed in a later section of this report.
[10] Section 13(3) of the Ombudsman Act.

Case Study (Early resolution)

Incorrect recording of firearm ownership and failure to advise complainant when error was fixed

The complainant alleged that SAPOL incorrectly recorded that they owned a firearm that they did not. When Ombudsman SA made enquiries, SAPOL acknowledged that it had incorrectly registered the firearm and failed to advise the complainant when ownership had been transferred to the correct owner.

The Ombudsman was satisfied that the error was a result of a data entry mistake and was not a systemic issue warranting further action. SAPOL's Firearms Branch were reminded of the importance of ensuring accurate data entry and of expected communication standards.

Case Study (Early resolution)

Incorrect deduction of demerit points and unreasonable delay in responding to complaint

The complainant contacted Ombudsman SA after they attempted to renew their driver's license and discovered that demerit points had been deducted for a fine they had never received. While the fine had been issued to their licence number, it was not in their name and did not include the details of their vehicle. The complainant had lodged a formal complaint with SAPOL but had not received a response.

Following Ombudsman SA's enquiries, SAPOL confirmed that a data entry error had occurred in relation to the form when the license details were incorrectly manually entered. As such, the demerit points were deducted incorrectly.

SAPOL removed the demerit deduction and apologised to the complainant for the error and the delay in responding to their complaint. SAPOL also initiated staff training on data entry and implemented an escalation process for formal complaints to ensure timely responses.

Department for Child Protection

As noted above, complaints received about DCP increased from 276 to 323. The continues a trend of year-on-year increases since 2021, when this Office received 201 complaints (a 60% increase in five years). The Office finalised 311 matters this year; 24 of these were assessed as complex matters and four of those were resolved with the agency's cooperation. As at 30 June 2026, there were eight open investigations relating to DCP.

The top issues complained about in relation to DCP were removal of children (68) and issues regarding reunification or access (69). As most removal and reunification decisions are reviewed by the Youth Court, Ombudsman SA will typically not investigate these issues, but may review access decisions made by the Contact Access Review Panel. The Office also

reviews the department's conduct leading up to a removal, or ancillary issues such as communication or complaint handling. 56 matters concerned DCP's complaint handling processes.

In 181 matters, complainants were referred back to the agency to use the agency's complaint pathway in the first instance. In 67 matters, this Office assessed that there had been no error.

The Ombudsman has continued to have regular meetings with the Chief Executive and other senior staff of DCP to discuss common and emerging issues. As part of these meetings, DCP have continued to provided updates regarding the department's progress towards implementation of the *Children and Young People (Safety and Support) Act 2025,* which was passed by Parliament and received royal assent in June 2025, but is anticipated to commence in 2027.

Case Study (Formal resolution)

Whether DCP made suitable arrangements for the handover of an Aboriginal teenager

Complaint
DCP had been involved with a family some years ago and the child had been removed from their mother's care. They were voluntarily placed with other relatives. There were no child protection orders in place.

The Department received a report that the child, now a teenager, had been living with their grandmother but she could no longer care for them. The teenager was facing homelessness. DCP arranged for the teenager to be returned to their mother's care.

The Ombudsman was satisfied that DCP had appropriately assessed the mother's suitability to resume care but was concerned about the arrangements for handover.

The mother had a long distance to travel to collect the teenager and would arrive late in the evening. DCP attempted to arrange a suitable collection point for the teenager but eventually left them alone at a police station to wait for their mother.

The Ombudsman considered that the use of a police station to affect a handover in circumstances where the teenager was being collected by their estranged mother, and was not accompanied by anyone, was wrong.

Outcome
The Department agreed to implement a policy for handovers that would include consideration of the psychological safety of the child or young person.

Case Study (Formal resolution)

Delay in assessing a request by a carer to relocate overseas

Ombudsman SA received a complaint from a kinship carer about DCP. The carer had been waiting a long time to find out whether they were permitted to move back to their home country with the young child for whom they were providing care.

The Ombudsman acknowledged that this was a complex case but formed the view that it appeared there had been an unreasonable delay in DCP issuing approval, with the matter taking over eight months to be finalised. One factor contributing to the delay appeared to be a lack of guidance materials about overseas relocations, resulting in staff confusion over the correct processes to be followed, and causing the application to stall for a period of time. The delay had a significant impact on a vulnerable family. That said, when the matter was escalated by Ombudsman SA, the Department worked quickly to process the approval.

DCP agreed to:

- acknowledge that there had been an unreasonable delay
- write to the affected family with an apology, and providing reasons for the delay
- assessing the cause of the delay and taking any necessary action to prevent recurrence.

The Ombudsman monitored the actions taken by the Department, which included adding new information to the Manual of Practice to provide a clear process for staff to follow in assessing overseas relocations.

Complaints about Local Government

This year saw a 15% increase in complaints against local government; this Office received 1,356 complaints and completed 1,362. The most common issue complained about was unreasonable enforcement in relation to parking (229) followed by issues relating to complaint handling (206), including inadequate processes, delay and inadequate outcomes. Other common complaint issues included failing to act on nuisance complaints, complaints about roads and allegations of misconduct.

Case Study (Own motion enquiries) – Adelaide City Council

The City of Adelaide accounted for 15% of all complaints against local government, significantly higher than the next council (City of Onkaparinga at 7.3%). As the City of Adelaide is also one of the larger councils and receives significant traffic into the CBD, this is not unexpected. However, in the period from 1 July 2025 to 31 December 2025, this Office identified a significant increase in complaints about parking

infringements issued by the City of Adelaide (an approximately 60% increase compared to the same period in 2024).

Given this, and that concerns about the council's use of mobile vehicle-based monitoring of parking (a system known as Park Safe) had been raised in the media, the Ombudsman made enquiries with the council on her own initiative to understand how the council was ensuring fairness and good administrative practice in relation to the use of the Park Safe system and parking expiations generally. Information was sought in relation to the City of Adelaide's processes, as well as how it makes decisions about:

- whether or not to issue an expiation after a potential offence has been identified from the footage taken by a Park Safe vehicle, and
- whether an expiation should be withdrawn after the driver has sought a review of the expiation.

After completing her enquiries, the Ombudsman was satisfied that the City of Adelaide's processes in relation to parking expiations and the use of Park Safe did not raise any systemic fairness or transparency concerns. Given this, the Ombudsman determined that the Office would continue its practice of not taking any action in response to complaints received about expiation notices unless there are special circumstances.

Case Study (Formal resolution) – Yorke Peninsula Council

Unreasonable delay in a council assessing a noise complaint

The Ombudsman received a complaint that the Yorke Peninsula Council had unreasonably delayed finalising a complaint. The resident had complained about noise nuisance arising from a nearby business. Enquiries by Ombudsman SA determined that the council took over 19 months to finalise the noise complaint. While there were a number of factors contributing to the delay, the Ombudsman formed the view that the delay was unreasonable in the circumstances.

The council agreed to:

- write to the resident, acknowledging that the delay in finalising this matter was unreasonable, and providing an apology
- ensure further education was provided to staff.

Case Study (formal resolution)[11]

Issuing directions under section 75G of the Local Government Act

Insight

Recording and giving reasons for administrative decisions is important to ensure consistency, fairness and transparency in decision making. When making decisions about whether to issue directions under section 75G of the *Local Government Act 1999*, a responsible person may need to consider the individual circumstances of a council member or employee to determine whether their health or safety is being adversely affected.

Complaint

Section 75G of the Local Government Act allows a 'responsible person' to issue reasonable directions to a member of a council to ensure that their acts or omissions do not adversely affect the health and safety of other members or employees of the council. An elected member requested that directions be issued in relation to another member; the decision-maker determined not to do so.

Ombudsman SA identified two areas of concern with the responsible person's handling of the matter, being that they:

- had not made adequate records concerning their decision-making process.
- did not take into account the information and evidence provided by the complainant about the actual impact of the relevant conduct on them.

Resolution

The council agreed to:

- have the responsible person reconsider the complainant's request under section 75G
- review and update its internal guidelines to ensure that they provide clearer guidance to responsible persons in making and recording decisions.

Case Study (Formal resolution)[12] – District Council of Mount Remarkable

Procurement processes must be documented

The Ombudsman considered a complaint about a procurement process undertaken by the District Council of Mount Remarkable. It was reported that the successful company's Managing Director sat on the council's Audit and Risk Committee during the tender process. Due to a lack of documentation and record-keeping, the Ombudsman could not be satisfied there was evidence of wrongdoing by the individuals who were involved in the procurement. However, the council's records did not document why the company had been the preferred tenderer.

[11] Statement – Formal Resolution – local government council

[12] Statement – Formal Resolution – District Council of Mount Remarkable

The council agreed to:

- review its Procurement Policy in relation to documenting decision-making
- conduct training for relevant staff regarding the importance of record-keeping and documenting reasons.

Case Study (Investigation)[13] – District Council of Cleve

Insight

Public consultation is a legislative requirement for many administrative and policy-making decisions. Fulsome public consultation improves the quality of decisions and increases public trust in government.

Investigation

The Minister for Local Government referred a matter to the Ombudsman under section 272 of the Local Government Act to investigate whether the District Council of Cleve contravened the Act by failing to hold a public consultation meeting in relation to the council's draft 2024-25 Annual Business Plan.

The council had released its draft Business Plan for public consultation by uploading the documents to its website and social media and placing public notices in newspapers. The council had invited written submissions but, following legal advice about its public consultation obligations, did not hold a public meeting.

Outcome

The Ombudsman concluded that the council had failed to comply with section 123(4) of the Local Government Act by not holding a public meeting as part of its public consultation process. The Ombudsman noted that the relevant provision is somewhat ambiguous and therefore acknowledged that the council acted reasonably in seeking legal advice on the matter.

Section 123(4) has now been repealed and the Community Engagement Charter, established under section 50 of the Local Government Act on 11 December 2025, clarifies the requirement to hold a public meeting in relation to an Annual Business Plan.

[13] Investigation – Final Report – District Council of Cleve

Case Study (Investigation)[14]

Lack of due diligence by council in extending a contract, and failure of former Chief Executive Officer to declare and manage a conflict of interest

The Ombudsman found that a council administration acted in error by exercising an option to extend a road resurfacing contract contrary to the procurement policy and contrary to a formal resolution of the elected body.

The Ombudsman also investigated the former Chief Executive Officer's failure to comply with council's procurement policy in relation to the acquisition of a vehicle and their failure to declare and manage a conflict of interest in relation to that acquisition given the car was to be for their exclusive use. The Ombudsman determined that the former CEO contravened section 120 of the Local Government Act by failing to declare a conflict of interest and by acting in relation to the matter; the Ombudsman considered that the conduct amounted to misconduct for the purposes of the Ombudsman Act.

The Ombudsman recommended:

- training for relevant staff in relation to procurement practices
- that the council implement regular auditing of procurements to ensure continued compliance with good practice
- that council implement a conflict of interest policy for employees.

[14] Investigation – Final Report – Clare and Gilbert Valleys Council

Complaints made by Aboriginal and Torres Strait Islander people

Ombudsman SA commenced collecting data about whether complainants identify as Aboriginal or Torres Strait Islander in July 2024. Insights from this data support the Office to be responsive to First Nations complainants and to understand and act on systemic issues in government which impact First Nations people. The data also informed our outreach activities during the reporting period (see below); analysis of 2024/25 data indicated that First Nations prisoners were not approaching our office at the same rate as non-Aboriginal prisoners.

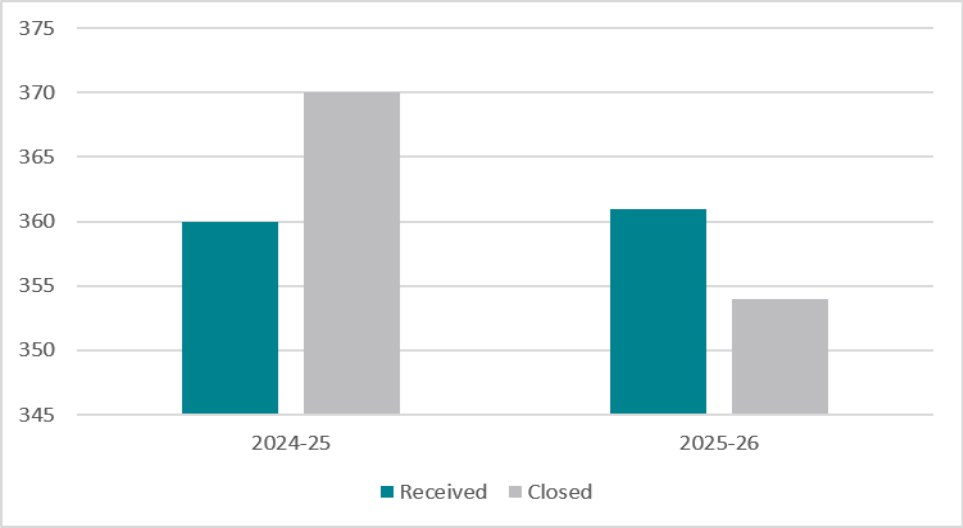
Sharing this data with Community and reporting on it annually demonstrates Ombudsman SA's commitment to transparency and accountability in relation to our Strategic Plan Objective 1.4: *Engage with and be responsive to the needs of First Nations people.*

In 2025-2026, the Office received 361 complaints or reports from individuals who advised they are a First Nations person, equating to 6.9% of total complaints and reports made over the reporting period. The Office received the same number of complaints in the previous reporting period.

This equates to 8.5 in every 1,000 Aboriginal people in South Australia[15] lodging a complaint to Ombudsman SA. By comparison over the same period, approximately 2.6 out of every 1,000 non-Aboriginal South Australians[16] made a complaint to Ombudsman SA.

Of the 361 complaints to this office made by First Nations peoples, 286 related to State Government agencies, while 23 related to local government and 51 related to other authorities.

First Nations complaints received and closed by year



[15] Australian Bureau of Statistics Aboriginal and Torres Strait Islander people: Census, 2021
[16] Australian Bureau of Statistics National, state and territory population, December 2025

The agencies most commonly the subject of complaints by people identifying as First Nations were the SAHT, DCS, DCP and SAPOL. Notably, four of the five agencies identified are among those subject to the highest number of complaints made to the Ombudsman generally.

	Complaints by First Nations persons		Total Complaints (including from First Nations people)	
Agency	Total	%	Total	%
SA Housing Trust	106	25.8	748	14.4
Department for Correctional Services	79	19.2	626	12.1
Department for Child Protection	55	13.4	323	6.2
Public Trustee	15	3.6	166	3.2
SA Police	15	3.6	309	5.9

The five most common issues raised in complaints made by First Nations peoples were housing maintenance, housing allocation, communication, complaint handling delay, and housing transfer issues.

During the reporting period, First Nations peoples made 15 complaints to this Office about child removal, a rate approximately three times higher than the general population.

71 complaints were received from prisoners who identified as Aboriginal and/or Torres Strait Islander, compared with 445 complaints that were received from individuals who said they are not Aboriginal and/or Torres Strait Islander, or preferred not to say. Of the matters in which data was collected, 13.8% of the prisoner complaints received by the Office were from First Nations peoples; by comparison, First Nations people make up approximately 26% of the South Australian prison population[17].

[17] Australian Bureau of Statistic Corrective Services data, Average number of persons in full-time custody, March quarter 2026

First Nations complaints received compared with all other complaints received

This year, 23 complaints from First Nations peoples were resolved with the co-operation of the agency through informal early resolution, with a further four matters resolved through a formal resolution process (where an agency acknowledges an error and agrees to take action proposed by Ombudsman SA). The issues raised in these matters related to housing maintenance, communication, Freedom of Information, child protection, custodial services, and complaint handling delays.

When assessing a complaint, we consider whether the complainant has first provided the agency with an opportunity to address the issue. Where this has not occurred, and the matter is not considered serious or systemic, we generally refer the complainant back to the agency in the first instance. During the reporting period, 193 matters received from First Nations people were referred back to the relevant agency for this purpose.

As at 30 June 2026, the Office had six matters under investigation resulting from complaints from First Nations people, and two own-initiative investigations underway which relate to Aboriginal people.

During the reporting period, 10 applications for External Review under the *Freedom of Information Act 1991* were made by persons identifying as First Nations. This equates to 4% of all FOI External Review applications.

Outreach and Engagement Activities

During the reporting period, Ombudsman SA attended five Prevention of Aboriginal Deaths in Custody (PADIC) Forums facilitated by DCS. The forums are attended by First Nations' prisoners and provide an opportunity for them to raise any issues experienced directly with the DCS Chief Executive. Staff from our office attended the PADIC Forums in an observer capacity at the following prison locations:

- Adelaide Women's Prison
- Adelaide Remand Centre
- Port Augusta Prison
- Mobilong Prison
- Cadell Training Centre

By attending these PADIC Forums, this Office gains a better understanding of the issues experienced by First Nations prisoners and insight into how the agency responds to matters in practice. The PADIC Forums also provide an opportunity to raise awareness among First Nations prisoners about the role of the Ombudsman and how we may be able to assist in addressing complaints.

Staff from our Office also attended one Aboriginal Liaison Officer Forum to further raise awareness of the Ombudsman's role and complaint pathways, recognising the important role Aboriginal Liaison Officers play in supporting First Nations prisoners. This provided an opportunity to share information about how the Ombudsman can assist and strengthen understanding of when a matter may be appropriately referred to our office.

Additional education and outreach activities focused on raising awareness among First Nations peoples included:

- recording an information session for members of the First Nations Voice to form part of their induction program;
- developing a First Nations animation video which explains what you can complaint about, what to expect during the complaint process and the different ways to contact our Office; and
- the Ombudsman participating in a 'hot sauce challenge' video with the Guardian for Children and Young People where they speak about their respective roles in child protection and youth detention, helping to raise awareness of available complaint pathways. The video is one in a series of videos by the Guardian and Children and Young People screened in the Kurlana Tapa Youth Justice Centre. While the video is intended for all children and young people residing in youth detention, First Nations children and young people are overrepresented in the youth justice system[18].

Education and outreach to First Nations people will continue to be a focus area for the Ombudsman in 2026-27.

[18] Australian Institute of Health and Welfare, *Closing the Gap targets: key findings and implications*, 6 March 2025 for

Criminal Law Forensic Procedures Audit

Each year, the Ombudsman is required to conduct an audit to monitor compliance with the *Criminal Law (Forensic Procedures) Act 2007*. This is an important function in ensuring practices do not compromise criminal prosecutions, and in ensuring the human rights of suspects, victims and volunteers are safeguarded. The Audit[19] for the period 1 July 2024 to 30 June 2025 included observations and two recommendations in relation to the conduct of forensic procedures for Aboriginal men in a culturally sensitive manner; Ombudsman SA continues to monitor the implementation of those recommendations.

[19] See Ombudsman SA 2025-26 Annual Report (page 87) further information about the Criminal Law Forensic Procedures Audit

Misconduct and **Maladministration**

In addition to responding to complaints about 'administrative error' in agencies, the Ombudsman investigates allegations of 'misconduct' and 'maladministration' in public administration.

Misconduct in public administration means an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer.

Maladministration in public administration means:

- conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or

- conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions;

and includes conduct resulting from impropriety, incompetence or negligence.

The Ombudsman has jurisdiction to investigate breaches of the integrity provisions of the *Local Government Act 1999* by council members. The integrity provisions constitute a relevant code for the purposes of the definition of 'misconduct'.

Complaints can be made about suspected misconduct and maladministration in public administration to Ombudsman SA by members of the public, public officers and public authorities.

The Office also receives referrals raising issues of misconduct and maladministration from both the Office for Public Integrity (OPI) and the Independent Commission Against Corruption (ICAC).

This year, Ombudsman SA received complaints, reports or referrals raising 332 potential issues of misconduct or maladministration, up from 314 the previous year.

The Office received 107 referrals from OPI (from which Ombudsman SA identified 129 issues of misconduct and maladministration) and four referrals from ICAC (from which six issues were identified). The number of misconduct and maladministration matters received directly by the Ombudsman dropped by 7% while the number of OPI referrals increased by 32%.

The Office completed 418 issues involving potential misconduct (284) or maladministration (134). Of these:

- six issues resulted in suggested administrative improvements
- 22 issues were resolved with agency cooperation
- 25 issues were referred to an agency or other authority, with the Ombudsman monitoring the action taken
- 37 issues were investigated.

Including matters referred in previous financial years, the Office also monitored agency action in relation to 51 matters involving potential misconduct or maladministration. The majority of these (47) related to potential misconduct.

The Ombudsman expects agencies will take robust action to investigate and deal with alleged misconduct; this includes recording clear reasons for findings and decisions on relation to sanctions (where relevant), as well as proactively examining whether there are broader opportunities for improvement.

Where the Ombudsman is satisfied that an agency is taking appropriate action and has in place systems to investigate potential misconduct and prevent recurrence, the agency will generally be considered best placed to investigate and deal with most alleged misconduct. Where the Ombudsman considers it appropriate, she will monitor the agency's investigation and may take further action if not satisfied that the matter has been adequately addressed (see Monitoring Agency Investigations below).

If the Ombudsman learns that a matter under assessment or investigation is also the subject of an investigation by ICAC or SAPOL, or the person concerned has been or is to be charged with a criminal offence in relation to the matter, the Ombudsman must not proceed to investigate or otherwise deal with the matter.[20] In the reporting period, this Office discontinued its assessment or investigation of 3 matters involving alleged misconduct when the Ombudsman became aware of an investigation or criminal charge.

[20] *Ombudsman Act 1972*, s 13(2a).

Misconduct and maladministration issues[21] received directly by Ombudsman SA as complaints or reports (i.e. not referral by ICAC or OPI)

	Received	Closed
Email	77	101
In Person	5	4
Letter	6	9
N/A	4	6
Telephone call	30	36
Website	75	113
Total	**197**	**269**

Misconduct and maladministration issues referred during 2025-26 and referred issues closed during 2025-26

Referred by	Referred	Closed
ICAC	6	4
OPI	129	145
Total	**135**	**149**

Respondent agency type of misconduct and maladministration issues closed in 2025-26

Respondent Agency Type	Total
Government Department	129
Local Government	172
Minister / Member of Parliament	5
Other Authority	109
Public Officer	1
Self-Insured Employer	1
Service Provider	1
Total	**418**

[21] This refers to individual issues of misconduct or maladministration recorded by Ombudsman SA; some complaints and reports involved multiple issues of potential misconduct or maladministration.

Elected member integrity matters

Ombudsman SA continued to receive a significant number of complaints and reports about elected member integrity issues. Of the matters received this year, a total of 101 elected member integrity issues were raised, compared with 97 last year. This included:

- 20 general conflict of interest[22] issues (down from 22 in 2024-25)
- 26 material conflict of interest[23] issues (up from 23 in 2024-25)
- 6 issues of failure to act honestly[24]
- 14 issues of failure to act with reasonable care and diligence[25]
- 12 issues of improper use of information[26] or position[27]
- 13 issues of disclosure of confidential information[28].

Local Government elected members make significant decisions affecting the daily lives of their constituents and direct the expenditure of significant resources. The integrity provisions of the Local Government Act operate to ensure members of the public can have confidence in the decisions made by their elected members. As the only body able to investigate alleged breaches of the Local Government Act integrity provisions, the Ombudsman considers it essential that these matters receive appropriate scrutiny.

The Office formally resolved nine matters involving elected member integrity breaches, which comprised three general conflicts of interest, one disclosure of confidential information, one failure to lodge ordinary returns and four material conflicts of interest.

The Ombudsman noted in last year's annual report that breaches of the material conflict of interest provisions will generally be investigated. While this remains the case, the Ombudsman considered that the particular circumstances of these material conflict of interest matters made them suitable for formal resolution:

- three concerned very similar issues to those already investigated by this Office. The investigations had been the subject of two published reports finding breaches of the integrity provisions. The Ombudsman determined that the issues had been subject to sufficient scrutiny to make formal resolution appropriate, noting that the conduct in question occurred prior to the Ombudsman publishing her views in other matters.
- the further matter involving a material conflict of interest was resolved on the basis that the breach of section 75C occurred in unique procedural circumstances that were unlikely to recur.

During the reporting period, this Office investigated 25 matters concerning alleged misconduct or maladministration by elected members. Across these matters, the Ombudsman substantiated 19 breaches of Local Government Act integrity provisions and

[22] Local Government Act, s75B
[23] Local Government Act 1999, s 75C
[24] Local Government Act s 61(2)
[25] Local Government Act s 62(2)
[26] Local Government Act, s 62(3)
[27] Local Government Act, s 64(4)
[28] Local Government Act, s 64(4a).

in four of these matters, the Ombudsman considered that the conduct also amounted to misconduct in public administration under the Ombudsman Act.

During the reporting period, the Ombudsman also issued two pieces of guidance to all councils raising awareness of issues reported across multiple councils:

- failures to declare conflicts of interest in respect of approving costs to attend the Local Government National Conference
- breaches of confidentiality in respect of legal advice obtained by councils and shared with elected members.

Providing this guidance aims to draw attention to the requirements of the relevant integrity provisions and drive systemic improvements in relation to those issues.

Material conflicts of interest

Local government elected members have an obligation to declare and manage conflicts of interest under the Local Government Act; section 75C of the Act requires elected members who have material conflicts of interest to leave the meeting room, including any area set aside for the public, such that the member cannot view or hear any discussion or voting at the meeting.

A serious and intentional breach of these provisions will also amount to misconduct in public administration under the Ombudsman Act.

This Office investigated 14 issues of material conflicts of interest by elected members during the reporting period. The circumstances surrounding several of the matters investigated are summarised below.

Case Study (Investigations)

Failures by elected members to properly declare and manage a material conflict of interest

The Ombudsman found breaches of section 75C of the Local Government Act in the following circumstances:

- An elected member declared a material conflict of interest in respect of a Behavioural Standards complaint which came before the council for debate and decision. After leaving the chamber, the elected member watched the livestream of the council's discussion of the item in question.[29]

- In two matters, elected members were nominated for appointments as Deputy Mayor. Neither elected member declared a conflict of interest in the formal resolutions appointing them to the position, and each participated in the vote. The Ombudsman found that the elected members had material

[29] Investigation - Final report – City of Burnside

conflicts of interest because their stipends would increase upon appointment to the position of Deputy Mayor.[30]

- When elected members considered a recommendation to appoint an Acting CEO during a period of leave, a councillor declared a general conflict of interest on the basis that the appointee was his wife; he remained in the room but did not vote. Given the councillor's wife would receive a higher remuneration during the periods she was Acting CEO, the councillor involved should have declared a material conflict of interest and left the room.[31]

- Two elected members declared general conflicts of interest in relation to an item which asked the council to endorse their attendance at an interstate conference, for which their travel and other associated costs would be reimbursed by the council. Both councillors stayed in the meeting for discussions but not vote. The investigations found that the elected members had a material conflict of interest in the matter.[32]

The Ombudsman made one or more of the following recommendations in these investigations:

- that the elected member apologise at a public council meeting
- that elected members attend training on their integrity obligations
- that council reprimand the elected member.

Other integrity provisions

Compliance with all of the integrity provisions in Chapter 5 of the Local Government Act, including the 'General Duties' and requirements in relation to the Register of Interests, is essential to the integrity of and trust in local government. The case studies below summarise investigations conducted into breaches of these provisions during the reporting period.

Case Study (Investigations)

Other integrity breaches by elected members

The Ombudsman found breaches of the following integrity provisions:

- section 62(1) of the Local Government Act – failing to act honestly.[33]

[30] Investigation – Final Report – Mount Barker District Council and Investigation – Final Report – Adelaide Plains Council
[31] Investigation – Final Report – District Council of Peterborough
[32] Investigation – Final Report – City of Port Adelaide Enfield (2025/03430) and Investigation – Final Report – City of Port Adelaide Enfield (2025/01440)
[33] Investigation – Final Report – City of Adelaide

    - An elected member declared a material conflict of interest and left the meeting, but during the debate sent text messages about the matter to a councillor who remained in the chamber.
    - The Ombudsman considered that the elected member did not in fact have a material conflict of interest. However, the Ombudsman determined that, by indirectly involving themselves in the council's discussion of the matter, the elected member failed to act honestly.
    - The Ombudsman also found that this conduct amounted to misconduct in public administration.
- sections 62(2) and 62(4) of the Local Government Act – failing to act with reasonable care and diligence and making improper use of position to gain a personal advantage.[34]
    - A council Mayor held a leadership role on the council's recruitment panel and received information about applications received during the first round of advertising. The Mayor then resigned from the panel and when the role was re-advertised, applied for it himself. He received advice that the application may be considered an improper use of position but he nevertheless proceeded.
    - The Ombudsman concluded that by remaining in his role to assess the quality of applications and decide whether to apply himself, the Mayor made improper use of his position as an elected member to gain a personal advantage. Further, by applying after receiving clear warnings about the inappropriateness of this course of action, the Mayor failed to act with reasonable care and diligence.
    - The Ombudsman found that the breaches amounted to misconduct within the meaning of the Ombudsman Act.
- section 62(2) of the Local Government Act – failing to act with reasonable care and diligence[35]
    - Section 86(5) of the Local Government Act requires that elected members vote on matters before the council, subject to a provision of the Act to the contrary.
    - An elected member refused to vote on motions that came before the council on two occasions. He said he thought the motions were beyond the power of the council. The Presiding Member reminded him of the obligation to vote on both occasions.
    - The Ombudsman found that the elected member failed to act with reasonable care and diligence in the performance of his official functions and duties by failing to vote.
    - The Ombudsman considered that the conduct amounted to misconduct in public administration, including because the member was warned multiple times about his conduct breaching his obligations.

[34] Investigation – Final Report – Southern Mallee District Council
[35] Investigation – Final Report – City of Adelaide

- sections 66 and 62(2) of the Local Government Act – failing to include required information in an ordinary return and failing to act with reasonable care and diligence[36]
    - The elected member completed their ordinary return by writing 'NA' to every category, despite having registrable interests that needed to be declared.
    - The Ombudsman found that the elected member had failed to submit their return in accordance with the requirements the Act and that this amounted to a failure to act with reasonable care and diligence.

The Ombudsman made one or more of the following recommendations in the above investigations:

- that the elected member apologise
- that the elected member attend training
- that the council reprimand the elected member.

Employee conduct

During the reporting period, this Office received 200 complaints or reports concerning misconduct of agency employees. These included allegations such as unauthorised access to or use of official information, unprofessional behaviour, workplace bullying, improper recruitment and improper records management.

Generally, where misconduct allegations are raised with Ombudsman SA in the first instance, this Office will refer the matter back to the agency for investigation, or will otherwise monitor an internal agency investigation processes to ensure robust action is taken in response to any misconduct.

During the reporting period, this Office referred and monitored 21 internal investigations into employee misconduct. This Office also completed four investigation reports and one formal resolution into matters concerning employee conduct. In two of the matters investigated, the Ombudsman considered that the conduct amounted to misconduct in public administration under the Ombudsman Act. Case studies for three of these matters are set out below.

Case Study (Formal resolution) – Government agency

Agencies should ensure their policies and training equip staff members taking on new responsibilities to understand their obligations

Report

Ombudsman SA received a report that an agency employee had disposed of agency assets inappropriately during an office relocation by distributing items to staff and had made inappropriate purchases using an agency purchase card. It appeared that

[36] Investigation – Final Report – District Council of Peterborough

gaps in the agency's policies, as well as a lack of understanding by the staff member of their responsibilities while acting up into a new role, may have contributed to the conduct in issue. In light of this, the agency had terminated its own investigation of the staff member's conduct but was taking steps to improve its policy suite.

Outcome

Ombudsman SA considered that an investigation of the staff member was not in the public interest but that further steps could be taken by the agency to prevent recurrence. The agency agreed to ensure training for the staff member on relevant obligations; a review and update of relevant policies; and a new process to ensure training and information for staff commencing or acting up into roles with responsibilities for credit cards or assets.

Case Study (Investigation) – Local council

Use of council resources by employee for private purposes

Insight

As public officers, council employees are expected to act with integrity and to ensure that personal interests do not interfere with their public functions.

Councils should have robust policies and processes in place to ensure that all employees understand and comply with their obligation not to use council resources for an unacceptable private purpose.

Investigation

The Ombudsman investigated allegations that a council employee may have committed misconduct in relation to a residential development being undertaken by the council by:

- attempting to improperly secure a deal from council
- implying, in communications with the council's sales agent and a finance broker, that they could influence the council to get a special deal
- using their council email address to correspond with the sales agent and finance broker
- failing to declare a conflict of interest in relation to the development.

The Ombudsman determined that the employee had not breached any of the provisions in the council's Employee Conduct Policy and Acceptable Use Policy or the Local Government Act and had therefore not committed misconduct in public administration. However, the employee, and other council employees, had used their council email addresses to correspond with the council's sales agent in their private capacity. The council's Acceptable Use Policy permitted some personal use of work email accounts but provided limited guidance on what would constitute unacceptable use.

Outcome

Although the Ombudsman determined that the employee had not committed misconduct, the Ombudsman recommended that the council:

- review its Acceptable Use Policy to consider including further guidance on the use of council email addresses
- reminder all council employees about the acceptable use of council resources
- provide updated training to council staff on their obligations under the Employee Conduct Policy and the Local Government Act (and ensure staff engage in regular refresher training)

Case Study (Investigation) – Government agency

Unauthorised access to official records

Failure by public officers to comply with their obligations in relation to the confidentiality of government information, particularly in sensitive areas of government service, can undermine public confidence and trust in government.

On a single occasion, a senior public officer accessed the personal information of another public officer without being asked and without authority. The information was divulged only to the other public officer. The public officer's motivation in disclosing the information was to assist the other public officer.

Information must only be accessed and disclosed in the course of performing functions or exercising powers in accordance with legislation and government policies.

Having regard to all of the circumstances, the Ombudsman formed the view that by accessing and disclosing information on a single occasion the public officer breached the Code of Ethics. The Ombudsman concluded that these actions were intentional and serious, and therefore amounted to misconduct under the Ombudsman Act.

Confidentiality under the Ombudsman Act

Assessments and investigations conducted under the Ombudsman Act are subject to strict confidentiality obligations.[37] These provisions prohibit disclosure (without authorisation) of information received in relation to a complaint; they also prohibit publishing information identifying a complainant or reporter, the subject of a complaint or report and the identity of a person who has given information or evidence under the Ombudsman Act.

A breach of these provisions may be an offence; if committed by a Public Officer, it may also constitute misconduct under an applicable code of conduct. These provisions are in place to protect the integrity of investigations and to protect parties from undue prejudice. Adherence to these statutory requirements is important in all Ombudsman matters, but breaches may have particularly serious ramifications in matters involving potential misconduct and maladministration.

It is pleasing to note that the number of matters received raising concerns about possible breaches of these provisions reduced from nine matters in 2024-25 to four matters this year. The Office also continued to deal with one complaint made in the previous year.

Most of the matters considered appeared to be low-level and/or arose from a lack of understanding about the obligations. It was determined that the most appropriate response was to remind parties about their confidentiality obligations.

One matter inolved alleged publication via Facebook of information identifying the agency who was subject to an investigation in circumstances where the former Ombudsman had determined not to publish that information. The Ombudsman requested the relevant post be removed and reminded the individuals (who were not public officers) of the confidentiality provisions under the Ombudsman Act. However, given the passage of time, and the reduction in sensitivity, as well as the alleged publishers' circumstances, the Ombudsman determined not to pursue proceedings for an offence.

The Ombudsman will consider commencing criminal proceedings when it would be in the public interest to do so.

[37] Ombudsman Act, s29A

Public Interest **Disclosures**

The *Public Interest Disclosure Act 2018* is an important part of South Australia's integrity framework. It provides certain protections to people who make appropriate disclosures of environmental and health information, and to public officers who make appropriate disclosures of public administration information.

Public administration information is defined to include information that raises a potential issue of misconduct or maladministration as defined by the Ombudsman Act.

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

Public Interest Disclosures received by this Office decreased by 16% this financial year. All of these disclosures concerned public administration information; the Office did not receive any disclosures of environmental or health information under the Public Interest Disclosure Act. Accordingly, each Public Interest Disclosure also constitutes a matter assessed under the Ombudsman's misconduct and maladministration jurisdiction. Given those matters have not decreased, this indicates a reduction in reports from public officers, but an increase in complaints about potential misconduct and maladministration from members of the public. In last year's annual report, the Ombudsman noted the opposite trend.

Under the Directions and Guidelines issued by the former Ombudsman pursuant to section 12D of the Ombudsman Act (which remain in force), public officers and public authorities are expected to report to the Ombudsman any matter that they reasonably suspect involves misconduct or maladministration in public administration unless they know the conduct has already been reported to the Ombudsman or the Office for Public Integrity. Education delivered by this Office to agencies includes information about this expectation.

The Ombudsman also expects all agencies to make their employees and public officers aware of these expectations and to encourage and support reporting of conduct which may amount to misconduct or maladministration.

It is noted that at least some of the complaints relating to misconduct and maladministration which do not qualify as Public Interest Disclosures have come from former public officers. ICAC's report *Doing right by those who call out wrong – A review of South Australia's whistleblower protection regime,* published in June 2026, discussed the absence of protection in the Public Interest Disclosure Act for former public officers and

recommended that the Act's protections be extended. Notwithstanding the current lack of protection under the Public Interest Disclosure Act, if a former public officer (or other complainant) requests anonymity, this Office keeps their identity confidential. This may require careful consideration about how enquiries can be made in a manner that avoids disclosing the complainant's identity; in some cases, where enquiries would inevitably identify the complainant, Ombudsman SA may determine it is unable to take action unless the complainant agrees to be identified.

Disclosures received during 2025-26

			Disclosures
Government Departments			41
Local Government			64
	Councils	24	
	Elected Members	40	
Other Public Officers and Authorities			46
Self-Insured Employer			1
Total			152

Resolution of matters by agreement

In addition to undertaking formal investigations, this Office uses a number of methods to resolve complaints and reports by agreement. Factors such as the seriousness of the alleged error, whether it raises systemic issues and whether the agency has insight into the cause of the problem and a willingness to rectify it, determine whether the complaint requires an investigation or an alternative resolution method. This year, a total of 223 matters were resolved by agreement:

- 163 by informal early resolution (a 20% decrease from last year)
- 60 by formal resolution (a 25% increase from last year).

Actions formally agreed to by agencies are monitored to ensure the matters were dealt with appropriately.

Early resolution – putting things right quickly

An important part of the role of an Ombudsman is to facilitate the quick resolution of complaints about government. This approach to a complaint is suitable where it appears that an agency may have acted unfairly or unreasonably, but it appears to be an isolated matter affecting one complainant, and the agency is prepared to and can rectify the issue. It usually involves the Office contacting the relevant agency by email or telephone and requesting action to 'put things right'.

This year, 163 complaints were resolved with the co-operation of the agency at the 'early resolution stage', which is a decrease since last financial year. This is due to a number of factors, including that more matters were escalated to formal resolution because they were considered to be of serious concern and benefit to the public. It is also a reflection of the overall increase in complaint volume, a trend that has been consistent with previous years, which reduces assessment officers' capacity to proactively engage agencies in resolving matters. Ombudsman SA remains committed to early resolution of appropriate matters and continues to explore ways to increase the resolution rate.

The following case studies illustrate that, while agencies make mistakes, they are for the most part willing to recognise when things should have been done differently and act swiftly to make amends.

Case Study (Early resolution) - council

Unreasonable expiation notices issued

The complainant received two fines from a local council for an alleged offence relating to a 'Heavy or Long Vehicle' stopping for longer than permitted. The council classed the complainant's vehicle as a 'long vehicle' because of the combined length of the van and attached trailer. The complainant also received a third expiation for a car parking across a driveway.

The complainant disagreed with the council's interpretation of the road rule in including the trailer in the calculation of vehicle length. They sought an internal review of the first expiation and were advised that the expiation could not be withdrawn due to insufficient grounds.

Following enquiries by Ombudsman SA, the council further reviewed the expiation and identified that it was incorrectly issued. The expiation was withdrawn. While the complainant had not sought internal reviews of the two subsequent expiations, the council identified that one of these expiations had also been incorrectly issued and withdrew it.

Given the other errors and that the driveway was that of the complainant's property, the council also withdrew the third expiation and issued the complainant with a warning instead. The council apologised to the complainant.

Case Study (Early resolution) – Fines Enforcement Recovery Unit

Failure to refer fine back to council for dispute

The complainant contacted Ombudsman SA about an expiation notice they had received for an off-leash dog. At the time of the issuing of the expiation, the dog had been deceased for two years and the complainant no longer lived in the council area where the fine had been issued. The complainant had been unable to dispute the fine with the council before it had been referred to the Fines Enforcement Recovery Unit (FERU) to recovery. The complainant had contacted FERU to dispute the enforcement of the fine, but this had been declined.

On receiving enquiries from this office, the Chief Recovery Officer revisited the matter and overturned the decision to refuse the dispute and agreed to return it to the council to allow the complainant to dispute the matter.

Case Study (Early resolution) – Consumer and Business Services

Lack of communication and delay in dealing with complaint

Ombudsman SA received a complaint about the way Consumer and Business Services (CBS) handled their complaint about a real estate agent. The complainant reported their concerns to CBS in May 2025 but had not received a response after four months. The complainant made a second complaint to CBS in September 2025 about the delay. The complainant contacted Ombudsman SA in mid-October 2025 as they still had not received a response from CBS.

Ombudsman SA sought information from CBS and identified two potential administrative errors:

1. the first complaint had been assessed and a decision made not to take any action, but no outcome was provided to the complainant
2. the second complaint had been assessed by CBS as requiring further action, but it had been allocated to a case officer who had subsequently left their role and the complaint had not been reallocated or dealt with.

Following contact from Ombudsman SA, CBS acknowledged the errors and took immediate action to ensure that they would not occur again. This included providing relevant staff with further guidance and implementing a process to ensure complaints receive appropriate action.

Case Study (Early resolution) – SAPOL

Unreasonably charged twice for the same crime

Ombudsman SA received a complaint about SAPOL. The complainant was making a complaint on behalf of a prisoner who received documentation showing two charges for the same crime when they believed there should have only been one. Following this, the prisoner had received paperwork advising that their visa was declined due to the two charges. The complainant had contacted lawyers and SAPOL who were unable to assist.

Following contact from Ombudsman SA, SAPOL identified that a there had been a data entry error that resulted in the charges being duplicated. The data error had occurred after SAPOL's involvement in the matter, so it was not an error by them. Nonetheless, SAPOL provided advice and documentation to enable the prisoner to resolve the issue.

Formal resolution – voluntary agreements

Allegations made to this Office that raise serious or systemic issues may be resolved by way of a formal resolution process. Where enquiries identify an error, the Ombudsman will seek the agency's agreement to acknowledge the error, take action to rectify the issue and implement systemic improvements to avoid re-occurrence. In these cases, a formal agreement involving voluntary action to improve administration can be as impactful as a lengthy, resource-intensive investigation. Agreed actions are monitored by the Ombudsman to ensure they are implemented effectively.

In the reporting period, 60 matters (comprising 69 issues) were resolved by way of formal agreements with agencies. This is a significant increase (25%) on the 48 matters that were resolved by way of formal agreement in the previous reporting period. The most common issue resolved by way of the formal resolution process was conflicts of interest (12), with half of these matters concerning local council elected members (6). Other issues resolved included failures in taking action or appropriate action (11), record-keeping (8) and complaint handling (6). Resolution outcomes include changes to policy (20), remedial action (16), apologies (11), new practices (10) and staff training.

In the previous period, 15% of all complaints resolved by formal resolution were closed within four months. In this period the number of complaints resolved by formal resolution that were closed within four months increased to 30%.

Most formal resolution matters involve discrete actions aimed at improvement. On occasion, the Ombudsman may also seek ongoing reporting from an agency in order to monitor an issue and assess the effectiveness of such improvement actions. In the previous reporting period, the Ombudsman identified potential maladministration or systemic error in the timeliness of an agency's response to complaints. Wide ranging improvements were already being undertaken by the agency. Having regard to the seriousness and longstanding nature of the delays, the Ombudsman requested that the agency provide quarterly reports on key indicators for the timeliness of its complaint handling. Reporting continued throughout the financial year and indicated significant improvements in the agency's processes and outcomes. After the reporting period, the Ombudsman concluded that monitoring was no longer necessary.

Case Study (Formal resolution) – Department for Education

Procurement process for school playground

Insight

Agencies need to ensure they have appropriate policies and procedures to oversight procurement activities. Errors can arise through lack of knowledge of these policies and procedures.

Complaint

A school purchased a playground without complying with the Schools and Preschools Procurement Procedure. Given the value of the playground, the school should have obtained a minimum of three written quotes, including seeking at least one quote from a local source. The school only obtained one quote; it appeared that this occurred because the school was not fully aware of the Procedure.

Resolution

The Department took steps to address the lack of procurement knowledge directly with the school and more broadly across the Department. The Department also considered amendments to various procedures, forms and training content to ensure more oversight by the Department's Procurement team for such purchases.

Case Study (Formal resolution)

Management of contaminated land

Insight

Public land that is contaminated must be managed by agencies in a manner that is proportionate and responsive to the risk it poses.

Complaint

The Ombudsman received a complaint raising concerns about the maintenance of a former railyard and adjacent walking and cycling trail.

Previous environmental reports showed that, while the soil in both areas is contaminated with arsenic and heavy metals, it does not pose a safety risk unless disturbed. The complaint raised concerns that the railyard had inadequate fencing and signage, and that the gravel layer on the walking trail was not well maintained, exposing contaminated soil beneath.

Outcome

The relevant agencies resolved the matter by:

- agreeing to ensure the railyard was fully fenced and signed
- conducting further works on the walking to ensure there was an adequate barrier in place
- committing to inspect the walking trail on a schedule to ensure it would continue to be adequately maintained.

Case Study (Formal resolution) – Department for Education

Health Safety plans for children at school

Insight

When responsible for children with chronic health conditions that can rapidly become a medical emergency, schools must have clear communication strategies in place to ensure a carer is able to contact the facility in the case of a emergency.

Complaint

Ombudsman SA received a complaint raising various issues about the Department for Education's response to the needs of a diabetic child who had a blood glucose incident at school.

The child was missing for about 30 minutes in a school day during which time they had a blood glucose event. The child's carer was monitoring their blood glucose levels via an app. The carer was not able to contact the school, so they attended in person and located the child. The child was safe.

The Ombudsman identified potential administrative errors by the school and the Department in relation to the incident and the response to the parent's complaint.

Outcome

The Department agreed to take the following action:

- apologise to the child's carers
- review its Health Safety Plan template to ensure there is clarity in communication arrangements
- communicate with schools and preschools to reinforce awareness of the need to update and review Health Safety Plans in specific circumstances, such as after a medical emergency, if there is a new diagnosis, or when a student goes on camps and excursions.

Case Study (Formal resolution)[38] - DCS & CALHN

Failure to ensure prisoner's access to a medication termination of pregnancy

Insight

Access to a safe and timely termination of pregnancy and the ability to freely make a decision about a termination are universal human rights. These rights continue to apply to women who are incarcerated while pregnant.

Complaint

The Ombudsman received a complaint relating to a female prisoner who was not able to have a medication termination of pregnancy, despite informing staff of the SA Prison Health Services (SAPHS)[39] and DCS of her wishes.

A medication termination of pregnancy is a safe and effective non-surgical option for women who wish to undergo a termination, and is less invasive and more private.

Ombudsman SA's enquiries identified that a primary consideration in the prisoner not being able to access a medication termination was that overnight medical monitoring cannot be facilitated at the Adelaide Women's Prison as it is not funded for overnight medical services. SAPHS acknowledged that this should not have precluded the prisoner from undergoing a medication termination of pregnancy as in hindsight there are other options to support a medication termination in custody which could have been offered to the prisoner.

The Ombudsman considered that SAPHS' failure to consider the options that are available to support a medication termination and to afford the prisoner the opportunity to make an informed decision likely amounted to an administrative error.

[38] Statement – Formal Resolution – Central Adelaide Local Health Network and Department for Correctional Services

[39] A division of the Central Adelaide Local Health Network (CALHN)

Outcome

SAPHS agree to make the range of options to facilitate medication terminations available to female prisoners moving forward. SAPHS and DCS agreed to amend their policies and procedures to address how requests for medication terminations of pregnancy may be facilitated, and to inform all relevant staff of the updates. SAPHS also agreed to apologise to the prisoner and advised that work was being undertaken aiming to provide some additional health services for women in prison.

Case Study (Formal resolution) - Revenue SA & State Commissioner for Taxation[40]

Fairness in tax assessment processes

Insight

Agencies should make decisions affecting individuals in a fair, efficient and timely manner, particularly where delay may have a detrimental impact on a person's wellbeing.

Complaint

Revenue SA and the Commissioner for State Taxation assessed that a taxpayer was severally liable for payroll taxation of nearly $1m for a company owned by their ex-spouse. The complainant challenged the assessment.

After three years, the agencies concluded that the complainant should be excluded from the liability. The process, including the length of time that it took, impacted the complainant's health and wellbeing.

Resolution

The Ombudsman formed the view that the agencies erred by:

- failing to adequately consider the complainant's objection to the assessment
- taking an unreasonable length of time to finalise the determination
- failing to adequately consider the impact this matter had on the complainant's welfare
- in all of the circumstances of the matter, pursuing the liability.

The agencies agreed to a number of actions, including:

- committing to adopting a vulnerability framework
- committing to processes to ensure that the determination of potential debts is not subject to undue delay.
- working closely with the Crown Solicitor's Office to ensure that matters of legal complexity can be resolved efficiently.

[40] Statement – Formal Resolution – Revenue SA and the Commissioner for State Taxation

Case Study (Formal resolution)

Failure to seek information from treating doctors before directing an employee to attend an Independent Medical Examination

Insight

Public sector agencies should act in accordance with the Commissioner for Public Sector Employment's guidelines; failing to do so without good reason may amount to administrative error.

Complaint

An agency referred an employee to an Independent Medical Examination without first attempting to seeking information from their own treating practitioner.

Guidelines issued by the Commissioner for Public Sector Employment[41] state that reasonable attempts should be made to obtain information from an employee's own treating medical practitioners prior to issuing a direction that an employee attend an independent medical examination. Ombudsman SA considered the agency had erred by not following the guidelines.

Outcome

The agency agreed to provide advice to decision makers reminding them of the best practice guidance in relation to independent medical examinations.

[41] Power to require medical examination Guidelines and Management of Unsatisfactory Performance Guideline

Referral of matters - monitoring agency investigations

On receipt of a complaint or report, this Office may determine that the matter raises an issue that should be referred to a public authority or a public officer. In most cases, these matters are referred to the agency that is the subject of the complaint or report, or that is the employer of the public officer whose conduct is in issue. When deciding whether it is appropriate to refer a matter to an agency for investigation, several factors are considered, including:

- whether the issues raised in a complaint are not of a seriousness, scale, or scope to warrant an investigation by the Ombudsman, but are of sufficient concern to require some further action being taken
- any action already taken by the agency and the agency's views regarding a potential referral
- relevant agency resources and subject matter knowledge
- whether an investigation by the agency might be affected by potential, perceived or actual conflict of interest or bias in relation to the subject matter or public officer
- whether the agency has demonstrated a capacity to conduct robust and thorough internal investigations, and whether investigations of public officers within the agency have resulted in fair and appropriate outcomes
- whether a referral is likely to provide an opportunity for administrative improvement
- the confidentiality or sensitivity of the issues raised
- whether the reporter or complainant is vulnerable or may experience barriers to engaging with an internal investigation.

Where a matter is referred to an agency for investigation, the Ombudsman may monitor the progress and/or outcome of the agency's action; generally, this occurs where a matter involves potential misconduct or maladministration.

During the reporting period, the Ombudsman monitored 51 investigations conducted by agencies following a referral. This is an increase from 41 in the last financial year. A number of the matters involved multiple issues but, broadly speaking:

- 47 involved potential misconduct by a public officer, not including local government elected members
- four involved potential maladministration.

Largely, the misconduct allegations raised concerns about public officers failing to conduct themselves in accordance with the professional and courteous manner standards set out in the Code of Ethics for the South Australian Public Sector. This included:

- 23 involved an alleged failure by a public officer to be diligent in the discharge of their role and duties
- 21 involved a public officer potentially acting in a manner that a reasonable person would view as brining the agency in which they work, the public sector, or Government into disrepute
- 18 involved an alleged failure by public officers to, at all times, treat other persons with respect and courtesy.

Eight matters related to other alleged breaches of the Code of Ethics for the South Australian Public Sector. These matters raised:

- eight issues relating to potential mishandling of confidential information
- five issues relating to a potential failure by a public officer to appropriately declare and manage a conflict of interest.

Of the 51 referrals, the Ombudsman continues to monitor 15. The remaining 36 have been finalised.

Of the 36 matters finalised:

- there were 25 findings of misconduct by the agencies, most of which resulted in disciplinary action being taken against the relevant public officer. However, in a few cases, the public officer resigned before a finding of misconduct was made.
- no misconduct was found by the agency in 11 matters
- nine matters lead to additional improvements in agency practices, policies and procedures with an aim to preventing a recurrence of the relevant conduct. Improvements were made in matters where misconduct was substantiated by the agency but also in matters where it was not.

The Ombudsman is not empowered to direct an agency on its activities in response to a referral. However, where it appears that appropriate action has not been taken in response to a referral, the Ombudsman may investigate the original matter and/or the agency's response to the referral.

In the majority of monitored investigations that were finalised in this reporting period, the Ombudsman was satisfied that appropriate action had been taken. However, in one matter, the Ombudsman was not satisfied with the action taken by the agency and commenced an investigation under the Ombudsman Act. That investigation is ongoing.

The previous annual report referred to two investigations that were commenced under the Ombudsman Act in circumstances where the Ombudsman was not satisfied with the investigation undertaken by the agency. One matter was finalised this financial year with the Ombudsman finding that the agency had erred in its handling of a misconduct matter. The other investigation is ongoing.

It is encouraging that in most referred matters, agency investigations were robust and resulted in appropriate outcomes. However, noting that agencies may err in their investigative processes, there is value in the Ombudsman monitoring an agency's investigation and the outcome.

Investigations

The Ombudsman can investigate on receipt of a complaint, report or a referral from another integrity agency, or can use 'own initiative' powers to investigate a matter. In deciding whether to investigate a matter, the Ombudsman considers the public interest and the improvement of public administration, having regard to the following factors (our 'public interest 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 wellbeing 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 to review 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?

When investigating, the Ombudsman has coercive powers including the power to require documents and to interview under oath or affirmation.

The Ombudsman Act provides broad power to make recommendations to an agency or public authority once an investigation is completed. Recommendations may include, for example, that:

- action is taken to rectify or mitigate the effects of an error
- a practice is varied
- legislation is amended
- disciplinary action is taken in relation to misconduct.

The Ombudsman can publish a report or statement if determined that it is in the public interest to do so.

Where complaints or reports allege serious or systemic issues in public administration and the circumstances are not amenable to resolution by agreement (for example, the errors or causes of the issue are not clear), the Ombudsman formally investigates. Investigations uncover what went wrong and the often-complex reasons for 'errors', publishing investigation reports shines light on failures in public administration and acts as an accountability mechanism, and formal recommendations aim to remedy the error and ensure it is not repeated.

The Ombudsman investigated 70 issues during the reporting period, across 39 separate matters. This is a fourfold increase in the number of issues investigated compared with the 2024-25 reporting period (16 issues in 11 matters).

In two matters, the Ombudsman commenced an investigation but subsequently discontinued it after information obtained in the course of the investigation made it clear that it was not in the public interest to continue.

Four own-initiative investigations were completed during the reporting period. These investigations concerned issues including: an agency's failure to apply relevant employee management guidelines, inappropriate use of purchasing cards by an agency, and a failure to respond to the Ombudsman's requests for information.

Investigations relating to elected member integrity matters are discussed earlier in this report; a selection of other case studies is provided below.

Case study (Investigation) – Central Adelaide Local Health Network[42]

Research activities at BreastScreen SA between 2019 and 2022, and the Central Adelaide Local Health Network's response to internal concerns

Insight

Sound research practice and adherence to a patient's right to information are essential to ensuring that research by public health bodies is conducted ethically and with transparency. Where public health bodies conduct research without appropriate oversight, or fail to communicate properly with participants, it is important this is remedied.

Investigation

In 2022, multiple informants reported concerns that two research studies (relating to atypical ductal hyperplasia (ADH) and fibroadenoma, respectively) had been conducted at BreastScreen SA between 2019 and 2022 without:

- necessary approval by the Central Adelaide Local Health Network (CALHN) Human Research and Ethics Committee (the Committee)
- the informed consent of the patients involved.

[42] Final Report – Investigation - Central Adelaide Local Health Network and BreastScreen SA

After receiving reports from concerned staff in March 2022, the Committee determined that the fibroadenoma study amounted to research. As research had already occurred, the Committee could not approve the study. Furthermore, the patients involved had not provided informed consent. CALHN wrote to the participants and sought consent for their data to be used. The letter implied that the research study had yet to occur.

Outcome

The Ombudsman concluded that:

- it was wrong for BreastScreen SA to conduct the ADH study without first seeking the advice of the Committee and without informing participants of the real purpose of a procedure
- it was wrong for BreastScreen SA to conduct the fibroadenoma study without approval by the Committee and informed consent from participants
- CALHN's response to concerns, including the delay in its response to concerns about the ADH study, and its letter to participants in the fibroadenoma study, was wrong.

The Ombudsman made five recommendations, including recommendations for:

- the Committee to finalise its assessment of the ADH study.
- CALHN to write to participants in the fibroadenoma study again, informing them that they were involved in research without their consent and apologising for this
- policy improvements and training to prevent recurrence.

The Ombudsman strongly encouraged CALHN to issue a public statement and apology.

Case study (Investigation) – City of Mitcham[43]

Failure to respond to requests for information from Ombudsman SA

Insight

All public officers should engage in good faith with external oversight bodies and integrity agencies. Failure to do so may breach an applicable Code of Conduct.

Investigation

The Ombudsman received multiple reports that an elected member of a council had failed to properly manage a material conflict of interest. The elected member declared a material conflict of interest on two occasions, but was alleged to have remained within earshot during the debate. The Ombudsman commenced an investigation but subsequently discontinued it on the basis that there was insufficient evidence to support a finding that the councillor breached section 75C of the Local Government Act.

[43] Final Report – Investigation – City of Mitcham

However, during the Ombudsman's assessment and investigation, it was significantly difficult to obtain responses from the elected member. Multiple formal letters, phone calls, formal notices and requests for information went unanswered without good reason. This persistent failure to meaningfully engage with this Office fell far short of the standard expected from public officers. The Ombudsman investigated this issue and found that the elected member, by failing to respond to Ombudsman SA's requests for information, had failed 'to act with reasonable care and diligence in the performance of their official functions and duties'.

Outcome

The Ombudsman recommended that her final report be tabled at a public council meeting, and that the council reprimand the elected member.

Case Study (Investigation) – Flinders University[44]

Improper use of purchasing cards

Insight

Agencies and public authorities should ensure that any expenditure on staff purchasing cards is:

- reasonably necessary to further the functions of an agency
- connected to an agency activity and not primarily benefit individual staff members.

Agency policies and procedures should provide guidance around what expenditure constitutes an appropriate use of purchasing cards.

Investigation

The Ombudsman conducted an own initiative investigation into the use of purchasing cards at restaurants, bars and cafes by a university for activities falling outside the scope of what appeared to be an appropriate use of public monies. The Ombudsman's investigation found that there was a practice within a particular College of using purchasing cards for goods and services which provided a personal benefit to either individuals or small groups of staff. This included purchasing beverages and food for internal staff meetings, and funding team lunches, celebrations and end of year events. The Ombudsman's investigation concluded that these purchases were not for a 'university purpose' and were not an appropriate use of public funds.

Outcome

Following recommendations by the Ombudsman, the University has amended its purchasing card practices to ensure that appropriate spending was clearly defined. It provided training and education to its purchase card holders. The University has also committed to conducting an audit on the use of purchasing cards across the University.

[44] Final report – Investigation – Flinders University

Case Study (Investigation) – State Commission Assessment Panel and Department for Housing and Urban Development[45]

Failure to follow proper process and ensure the accuracy of its meeting minutes

Insight

Decision-making by public authorities should be undertaken transparently and in accordance with established policies and processes. Deviation from standard process should be well-documented and openly accounted for, to minimise the public's apprehension of improper influence or motives in a decision.

Investigation

The Ombudsman received a report in relation to the decision-making process of the State Commission Assessment Panel (SCAP) to grant planning consent for a major development. The report alleged that, at the scheduled morning meeting of the SCAP, a decision was made to defer the matter pending further information. The reporter stated that staff within the Department for Housing and Urban Development then organised for the SCAP to reconvene in the afternoon, without all members present, where the application was approved (with reserved matters).

The Ombudsman investigated and concluded that:

- SCAP failed to comply with its Practice and Operating Directions, by holding another meeting in the afternoon without adequate notice to all members, and not at the direction of the Presiding Member
- the minutes did not adequately record the earlier decision made by the SCAP, and that there had been two separate meetings rather than one
- the decision itself was lawful and valid
- the Department did not act outside its purview or exert improper influence over the SCAP's decision.

Outcome

The Ombudsman recommended that:

- the SCAP Practice and Operating Directions be amended to include that minutes will include sufficient reasons for decisions
- SCAP ensure that all minutes are finalised at the end of the meeting and reviewed by all members present
- SCAP consider introducing a mechanism for recording its deliberations
- the Department provide further training to staff on the independence of the SCAP
- the Agreement between the Department and the SCAP be amended to clarify that the Department cannot give advice about a decision that has already been made.

[45] Final Report – Investigation - State Commission Assessment Panel and Department for Housing and Urban Development

Case Study (Investigation) – Southern Adelaide Local Health Network[46]

Errors in the placement of an inpatient treatment order

Insight

Inpatient treatment orders involve the state depriving an individual of liberty and autonomy and they must only be made in strict compliance with the relevant statutory criteria. To do otherwise is inconsistent with international human rights standards.

Investigation

The Ombudsman received a complaint from the mother of a young person about the Southern Adelaide Local Health Network (SALHN), concerning a decision to place a level 1 inpatient treatment order (ITO) under the *Mental Health Act 2009* on the young person who presented at Flinders Medical Centre. ITOs may only be placed when there is no less restrictive means available of ensuring treatment. The ITO was placed while the young person was sleeping, and subsequently revoked by a reviewing psychiatrist the next day.

The Ombudsman concluded that SALHN made several errors in relation to the placement of the ITO including by its staff member:

- failing to reasonably satisfy themselves that the criteria for placing the ITO under section 21 of the Mental Health Act had been met
- failing to comply with the provision of information requirements under section 23 of the Mental Health Act
- failing to adequately document the reasons for the placement of the ITO.

Outcome

The Ombudsman made five recommendations, which include that the SALHN apologise to the young person and their family and provide a letter to be read alongside their medical records noting the ITO was placed in error. The recommendations also addressed policy and process changes.

The Ombudsman also made a recommendation for the South Australian Government to consider amending the Mental Health Act to enable individuals to seek a declaration of invalidity in relation to an ITO even after it has expired or been revoked.

Case study (Investigation) – Anonymous agency[47]

An agency's response to a complaint about sexual harassment

Insight

Agencies must take action to ensure that alleged misconduct is investigated and dealt with promptly and thoroughly. Risks to the health and wellbeing of a respondent must

[46] Final Report - Investigation – Southern Adelaide Local Health Network
[47] Summary Statement – Agency investigation of sexual harassment complaint

be balanced against an agency's obligation to respond to alleged misconduct promptly and thoroughly, and the duties it may owe to those put at risk by the conduct.

Investigation

An agency received a complaint about alleged sexual harassment by a staff member towards a non-employee. The agency was aware of previous allegations of similar behaviour by the staff member and had taken formal disciplinary action against the staff member prior to the events in issue.

After the agency had investigated the complaint, but before it had formally put the allegations to the staff member, the employee commenced sick leave. The staff member remained on paid leave for one year and eight months, and then resigned. During this period, the agency formed the view that it could not progress the investigation or seek the staff member's response without negatively impacting their mental health and wellbeing.

The letter of allegations was never sent to the staff member, and the investigation was terminated without a determination of their conduct.

The Deputy Ombudsman accepted that the agency owed the staff member a duty of care, and that concerns for their wellbeing were legitimate. Nevertheless, the Deputy Ombudsman concluded that this ought to have been balanced against:

- the agency's policies on sexual harassment, which emphasise a zero-tolerance approach and the need for timely responses to complaints
- the earlier disciplinary action against the staff member which stipulated it would be considered if allegations were made in the future
- the risk of liability and reputational damage to the agency
- the agency's duties to the person whose complaint had prompted the investigation
- the potential risk to others.

The Deputy Ombudsman considered that the agency ought to have sought detailed medical advice regarding the staff member's capacity to respond to the investigation, and that failing to do so for 19 months amounted to error.

Outcome

The Deputy Ombudsman made recommendations for:

- the development and adoption of policies on the conduct, progression, and finalisation of disciplinary matters where an employee is absent from the workplace and/or their capacity to respond to allegations is uncertain
- that records of the investigations of the staff member be retained for an appropriate period should the staff member seek employment in the future
- the agency to contact the complainant and offer information on the outcome of the investigation and an apology.

Investigation **Recommendations**

On completion of an investigation, if the Ombudsman is of the opinion—

(a) that the subject matter of the investigation should be referred back to the appropriate agency or authority for further consideration; or
(b) that action can be, and should be, taken to rectify, or mitigate or alter the effects of, the act to which the investigation related; or
(c) that the practice in accordance with which the act was done should be varied; or
(d) that any law in accordance with which or on the basis of which the action was taken should be amended or repealed; or
(e) that the reason for any act should be given; or
(f) that any other steps should be taken,

the Ombudsman must report that opinion to the relevant agency or authority and may make such recommendations as the Ombudsman thinks fit.

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 report this, firstly, to the Premier and then to the Houses of Parliament. 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.

During the reporting period, the Ombudsman made 65 formal recommendations under the Ombudsman Act as a result of investigations. This is a notable increase from 11 recommendations made in the previous financial year.

As outlined in the Elected Member Integrity section of this report, recommendations in relation to elected member breaches typically included recommendations to public apologise and undertake take, and/or for council to issue formal reprimands.

Other recommendations included recommendations:

- for policy or practice changes
- relating to record keeping
- for an agency to monitor or audit particular issues
- for the government to consider legislative change.

The Office continued to monitor the implementation of a further 16 formal recommendations made in previous financial years.

It is encouraging to note the high levels of implementation by agencies of formal recommendations.

Freedom of Information Act **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 this Office for an external review of the decision concerning access to documents. The Ombudsman can confirm, vary or reverse the agency's determination. In some cases, this 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. The Ombudsman is also able to review agency decisions in relation to the amendment of records.

Parties to a FOI matter may have the Ombudsman's determination reviewed by the South Australian Civil and Administrative Tribunal.

Our Freedom of Information **external review process**

We consider whether we can deal with your external review application.

- You must have sought an internal review from the agency before applying for external review. If you have not done this, we will direct you back to the agency.
- You have 30 days to apply for external review after receiving an internal review determination. If you make a late application, we will consider whether it is appropriate to accept it out of time.

SEEK INFORMATION

We notify the agency or council of your request for an external review and ask them to provide:

- a report explaining their FOI decision
- copies of the relevant documents.

RESOLVE

We may try to settle the matter between the parties.

We may seek to conciliate or negotiate to narrow the scope of the application.

PROVISIONAL VIEW

We issue a provisional determination and invite the parties to comment on it.

FINAL VIEW AND PUBLICATION

We make a final determination and inform the parties of the reasons for it.

We may publish the determination on our website if the Ombudsman considers it is in the public interest to do so.

REVIEW BY SACAT

If you are unhappy with our decision, you can apply to the South Australian Civil and Administrative Tribunal to review it. You must do this within 30 days.

External reviews

Overview

This year, Ombudsman SA received 253 external review applications, an increase of approximately 45% on the previous year. In 63 matters the applicant had not yet applied for internal review, or the agency did not fall within Ombudsman SA's review jurisdiction.

Consistent with previous years, the largest proportion of external review applications related to determinations made by SAPOL (14% of all applications). The following agencies make up the other top five agencies subject to FOI external review in the reporting period: Central Adelaide Local Health Network (10%), the Department for Correctional Services (5%), the Department for Infrastructure and Transport (5%), and the Attorney-General's Department (4%).

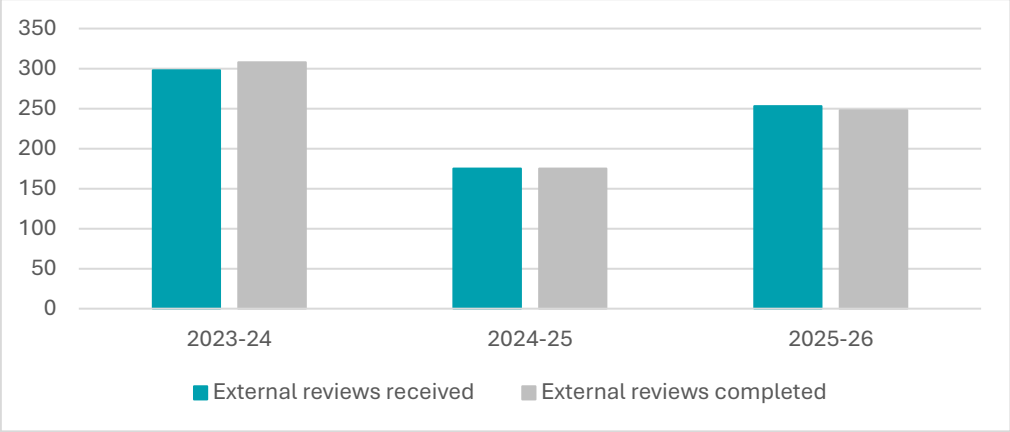
The primary reasons for seeking external review were applicants seeking access to documents refused under the personal affairs exemption (29%), the internal working documents exemption (19%), operation of agencies exemption (14%), and the confidentiality exemption (9%). 14% of matters involved deemed refusals.

81% of external review applicants were made by members of the public, while 13% were made by members of Parliament and 6% by media. This reporting period saw a slight increase in applications from members of Parliament compared to 2024-25 (34 applications this period, compared to 22 in the previous period).

Ombudsman SA finalised 248 external review applications this year, compared to 175 applications in 2024-25. This increase is commensurate with the increase in the number of external review applications received in the reporting period.

FOI applications received and completed by year

FOI JURISDICTION	2023-24					2024-25					2025-26				
	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	179	27	58	34	298	104	14	46	11	175	131	27	83	12	253
External reviews completed	195	25	55	33	308	93	20	46	16	175	136	20	80	12	248



This year, the average timeframe taken to complete external reviews was 113 days, a slight decrease from 116 days in the 2024-25 reporting period.

Timeframes for completing FOI reviews for the last three financial years

	<30 days	<120 days	<180 days	<270 days	<365 days	>365 days	Total
2023-24	79	122	85	21	0	0	308
2024-25	42	58	36	26	9	4	175
2025-26	94	89	41	18	2	4	248

Settlement of external reviews

Ombudsman SA looks for opportunities to resolve external review applications by conciliation or settlement or to reduce the scope of external reviews by agreement between parties. This approach can result in more expeditious and mutually agreeable outcomes than a formal determination process. It also has benefits such as opening up dialogue between applicants and agencies and promoting a greater understanding of the requirements and limitations of the FOI Act by agencies and applicants.

In the reporting period, ten matters (4%) were resolved by way of settlement or negotiation between the parties, while 26 matters (10%) were withdrawn following action by this Office to assist applicants in gaining access to information.

Case Study

Negotiating release of records

An FOI applicant sought access to a report about a family member so that they could settle their relative's estate. The agency identified a report and refused access to the information in full on the basis that the document was created for the purpose of law enforcement or during the course of an investigation and its disclosure could prejudice an ongoing investigation.

The applicant advised Ombudsman SA that they only needed minimal information from the report to assist in settling the estate, such as information showing they made the police report and their relative's name.

After enquiries from Ombudsman SA, the agency agreed to release limited information to the applicant if they could provide proof of being next of kin, which the applicant agreed to do.

The agency ultimately released a substantial amount of information in the report to the applicant, as the investigation had since concluded.

Case Study

Narrowing of scope and reduction of fees

The agency refused to continue to deal with an application unless an advanced deposit of nearly $1,000 was paid, 50% of the total cost for processing the application. The agency's prior attempts to assist the applicant to narrow scope were unsuccessful, and the applicant had not agreed to pay the advanced deposit amount.

After intervention from Ombudsman SA, the parties agreed to an informal settlement that narrowed the scope of the request, which in turn reduced the amount of fees and charges payable by the applicant.

Determinations

A total of 130 matters (52%) were finalised by way of formal determination during the reporting period (compared with 95 last year). Of these, 63 agency determinations were confirmed, 10 determinations were reversed, and 57 determinations were varied.

Where publication of a decision made under the FOI Act serves an educative purpose, the Ombudsman will publish a determination under section 39(4) of the FOI Act. Seven external review determinations finalised in the reporting period have been published on the Ombudsman SA website.

Case Study

Allegations or suggestions of criminal or other improper conduct – exemption clause 6(2)

Ombudsman SA conducted an external review of an agency's determination to refuse access to documents pursuant to clause 6(2), which exempts documents containing allegations or suggestions of criminal or other improper conduct by a third party, where those allegations had not been tested by a judicial process and where disclosure would be unreasonable.

Ombudsman SA considered that while an allegation is simply an assertion, a 'suggestion' involves a lower threshold and simply means to inform or insinuate. In that context, a document may be suggestive of improper conduct indirectly or by inference. The Ombudsman was satisfied that the documents relayed suggestions of improper conduct.

Ombudsman SA concluded that disclosure would be unreasonable because the information was sensitive, was not publicly known and disclosure would cause unfair reputational damage to the persons named in the document.

Case Study

Internal working documents - exemption clause 9

Ombudsman SA conducted an external review of an agency's decision to refuse access to documents relating to a significant infrastructure project. The agency claimed the documents were exempt because they were internal working documents containing deliberative matter and their disclosure would, on balance, be contrary to the public interest.

Ombudsman SA was satisfied that the documents recorded consultations and deliberations for the purpose of agency decision making, but determined that disclosure would not be contrary to the public interest, including because:

- the delegate was not satisfied that disclosure would inhibit frankness and candour, prejudice future procurement processes, or adversely affect stakeholder negotiations
- the documents did not contain information of a nature or level of detail that would be likely to prejudice the ongoing activities of the agency or any third party.

Case Study

Secrecy provisions - exemption clause 12

Clause 12 of Schedule 1 of the FOI Act provides that a document is exempt if it contains matter the disclosure of which would constitute an offence against an Act.

An agency refused access to part of a document to protect the identity of a person who made a report or notification that a child or young person may be at risk. Ombudsman SA upheld the exemption on the basis that disclosing the information would be an offence under the *Children and Young People (Safety) Act 2017*.

Case Study

Partial refusal to deal with applications under section 18 of the FOI Act

An agency may refuse to deal with an application under section 18(1) of the FOI Act if it appears that the work involved in processing it would substantially and unreasonably divert the agency's resources. Ombudsman SA conducted a review of an agency's determination to refuse to deal with *part of* an application, and to otherwise give partial access to some documents.

Ombudsman SA considered that the agency erred in refusing to deal with the application in part. However, the delegate was satisfied that it was open for the agency to refuse to deal with the application as a whole.

Complaints and enquiries about FOI matters

Ombudsman SA also deals with complaints about Freedom of Information matters under the *Ombudsman Act 1972.* During the reporting period, the Office received 128 complaints and finalised 118 complaints; complaints received increased by 75% compared to 2024-25. 19 FOI complaints were resolved with agency cooperation; none required investigation.

Just under half of the complaints closed concerned the sufficiency of an agency's search for documents (that is, where FOI applicants complain that the agency has not identified all relevant documents held). Other issues included agency delay in processing FOI applications and inadequate communication about applications.

Ombudsman SA received the highest proportion of complaints regarding FOI processes in relation to the following agencies: SAPOL (33%), the Central Adelaide Local Health Network (7%), the Department for Education (6%), the Department for Correctional Services (5%) and the Department for Health and Wellbeing (3%).

Complaint issues and enquiries about FOI matters by year

	2023-24		2024-25		2025-26	
Matter type	Received	Closed	Received	Closed	Received	Closed
FOI enquiries	122	121	150	150	64	64
FOI complaints	85	84	70	75	128	118
Summary of FOI complaint issues						
FOI - Sufficiency of search	20	21	36	39	63	57
FOI - Other	65	63	34	36	65	61

Case Study (Early resolution)

Failure by an agency to process text messages under an FOI Application

Insight

Where an agency employee uses their personal mobile phone to conduct agency business, records (such as text messages) will be 'official records' under the FOI Act. The agency should obtain copies of relevant records from the employee and determine whether to release them.

Complaint

An FOI applicant sought access to text messages between two staff members of an agency, discussing the applicant. The agency determined that the text messages were not 'official records' because they were on an employee's personal phone. On reviewing the text messages, Ombudsman SA concluded that the staff members were conducting the business of the agency, including discussing the sending of an official letter to the applicant, and that the records should have been included as part of the FOI determination.

Outcome
The agency agreed to ensure that all relevant text messages were found, consider the text messages and determine whether to release them to the applicant, and, if it considered that an exemption clause applied, issue another determination to the applicant.

Case Study (Formal Resolution) – SA Police[48]

Incorrect application of the FOI Act

Complaint
The complainant requested historical documents from SAPOL relating to a family member. The agency refused access to the documents under the personal affairs exemption. The agency subsequently advised Ombudsman SA that it had not undertaken any searches for documents because the complainant did not have the authority to be provided with documents relating to the family member. When it did search its holdings, it confirmed that it did not hold documents falling within the scope of the application. However, the agency did not provide the complainant with written notice of this.

Ombudsman SA considered that the agency's failure to source and review documents falling within the scope of the request, prior to refusing access, amounted to an administrative error. If a document does not exist, it cannot be exempt; instead, an agency is required to issue a notice advising that it does not hold relevant documents.

Outcome
The agency agreed to:

- acknowledge the errors identified by Ombudsman SA
- provide the complainant with a 'no documents' notice under section 23(1)(b) of the FOI Act
- review and update internal guidance
- provide training to relevant staff.

[48] Statement – Formal Resolution – SA Police

Reviews of Ombudsman Determinations

During the reporting period, 13 of Ombudsman SA's external review determinations were the subject of applications for further review by the South Australian Civil and Administrative Tribunal (SACAT). SACAT has determined four of these matters; in each of these, the Ombudsman's decision was affirmed. Otherwise, four applications were dismissed, three applications were withdrawn and two applications remain undetermined.

The SACAT also determined three matters relating to applications made in the 2024-25 financial year. In two matters, SACAT affirmed the Ombudsman's decision. In the third, SACAT varied the decision relating the application of the personal affairs exemption.

Other activities

Association of Information Access Commissioners

During the reporting period, the Ombudsman attended two meetings of the Association of Information Access Commissioners of Australia and New Zealand in Sydney, in October 2025 and April 2026. Key areas of discussion, which are published on the Ombudsman SA website as Communiques from all participants, included:

- the importance of data governance in an environment where trust in government is declining, and disinformation represents a real threat to democracies around the world
- best practice across a range of thematic areas including how to enhance communication with members of the public to raise awareness about the right to access information, and how to utilise AI tools beneficially and in conjunction with a human interface to improve timeliness and manage public expectations.
- agreeing to a common icon for information access to act as a visual signpost for access to government information across all Australian jurisdictions and New Zealand.

FOI Forums

Ombudsman SA conducts FOI forums to provide agencies with education and guidance about FOI practice and developments in case law. During the reporting period, Ombudsman SA delivered one forum for FOI officers and decision makers which covered the following topics:

- the application of section 18(1) and (2) of the FOI Act, including that agencies are unable to determine to refuse an application 'in part'
- application of clauses 7(2) and (3) Schedule 1 of the FOI Act relating to the exemption of the release of documents affecting business affairs.

A second FOI forum was pre-recorded in June 2026 and distributed to FOI stakeholders in July 2026.

Ombudsman SA has received positive feedback from participants about the value of the FOI forums and plans to continue providing forums for the 2026-27 period, including two live presentations and one pre-recorded. This Office has also seen an increase in FOI enquiries from agency practitioners since the commencement of the forums, which has enabled Ombudsman SA to provide best practice guidance directly to agencies as issues and questions arise.

Other **Jurisdictions**

Return to Work Act **Jurisdiction**

The Ombudsman can investigate complaints about breaches of the Service Standards under the *Return to Work Act 2014* (RTW Act). 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 this Office if they believe that the Service Standards have been breached. Where an investigation by this Office identifies a breach of the Service Standards, the respondent may be required 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 a 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.

The information before Ombudsman SA indicates that compliance with the Service Standards by RTWSA, claims agents and self-insured employers continue to be high.

There was a decrease by 11% in the number of complaints received in the reporting period (87 complaints in this period compared to 97 in the previous period). The primary complaint issues were the same as in previous years: being treated fairly, respectfully and in accordance with timeframes (for example, delays in processing claims and payments) (Standard 4(e)); and being given assistance to resolve issues (Standard 4(f)) (for example, delays in responding to communication and complaints). All complaints were resolved without requiring formal resolution or investigation.

RTWSA has again demonstrated to this Office that it is committed to continuous improvement and developing the competency and capability of its case managers to deliver against the Service Standards.

RTWSA has advised this office that, in the period, it has continued to improve customer experience through digital enablement and new ways of working. This includes more online options for injured workers to deal with their claims. In the period RTWSA also implemented new ways to invite feedback from workers and employers, including a customer satisfaction survey.

Return to Work matters received and completed by year

RTW ACT JURISDICTION	2023-24				2024-25				2025-26			
	Claims Agent	Self-Insurer	ReturnToWorkSA	Total	Claims Agent	Self-Insurer	ReturnToWorkSA	Total	Claims Agent	Self-Insurer	ReturnToWorkSA	Total
Matters received	32	41	14	87	42	12	37	91	35	16	36	87
Matters completed	31	40	16	87	42	12	36	90	34	18	35	87

Complaints received per respondent per month

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
ReturnToWorkSA	2	2	3	5	2	4	2	2	3	1	5	4	35
Employers Mutual Ltd	2	3	1	2	1	2	1	1	2	1	1	1	18
Gallagher Bassett Services	1	1	2	1		3	1		3	4		1	17
Crown Self Insured			1	2	1	2		2	1		1	1	11
Other Self Insured	1		1					1	1	1		1	6
Total	6	6	8	10	4	11	4	6	10	7	7	8	87

Return to Work Act complaint issues

Issue	Total	%
Access to claims file	1	1.08%
Inadequate Reasons	1	1.08%
Wrong Conclusion	1	1.08%
Other	31	33.33%
Service Standards Sch 5 s4(a)	6	6.45%
Service Standards Sch 5 s4(b)	2	2.15%
Service Standards Sch 5 s4(c)	2	2.15%
Service Standards Sch 5 s4(d)	4	4.30%
Service Standards Sch 5 s4(e)	27	29.03%
Service Standards Sch 5 s4(f)	15	16.13%
Service Standards Sch 5 s4(g)	1	1.08%
Service Standards Sch 5 s4(i)	1	1.08%
Service Standards Sch 5 s4(j)	1	1.08%
Total	93	100.00%

Return to Work Act complaint outcomes

Outcome	Total	%
Alternate remedy available with another body	4	4.60%
Declined - Other Good Reason	31	35.63%
Out of Jurisdiction	4	4.60%
Referred back to Compensating Authority	38	43.68%
Declined - Previously Dealt With	2	2.30%
FOI\Determination Varied (s39(11))	1	1.15%
Complainant cannot be contacted	1	1.15%
Out of Time	1	1.15%
s180 Review No Jurisdiction	1	1.15%
Withdrawn by Complainant	4	4.60%
Total	87	100.00%

Case study (External Review)[49]

External Review – Legal Professional Privilege - section 180 of the *Return to Work Act 2014*

A worker sought access to surveillance footage, photographs and surveillance reports related to their claim. The Corporation refused access on the basis of legal professional privilege.

On external review, the Ombudsman determined that legal professional privilege did not apply to the material. This is because it was determined that the documents were made for the purpose of a decision maker discharging their statutory functions, rather than for the dominant purpose of obtaining legal advice or use in anticipated litigation. The Ombudsman varied RTWSA's decision and determined that all of the documents should be released to the applicant.

[49] Determination – External Review – Return to Work Corporation

Criminal Law Forensic Procedures Audit

Each year, the Ombudsman is required to audit compliance with the *Criminal Law (Forensic Procedures) Act 2007* (CL(FP) Act). This is an important function aimed at ensuring practices do not compromise criminal prosecutions, and that the human rights of suspects, victims and volunteers are safeguarded.

On 29 September 2025, the audit report for the period 1 July 2024 to 30 June 2025 was submitted to the Attorney-General.

The 2024-25 audit was conducted on a reduced scope of procedures than the preceding year. This audit focussed on procedures that affect the vulnerable, have the greatest impact on the rights of individuals or involve the use of significant police powers under the CL(FP) Act. The scope of the audit comprised victims and volunteers' procedures (including all those conducted on protected persons during the audit period), suspects procedures authorised by senior police officers and blood testing for communicable diseases.

The audit results showed very high levels of compliance with statutory requirements overall. However, the audit observed some areas where processes could be strengthened to better reflect compliance with the Act.

While the CL(FP) Act does not provide the Ombudsman with specific power to make recommendations, three informal recommendations were made with a view to achieving improvements to practice and procedure:

- There were no instances of non-compliance for victims and volunteers' procedures, and for the most part, unclear results for these procedures were associated with forms used by forensic practitioners outside SAPOL which do not enable auditing of certain provisions; this issue was the subject of Recommendation 1:

  ### Recommendation 1

  That the Child Safety and Wellbeing Health Service (CSWHS) use an adapted version of the current Paediatric Forensic Medical Service consent form when conducting victims and volunteers' procedures under the CL(FP) Act.

- Most legislative provisions that apply to suspects procedures were also complied with. The records relating to a few procedures raised questions regarding the cultural safety of some First Nations suspects during intrusive procedures, and accordingly the Ombudsman made the following recommendations:

  ### Recommendation 2

  That the Commissioner of Police, in consultation with the Aboriginal Legal Rights Movement and other relevant First Nations stakeholders, considers how SA Police can ensure the cultural safety of Aboriginal respondents during intrusive forensic procedures.

Recommendation 3

That the relevant senior police officer, when determining applications for intrusive forensic procedures in circumstances where cultural safety requires persons of the same sex to conduct the procedure, considers whether it is reasonably practicable to provide a same sex practitioner and how this factors into their determination that it is in the public interest to undertake the procedure. Both the application form (PD430) and order (PD 431) should fulsomely record consideration of this issue including attempts made by SA Police to locate a person of the same sex to conduct the procedure.

The Child Safety and Wellbeing Health Service and Commissioner of Police agreed to the above recommendations, and

- as of May 2026, the CSWHS has been using an updated consent form for victims and volunteers procedures which better reflects the compliance provisions of the legislation
- SA Police have taken some steps towards implementing recommendations 2 and 3, including meeting with the Aboriginal Legal Rights Movement and providing reminder emails to all police officers. While these recommendations have not been fully implemented, Ombudsman SA continues to monitor their implementation.

External reviews under Adult Safeguarding legislation

The Ombudsman has jurisdiction to undertake external reviews of certain decisions under the *Ageing and Adult Safeguarding Act 1995*. A person can request a review of decisions of the Adult Safeguarding Unit (ASU) and the Office for Ageing Well regarding reported suspicions that a vulnerable adult is at risk of abuse.[50] If dissatisfied with an internal review decision, the person can then request a review of that determination by the Ombudsman. The Ombudsman can also consider the administrative acts and decisions of the ASU under the Ombudsman Act where the complaint does not concern a reviewable decision (or where the ASU dealt with a complaint about the decision under its ordinary complaint pathway rather than as an internal review).

In the reporting period, the Ombudsman finalised five complaints about decisions of the ASU. One was discontinued as the complainant ceased to engage. Two were assessed under the Ombudsman Act and no error was identified. Two complainants were referred back to the ASU as they had not sought an internal review or made a formal complaint to the agency. The Ombudsman did not conduct any External Reviews under the Ageing and Adult Safeguarding Act.

[50] it is noted that the legislation has been amended with effect from 1 July 2026, including to replace the term "vulnerable adult" with "relevant adult". This report uses the term that was current during the reporting period.

Universities and the National Student Ombudsman

Having commenced operation on 1 February 2025, this financial year was the first full year of operations for the National Student Ombudsman (NSO). The NSO is an independent national escalated complaints resolution service for students to resolve complaints about the actions of their higher education provider. The NSO accepts complaints from prospective, current or past students studying at any Australian higher education provider that is registered with the Tertiary Education Quality and Standards Agency.

Ombudsman SA deals with complaints and reports of administrative acts, misconduct and/or maladministration about higher education providers in the Ombudsman's jurisdiction, being Adelaide University,[51] Flinders University and TAFE SA.[52] The Ombudsman's jurisdiction also includes complaints and reports that the NSO does not have jurisdiction to deal with, namely issues about Vocational Educational Training (VET) and issues relating to people's employment by higher education providers.

Since the commencement of the NSO, this Office has seen a reduction in complaints received in relation to universities. Ombudsman SA received 61 complaints this year (down from 73 in 2024-25 and 97 in 2023-24). The reduction may have been even greater but for the merger between the University of Adelaide and the University of South Australia, which generated a number of complaints.

When this Office receives complaints from students about the higher education authorities in the Ombudsman's jurisdiction that do not involve employment issues, misconduct, maladministration and/or public interest disclosures, complainants will generally be referred to the NSO. The NSO may also refer complaints to the Ombudsman where they appear to relate to the Ombudsman's jurisdiction.[53]

During the reporting period, this Office referred 36 complainants to the NSO and the NSO referred two complaints to Ombudsman SA. Ombudsman SA provided advice to a number of higher providers regarding the respective roles of the Ombudsman and NSO, and how these should be referenced within the agencies' complaint procedures and outcomes.

In addition to the 36 matters referred to the NSO, Ombudsman SA finalised 29 matters involving universities, including formally resolving:

- two matters which involved complaint-handling processes
- one matter which involved a failure to follow proper procurement processes.

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[51] Adelaide University commenced operation on 5 January 2026, as a result of the merger of the University of Adelaide and the University of South Australia.

[52] In respect of higher education students only. VET students remain solely within the jurisdiction of Ombudsman SA.

[53] Information about the referral arrangements between Ombudsman SA and the NSO are set out in non-binding Letters of Exchange available on the NSO website: Legislation and policy | National Student Ombudsman (NSO)

Other complaints which were not referred to the NSO included: complaints alleging financial mismanagement or improprieties in recruitment, complaints from staff, and FOI complaints. The Ombudsman also issued ten FOI External Review determinations relating to universities.

The Ombudsman engaged with the new Adelaide University regarding the effect of the merger on existing complaints, and complaints that may be received after the merger date about the old entities. Adelaide University confirmed it is responsible for complaints relating to either of the former Universities. However, where a complaint concerns the former universities, Ombudsman SA will continue to record them under the names of the previous institutions to distinguish between complaints about the new and old bodies. In determining whether to take action on a complaint, or any recommendations to be made following an investigation, the Ombudsman will consider changes in administrative practice that may have been implemented post-merger.

Engagement **Activities**

Engagement **Activities**

The Ombudsman's engagement activities are supported under the *Ombudsman Act 1972* and include providing education and information to prevent or minimise misconduct and maladministration in public administration. Our engagement is guided by the principles of **fairness, integrity** and **transparency**, and aims to promote good public administration and help people understand our role in overseeing state and local government.

Our engagement focuses on education and outreach to build understanding of the role and functions of Ombudsman SA, promote best practice in public administration, and share insights and recommendations to influence and strengthen practice across the broader public sector. This includes providing information and guidance about our broader jurisdiction and legislative responsibilities, how we undertake our work and what agencies and the community can expect through the process, as well as our key priorities and areas of focus.

Our education activities are directed primarily towards agencies and public authorities within our jurisdiction, including state government departments and statutory authorities, universities, local government councils and other public offices. We also engage with the broader community, including peak bodies, advocacy groups and other community representatives who can help us understand and respond to the needs of the people we serve.

Outreach is an important part of ensuring people are aware of Ombudsman SA's services and understand how and when they can raise complaints with our Office. We aim to ensure our services are accessible to all members of the community, particularly people who may experience barriers to accessing complaint and review mechanisms. Effective outreach also provides an opportunity for us to better understand the experiences and needs of our community, enabling us to identify emerging issues and respond more effectively.

Our education and outreach take a range of forms, depending on the needs of the audience and the issues being addressed. This may include presentations, information sessions, targeted engagement with agencies and community organisations, and the development of tailored resources and guidance. We use a range of channels to promote insights and recommendations arising from our complaints, investigations, audits and evaluations. We also draw insights from our data to identify trends and emerging issues and, where appropriate, share these with agencies to raise awareness and support continuous improvement.

Stakeholder engagement

The Ombudsman's functions include delivering and facilitating educational programs, and publishing or distributing educational materials, aimed at preventing and minimising misconduct and maladministration in public administration. This work aligns with Ombudsman SA's 2024-26 Strategic Plan and supports three key objectives:

1.2 Educate the community about what we can do to help

2.1 Government agencies understand our role and our expectations of good administration

2.3 Prevent and minimise integrity breaches and promote fair decision making by:

2.3.1 providing guidance to agencies, and

2.3.2 using evaluations, audits and investigations to influence cross-agency practice.

Engagement activities during the reporting period include the launch of Ombudsman SA's LinkedIn page[54] to promote publications and highlight key insights and recommendations arising from complaints and investigations. The 'Ombudsman Insights' quarterly e-newsletter was also developed with the aim to share key learnings, resources and updates with state government agencies, local councils and other authorities within our jurisdiction, and will be issued in the new financial year.

Throughout the year, the Office has also completed 24 education sessions to state government agencies and Ministers, local councils and elected members, and other authorities.

Stakeholder Education Sessions

- Former UniSA and Australia and New Zealand Association of Clerks-at-the-Table (ANZACATT) Parliamentary Law Practice and Procedure Panel (Ombudsman as Opportunity)
- Department of Human Services, Safer Family Services (the role of the Ombudsman)
- Courts Administration Authority, Registrars (the role of the Ombudsman)
- SA Housing Trust (the role of the Ombudsman)
- Legal Services Commission *Legal Rights in Action* Conference (Ombudsman as Opportunity)
- Local Government Governance Network (the role of the Ombudsman)
- ReturnToWorkSA People Leaders Forum (Ombudsman as Opportunity)
- Local Government Association President webinar (Ombudsman as Opportunity)
- Health and Community Services Complaints Commission (the role of the Ombudsman)
- Public Trustee (the role of the Ombudsman)
- Members of Parliament Induction Program (the role of the Ombudsman)
- Office for Public Integrity (Ombudsman as Opportunity)
- FOI Forum (one session)
- DCS Trainee Correctional Officers (11 sessions).

[54] Ombudsman SA 'LinkedIn' website: www.linkedin.com/company/ombusman-sa

In addition to the education session provided to new Members of Parliament, the Ombudsman also wrote to Parliament in December 2025 and June 2026 to remind Members of Parliament of their obligation to comply with the confidentiality provisions of the *Ombudsman Act 1972*. As set out in the Elected Member section of this report, the Ombudsman also issued two pieces of guidance to all councils to draw attention to the integrity provisions regarding the conflict of interest and confidentiality obligations of elected members.

Outreach Activities

This year, the Office's outreach approach broadened beyond delivering presentations, focussing on the development of accessible resources and targeted engagement activities. Key focus areas included First Nations, children and young people in care, and people in custody and recently released from custody.

In addition to the First Nations outreach activities outlined in *Complaints about Aboriginal and Torres Strait Islander people* (see page 34), this Office also undertook the following outreach activities:

- participated in the production the Guardian for Children and Young People's 'hot sauce challenge' video. The video features the Ombudsman and the Guardian talking about their respective roles in child protection and youth detention. The video is screened at the Kurlana Tapa Youth Justice Centre to raise awareness of Ombudsman SA as an independent complaint pathway for children and young people.
- visited Kurlana Tapa Youth Justice centre
- developed a Prisoner Information brochure and poster to be displayed and accessible at each prison site
- met with an Official Visitor.

Meetings

Meetings were held between the Ombudsman and key stakeholders throughout the reporting period including:

- regular meetings between the Ombudsman and:
  - the Attorney-General
  - senior leadership of Return to Work SA
  - senior leadership of the Department for Child Protection
  - senior leadership of the Department for Correctional Services
  - senior leadership of the OPI and the ICAC
  - senior leadership of Local Government Association SA
  - senior leadership of the Office for Local Government
  - senior leadership of SA Housing Trust
  - the Inspector (/Acting Inspector).

- other agencies to discuss the role of the Office / themes arising from complaints including:
    - the Commissioner for Public Sector Employment
    - the Chief Executive of TAFE SA
    - the Chief Executive of the Energy and Water Ombudsman SA
    - the Guardian for Children and Young People
    - the Chief Recovery Officer of the Department for Treasury and Finance – Fines, Enforcement and Recovery Unit
    - the Principal Registrar of the South Australian Civil and Administrative Tribunal
    - the Director of the Office for Artificial Intelligence
    - the Director Counter Foreign Interference Partnerships for SA of the Department of Home Affairs
    - the Commissioner for Aboriginal Children and Young People
    - the Director First Nations Voice Secretariat
    - senior leadership of the Department of Treasury and Finance
    - the Director of the Department of Human Services, Office for Ageing Well
    - the Chief Executive of the City of Onkaparinga
    - the Chief Executive of the Essential Services Commission of South Australia
    - the Health & Community Services Complaints Commissioner.

In addition, the Ombudsman:

- participated as a panel member at The Hatchery's Public Sector Women in Leadership Summit
- attended a meeting of the Parliamentary Ombudsman
- attended a member meeting of the Australasia and Pacific Ombudsman Region of the International Ombudsman Institute
- attended an Australian and New Zealand Ombudsman Association (ANZOA) meeting
- attended the Association of Information Access Commissioners meetings
- attended the Australian Institute of Administrative Law meetings
- attended the Opening of the 56th Parliament
- attended the ICAC and OPI Interagency meetings
- attended an Independent Statutory Officers' Engagement Group meeting
- attended the ICAC and Adelaide University Partnerships for AI solutions Community of Practice sessions
- hosted Delegates of the Sarawak Ombudsman.

The Deputy Ombudsman also attended Deputy Ombudsman Forums in November 2025 and May 2026 and met with the National Student Ombudsman.

Her Excellency the Hon Margaret Beazley AC KC with the Association of Information Access Commissioners at Government House, Sydney

Deputy Ombudsman Forum held at the Victorian Ombudsman, Melbourne

Prison visits

Throughout the reporting period, Ombudsman SA staff visited the following prisons:

- Adelaide Women's Prison
- Adelaide Pre-release Centre
- Adelaide Remand Centre
- Cadell Training Centre
- Mobilong Prison
- Mount Gambier Prison
- Port Augusta Prison

Visits generally consisted of a site tour, a meeting with prison management and, where possible, attendance at the Prevention of Aboriginal Deaths in Custody Forum (as an observer) or a meeting with the Prisoner Needs Committee to discuss the role of the Ombudsman, the Office's complaint handling process and hear directly from prisoners. These visits provide Ombudsman SA staff with information which enables them to better understand prisoner complaints.

Submissions

During the reporting period, Ombudsman SA provided one submission to the Chief Psychiatrist in relation to the draft *Mental Health and Wellbeing Bill 2025*, which was undergoing consultation at the time to replace the *Mental Health Act 2009*. The submissions proposed amendments to provide opportunity for a person to seek a declaration of invalidity in relation to an Inpatient Treatment Order at the South Australian Civil and Administrative Tribunal.

Other Submissions

During the reporting period, Ombudsman SA provided two submissions to the ICAC, including:

- written submissions in relation to several recommendations made in the *Doing right by those who call out the wrong: A review of South Australia's whistleblower protection regime* report that interacted with the work of Ombudsman SA
- written submissions in relation to the *Evaluation of Professional Development Funds for Medical Officers* regarding recommendations to improve systems and processes to prevent and minimise the risk of misconduct and maladministration in public administration
- provided, by way of interview, feedback to the Office for Social Cohesion, Department of Home Affairs *National Review on Strengthening Civic Space to Support Citizen Participation in Australia.*

Complaints, Oversight and **Improvement**

Complaints about Ombudsman SA

In accordance with Premier and Cabinet Circular 013, Ombudsman SA reports that it received and responded to 69 complaints made about the Office in the 2025-26 financial year. This represents an increase from 43 in the previous reporting period. A de-identified summary is provided below.

Number	Title	Matter Outcome
2025/00667	Complaints about OSA Decision	OSA Decisions\Internal Review\Outcome varied
2025/02213	Complaints about OSA Service	OSA Services\Not substantiated
2025/03683	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/03779	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/03995	Complaints about OSA Service	OSA Services\Substantiated
2025/04110	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/04162	Complaints about OSA Service	OSA Services\Substantiated
2025/04623	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/04664	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/04759	Complaints about OSA Service	OSA Services\Not substantiated
2025/04985	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/05069	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/05125	Complaints about OSA Decision	OSA Decisions\Internal Review\Outcome confirmed
2025/05186	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/05692	Complaints about OSA Decision & Service	OSA Decisions\No Internal Review
2025/05836	Complaints about OSA Service	OSA Services\Not substantiated
2025/05974	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/05975	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/06039	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/06070	Complaints about OSA Service	OSA Services\Not substantiated
2025/06176	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/06392	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/06843	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/06901	Complaints about OSA Service	OSA Services\Not substantiated
2025/07133	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/07041	Complaints about OSA Service	OSA Services\Not substantiated
2025/07039	Complaints about OSA Service	OSA Services\Substantiated
2025/07222	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/07315	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/07528	Complaints about OSA Decision	OSA Decisions\Internal Review\Outcome confirmed
2025/07544	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/07551	Complaints about OSA Decision	OSA Decisions\No Internal Review
2025/07638	Complaints about OSA Service	OSA Services\Not substantiated

2026/00358	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/00461	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/00665	Complaints about OSA Decision & Service	OSA Services\Not substantiated
2026/00921	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/00936	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/01166	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/01272	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/01346	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/01372	Complaints about OSA Decision & Service	OSA Services\Not substantiated
2026/01416	Complaints about OSA Service	OSA Services\Not substantiated
2026/01528	Complaints about OSA Decision & Service	OSA Decisions\Internal Review\Outcome confirmed
2026/01626	Complaints about OSA Decision & Service	OSA Services\Not substantiated
2026/01669	Complaints about OSA Decision	OSA Decisions\Internal Review\Outcome confirmed
2026/01807	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/01872	Complaints about OSA Service	OSA Services\Not substantiated
2026/01973	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/02183	Complaints about OSA Decision	OSA Decisions\Internal Review\Outcome confirmed
2026/02250	Complaints about OSA Decision & Service	OSA Decisions\No Internal Review
2026/02251	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/02353	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/02472	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/02511	Complaints about OSA Service	OSA Services\Not substantiated
2026/02566	Complaints about OSA Service	OSA Services\Not substantiated
2026/02616	Complaints about OSA Decision	OSA Decisions\Internal Review\Outcome varied
2026/02615	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/02830	Complaints about OSA Service	OSA Services\Not substantiated
2026/02929	Complaints about OSA Service	OSA Services\Not substantiated
2026/02993	Complaints about OSA Service	OSA Services\Not substantiated
2026/03083	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/03324	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/03564	Complaints about OSA Service	OSA Services\Not substantiated
2026/03614	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/03618	Complaints about OSA Decision	OSA Decisions\No Internal Review
2026/03794	Complaints about OSA Service	OSA Services\Not substantiated
2026/03805	Complaints about OSA Service	OSA Services\Partly substantiated
2026/03912	Complaints about OSA Decision	OSA Decisions\No Internal Review

Of the 69 complaints, 46 related to decisions. Once a matter has been finalised, Ombudsman SA treats a complaint about the outcome as a request for internal review. Ordinarily, internal reviews are limited to matters which have been investigated. Internal reviews are only conducted of decisions not to investigate in exceptional circumstances (for

example, if aspects of the complaint have not been assessed or key information has not been considered). The decision whether to conduct an internal review will be made by someone other than the original decision-maker, usually a Manager or the Deputy Ombudsman; the decision maker may decline an internal review but provide further reasons to help a complainant understand why a decision has been made.

Of the 46 complaints about Ombudsman SA decisions, all related to decisions not to investigate. In 39 of these, the request for internal review was declined. In 7 matters, it was determined that the decision should be reviewed; of these, 5 were upheld and two had their outcome varied following the internal review as follows:

- in one complaint, it was identified that one issue had not been considered appropriately; the complaint was reassessed on this issue.
- in the other, it was identified that aspects of the complaint were not addressed and that more detailed reasoning could have been provided; the complaint was reassessed.

The Office received 23 complaints about its service; three were substantiated and one was partly substantiated. Service complaints may include complaints about delay, lack of response to correspondence, denial of procedural fairness or staff conduct.

In the partly substantiated complaint, the complainant did not receive a timely response to an email; an apology was issued and addressed internally.

In one substantiated matter, the complainant's phone call to this Office was not recorded correctly which led to the phone call not being returned. This Office apologised to the complainant and process improvements were implemented including reminding staff to include appropriate file notes following a phone call.

Two substantiated complaints concerned inadvertent breaches of privacy. In one, this Office issued an apology to the complainant, made appropriate disclosures regarding the privacy breach and ensured the personal details were deleted by the third party. In the other, this Office issued an apology to the complainant, provided information as to the extent of the breach, provided a redacted version of the correspondence to the third party and made appropriate disclosures regarding the privacy breach. Business improvements were identified in both matters and relevant policies and processes updated.

Ombudsman SA continues to focus on complaint handling practices and providing clear reasons for decisions, and is committed to continuous improvement. The Office provides dissatisfied complainants with information about available avenues to complain about or seek review of Ombudsman SA decisions, including that they may make a complaint to the Office of the Inspector.

The Ombudsman's last annual report also noted an increase in the number of complaints being received about this Office, a trend which has continued this year. The increase is largely attributable to disputes about the outcome of assessments rather than complaints about service. The increased use of generative AI, referenced earlier in this report, may be contributing to this. It is noted that some complainants have submitted lengthy requests

for internal review within a very short time after receiving a final outcome, which appears to be enabled by GenAI.

Oversight by the Inspector

In addition to the above, this Office responded to enquiries from the Inspector's Office in relation to 11 complaints that office received and finalised about Ombudsman SA. This includes outcomes from enquiries made in the previous reporting period. A de-identified summary is provided below. It is noted that the Inspector does not make enquiries in relation to all complaints received but rather where the Inspector is unable to finalise the complaint solely based on a review of the Ombudsman's file.[55]

Number	Title	Matter Outcome
2026/01734	Complaints about OSA Decision	Advice Given
2026/00872	Complaints about OSA Decision	Advice Given
2026/01395	Complaints about OSA Decision	Advice Given
2026/00517	Complaints about OSA Decision	Partly substantiated
2026/00518	Complaints about OSA Decision	Partly substantiated
2026/03397	Complaints about OSA Decision	Partly substantiated
2025/00940	Complaints about OSA Decision	Not substantiated
2025/03643	Complaints about OSA Decision & Service	Partly substantiated
2025/04443	Complaints about OSA Service	Not substantiated
2026/00539	Complaints about OSA Service	Partly substantiated
2025/00324	Complaints about OSA Service	Partly substantiated

Of the 11 enquiries from the Inspector's office, three were factual enquiries and no further information was provided to this Office. Eight were substantive enquiries about this Office's handling of the matters; of those, two were not substantiated and six were partly substantiated.

This Office typically does not receive a copy of any outcome letter sent by the Inspector to a complainant; rather, the Inspector will advise when a matter has been closed. Accordingly, where an outcome is recorded as partly substantiated, this does not necessarily indicate that the Inspector upheld the complaint, however, in the process of reviewing the matter, opportunities for improvement were identified. Further information about these matters are below.

One complaint led to this Office modifying aspects of our practice and policy relating to the disclosure of outcomes to agencies, and developing amendments to the online complaints form to ensure that complainants' wishes regarding their anonymity and their wishes about disclosure of the outcome to a third party are obtained.

[55] For example, in 2024-25, the Inspector's Annual Report recorded receiving 33 complaints about the Ombudsman; this Office received enquiries only in relation to six complaints.

In one matter, the Inspector identified that this Office could have more clearly communicated expectations for complainants to meet in terms of evidencing and articulating complaints; as a result, staff were reminded that, where it is difficult to discern from a complaint what the issues are, they should communicate our expectations of complainants regarding the information we require. Amendments to our website and standardised wording to support this are also being considered.

One complaint to the Inspector highlighted an incorrect document classification on a published report; the error was rectified by this Office and the relevant policy updated.

In one matter, the original complaint was closed based on a misunderstanding of facts; the matter was reopened and reassessed. In another, it was identified that one aspect of the original complaint had not been assessed; the matter was reopened to address that issue.

One complaint to the Inspector led to business improvements to ensure our assessments of complaints about an agency's decisions are robust and recorded appropriately, including this Office requesting relevant records from the agency where necessary, rather than a summary of the reasons the decision was made, and where we are unable to provide detailed reasons to complainants for such decisions due to confidentiality restrictions, these should be clearly recorded on the file.

Parliamentary oversight

The Crime and Public Integrity Policy Committee (CPIPC) is a standing committee of the South Australian parliament, whose functions include oversight of the performance and exercise of functions by the Ombudsman.

The Ombudsman was not required to appear before the CPIPC in this reporting period.

The Ombudsman's 2024-25 annual report referenced the CPIPC review of the Ombudsman tabled in November 2024, which made a number of recommendations which are supported by this Office. The government's March 2025 response to the recommendations indicated that further consideration may be given to implementing some of the recommendations once the CPIPC completes its review of the functions and exercise of powers by the ICAC, OPI and Inspector. As at the date of this report, that review has not yet concluded.

Continuous Improvement

This Office's commitment to continuous improvement is reflected in Goal 4 (*Continue to improve how we deliver our functions*) of our Strategic Plan. A number of business improvements have been undertaken to increase efficiencies and improve timeliness this year, including implementing a new organisational structure on 1 September 2025 following a lean review of our processes. The new structure has led to several efficiencies including improvements across our quality assurance processes and further streamlining of workflows. In addition to improving efficiencies, amendments to service delivery and decision-making practices were introduced, which have been internally initiated or have

arisen from complaints made about the Office (see below for further information). A continuous improvement register allows the Office to plan for and track policy and practice change, and this is supported by robust governance and leadership which values innovation, learning and excellence.

Valuing and developing our people remains a key priority for this Office, also reflected in Goal 4 of our Strategic Plan. This year, staff participated in training and development about the following subjects:

- Interagency Training Day between the OPI, ICAC and OSA
- Managing Difficult Situations with Customers and Clients
- Leadership
- Artificial Intelligence
- Time and workload management
- Dementia: Improving our understanding
- Mental Health Awareness
- Cultural Intelligence / Creating Cultural Safety
- Safer Family Services overview
- Disability awareness
- National Anti-Corruption Commission overview
- Covert recordings and the *Surveillance Devices Act 2016*
- Department of Child Protection and overview of the *Children and Young People (Safety and Support) Act 2025*
- Countering Foreign Interference
- Experiences of a former whistleblower
- Customer service
- Objection handling
- Judicial Conduct Commissioner overview
- Safeguarding vulnerable people
- COAT National Conference
- ANZOA interest groups
- Resolve – producing templates (internal)

Ombudsman Emily Strickland and DPC Chief Executive speaking at the Interagency Training Day

Ombudsman Emily Strickland as part of the leadership discussion during the Interagency Training Day

Stakeholder survey

Understanding how organisations within the Ombudsman's jurisdiction experience engagement with Ombudsman SA (OSA), as well as agencies' views about how the Office can best add value to public administration, is vital to ensure we are continuously improving. In July 2026, state government agencies, councils and other authorities were invited to reflect on interactions with OSA during 2025-26 and provide feedback by participating in a survey. Questions included how well stakeholders consider OSA staff engage with their organisation to handle complaints, keep stakeholders informed, administer functions, and deliver guidance and information.

151 people completed the survey; 52% were from Government Departments, 37% were from Local Government and 11% were from Other Authorities. Respondents included Chief Executives, Senior Managers, Elected Members, Governance officers, and Customer service / Administration staff. 74% of respondents said they have corresponded with OSA within the reporting period.

Of those who corresponded with this Office in 2025-26, more than 86% said they were satisfied or very satisfied with how the Ombudsman's office interacted with them. 95% of respondents said the Ombudsman's office was professional and respectful in its interactions and 90% said the office was easy to access and deal with. 83% of respondents said the Ombudsman's office made enquiries with their organisation that were reasonable and appropriate. Of the respondents who indicated they had received, accessed, read and/or referred to OSA information materials in 2025-26 (which include final reports, statements, FOI determinations, audit reports, information sheets etc), 87% said the information was relevant and easy to understand.

Several opportunities for improvement were identified including:

- improving timeliness and ensuring stakeholders are informed about progress of matters
- providing adequate time for an agency to respond to enquiries and providing further information in a timely manner
- providing agencies with information and data to assist them to improve organisational administrative processes
- ensuring information materials are practical, well-presented and easy to find, to ensure they are helpful in supporting continuous improvement in organisations.

These improvements and other feedback from stakeholders will be considered as part of this Office's continuous improvement activities. Agencies and organisations within the Ombudsman's jurisdiction will be invited to provide feedback on their interactions with this Office during the 2026-27 reporting period and results will be included in next year's annual report.

Summary **data**

1 July 2025 - 30 June 2026

Ombudsman Act Jurisdiction

Government departments

Complaints received and completed

Department	Received	%	Completed	%
Attorney-General's Department	43	1.49%	43	1.50%
Department for Child Protection	323	11.17%	311	10.88%
Department for Correctional Services	629	21.76%	612	21.41%
Department for Education	230	7.96%	235	8.22%
Department for Energy and Mining	5	0.17%	4	0.14%
Department for Environment and Water	24	0.83%	26	0.91%
Department for Health and Wellbeing	62	2.14%	64	2.24%
Department for Housing and Urban Development	7	0.24%	9	0.31%
Department for Infrastructure and Transport	188	6.50%	187	6.54%
Department of Human Services	50	1.73%	45	1.57%
Department of Primary Industries and Regions SA	21	0.73%	20	0.70%
Department of State Development	5	0.17%	6	0.21%
Department of the Premier and Cabinet	17	0.59%	16	0.56%
Department of Treasury and Finance	173	5.98%	172	6.02%
Environment Protection Authority	15	0.52%	13	0.45%
SA Housing Trust	747	25.84%	745	26.07%
SA Police	313	10.83%	312	10.92%
SA Water Corporation	38	1.31%	37	1.29%
Social Workers Registration Board South Australia	1	0.03%	1	0.03%
Total	2891	100.00%	2858	100.00%

Complaint outcomes

Outcome	Total	%
Complainant Cannot be Contacted	38	1.33%
Declined s12H\Other Good Reason (s12H (1)(c))\Discretion not in public interest to investigate	116	4.06%
Declined s12H\Other Good Reason (s12H (1)(c))\More appropriate review body (s12H(1)(c))	45	1.57%
Declined s12H\Other Good Reason (s12H (1)(c))\No error	479	16.76%
Declined s12H\Other Good Reason (s12H (1)(c))\Referred Back to Agency	1539	53.85%
Declined s12H\Other Good Reason (s12H (1)(c))\Suggested administrative improvement	2	0.07%
Declined s12H\Previously Dealt With (s12H (1)(c))	27	0.94%
Declined s12H\Referred to Other Authority (s12H(1)(b))\Referred to agency - monitored	9	0.31%
Declined s12H\Referred to Other Authority (s12H(1)(b))\Referred to agency - not monitored	11	0.38%
Declined s12H\Referred to Other Authority (s12H(1)(b))\Referred to Other	2	0.07%
Declined s12H\Resolved with Agency Co-operation (s12H)	151	5.28%
Discontinued (s13(2a))	1	0.03%
FOI\Outside of Jurisdiction	1	0.03%
Investigation Outcome\Not substantiated	1	0.03%
Investigation Outcome\Substantiated	3	0.10%
Out of Jurisdiction\12B Complainant not directly affected	18	0.63%
Out of Jurisdiction\13(3) Statutory or legal remedy	137	4.79%
Out of Jurisdiction\No administrative act	49	1.71%
Out of Jurisdiction\SAPOL officer conduct	90	3.15%
Out of Time (s12C)	17	0.59%
Own initiative - discontinued	3	0.10%
Referral Withdrawn by OPI	12	0.42%
Report to OPI	1	0.03%
Withdrawn by Complainant	106	3.71%
Total	2858	100.00%

Local government

Complaints received and completed

Council	Received	%	Completed	%	Population 30 June 2024	Received / 10,000 pop	Completed / 10,000 pop
Adelaide Hills Council	23	1.70%	20	1.47%	42875	5.36	4.66
Adelaide Plains Council	10	0.74%	18	1.32%	11736	8.52	15.34
Alexandrina Council	23	1.70%	24	1.76%	31427	7.32	7.64
Barunga West Council	4	0.29%	5	0.37%	2688	14.88	18.60
Berri Barmera Council	12	0.88%	15	1.10%	10758	11.15	13.94
Campbelltown City Council	34	2.51%	33	2.42%	58826	5.78	5.61
City of Adelaide	215	15.86%	216	15.86%	30173	71.26	71.59
City of Burnside	20	1.47%	23	1.69%	48257	4.14	4.77
City of Charles Sturt	77	5.68%	72	5.29%	130841	5.89	5.50
City of Holdfast Bay	40	2.95%	35	2.57%	39683	10.08	8.82
City of Marion	45	3.32%	43	3.16%	101229	4.45	4.25
City of Mitcham	37	2.73%	37	2.72%	71267	5.19	5.19
City of Mount Gambier	13	0.96%	14	1.03%	28057	4.63	4.99
City of Norwood, Payneham & St Peters	28	2.06%	28	2.06%	40845	6.86	6.86
City of Onkaparinga	99	7.30%	93	6.83%	184827	5.36	5.03
City of Playford	45	3.32%	48	3.52%	115790	3.89	4.15
City of Port Adelaide Enfield	50	3.69%	54	3.96%	143022	3.50	3.78
City of Port Lincoln	11	0.81%	12	0.88%	15065	7.30	7.97
City of Prospect	22	1.62%	24	1.76%	23459	9.38	10.23
City of Salisbury	49	3.61%	47	3.45%	151019	3.24	3.11
City of Tea Tree Gully	53	3.91%	52	3.82%	105120	5.04	4.95
City of Unley	19	1.40%	18	1.32%	40731	4.66	4.42
City of Victor Harbor	14	1.03%	13	0.95%	17457	8.02	7.45
City of West Torrens	55	4.06%	55	4.04%	66547	8.26	8.26
Clare and Gilbert Valleys Council	2	0.15%	2	0.15%	9467	2.11	2.11
Coorong District Council	7	0.52%	7	0.51%	5627	12.44	12.44
Copper Coast Council	21	1.55%	20	1.47%	16601	12.65	12.05
Corporation of the City of Whyalla	9	0.66%	9	0.66%	21720	4.14	4.14
Corporation of the Town of Walkerville	5	0.37%	5	0.37%	8673	5.77	5.77
District Council of Ceduna	8	0.59%	7	0.51%	3757	21.29	18.63
District Council of Cleve	2	0.15%	3	0.22%	1771	11.29	16.94
District Council of Coober Pedy	7	0.52%	8	0.59%	1526	45.87	52.42
District Council of Franklin Harbour	2	0.15%	2	0.15%	1367	14.63	14.63
District Council of Grant	4	0.29%	1	0.07%	9223	4.34	1.08
District Council of Karoonda East Murray	10	0.74%	17	1.25%	1026	97.47	165.69
District Council of Kimba	3	0.22%	2	0.15%	1064	28.20	18.80

District Council of Lower Eyre Peninsula	4	0.29%	2	0.15%	6268	6.38	3.19
District Council of Loxton Waikerie	4	0.29%	9	0.66%	11971	3.34	7.52
District Council of Mount Remarkable	3	0.22%	4	0.29%	2861	10.49	13.98
District Council of Orroroo/Carrieton	1	0.07%	1	0.07%	884	11.31	11.31
District Council of Peterborough	29	2.14%	29	2.13%	1701	170.49	170.49
District Council of Renmark Paringa	9	0.66%	9	0.66%	10274	8.76	8.76
District Council of Robe	2	0.15%	5	0.37%	1621	12.34	30.85
District Council of Streaky Bay	11	0.81%	11	0.81%	2292	47.99	47.99
District Council of Tumby Bay	6	0.44%	5	0.37%	2963	20.25	16.87
District Council of Yankalilla	6	0.44%	6	0.44%	6299	9.53	9.53
Kangaroo Island Council	6	0.44%	7	0.51%	5212	11.51	13.43
Kingston District Council	4	0.29%	3	0.22%	2420	16.53	12.40
Light Regional Council	12	0.88%	13	0.95%	17317	6.93	7.51
Mid Murray Council	15	1.11%	14	1.03%	9674	15.51	14.47
Mount Barker District Council	48	3.54%	48	3.52%	45111	10.64	10.64
Naracoorte Lucindale Council	2	0.15%	2	0.15%	8930	2.24	2.24
Northern Areas Council	8	0.59%	8	0.59%	4688	17.06	17.06
Port Augusta City Council	17	1.25%	16	1.17%	14469	11.75	11.06
Port Pirie Regional Council	9	0.66%	8	0.59%	17664	5.10	4.53
Regional Council of Goyder	6	0.44%	5	0.37%	4141	14.49	12.07
Roxby Council	2	0.15%	2	0.15%	4089	4.89	4.89
Rural City of Murray Bridge	23	1.70%	24	1.76%	23539	9.77	10.20
Southern Mallee District Council	7	0.52%	8	0.59%	2013	34.77	39.74
Tatiara District Council	1	0.07%	1	0.07%	7088	1.41	1.41
The Barossa Council	7	0.52%	9	0.66%	26817	2.61	3.36
The Flinders Ranges Council	1	0.07%	1	0.07%	1662	6.02	6.02
Town of Gawler	6	0.44%	6	0.44%	27564	2.18	2.18
Wakefield Regional Council	5	0.37%	5	0.37%	6993	7.15	7.15
Wattle Range Council	7	0.52%	4	0.29%	12378	5.66	3.23
Wudinna District Council	3	0.22%	2	0.15%	1171	25.62	17.08
Yorke Peninsula Council	14	1.03%	13	0.95%	12242	11.44	10.62
Total	1356	100.00%	1362	100.00%	1895837	7.15	7.18

Complaint outcomes

Outcome	Total	%
Complainant Cannot be Contacted	19	1.40%
Declined s12H\Other Good Reason (s12H (1)(c))\Discretion not in public interest to investigate	109	8.00%
Declined s12H\Other Good Reason (s12H (1)(c))\More appropriate review body (s12H(1)(c))	8	0.59%
Declined s12H\Other Good Reason (s12H (1)(c))\No error	300	22.03%
Declined s12H\Other Good Reason (s12H (1)(c))\Referred Back to Agency	510	37.44%
Declined s12H\Other Good Reason (s12H (1)(c))\Suggested administrative improvement	6	0.44%
Declined s12H\Previously Dealt With (s12H (1)(c))	13	0.95%
Declined s12H\Referred to Other Authority (s12H(1)(b))\Referred to agency - monitored	2	0.15%
Declined s12H\Referred to Other Authority (s12H(1)(b))\Referred to agency - not monitored	5	0.37%
Declined s12H\Resolved with Agency Co-operation (s12H)	42	3.08%
Investigation Outcome\Not substantiated	10	0.73%
Investigation Outcome\Partly substantiated	1	0.07%
Investigation Outcome\Substantiated	16	1.17%
Out of Jurisdiction\12B Complainant not directly affected	1	0.07%
Out of Jurisdiction\13(3) Statutory or legal remedy	234	17.18%
Out of Jurisdiction\No administrative act	13	0.95%
Out of Time (s12C)	4	0.29%
Referral Withdrawn by OPI	12	0.88%
Return to Work\Alternate remedy available with another body (RTW)	1	0.07%
Return to Work\Out of Jurisdiction (RTW)	1	0.07%
Withdrawn by Complainant	55	4.04%
Total	1362	100.00%

Other authorities

Complaints received and completed

Agency	Received	%	Completed	%
Adelaide Cemeteries Authority	3	0.32%	3	0.32%
Adelaide University	17	1.79%	16	1.72%
Anangu Pitjantjatjara Yankunytjatjara Executive Board	4	0.42%	2	0.22%
Anglicare Housing SA Ltd	1	0.11%	1	0.11%
Architectural Practice Board of South Australia	1	0.11%	1	0.11%
Barossa Hills Fleurieu Local Health Network	7	0.74%	6	0.65%
Behavioural Standards Panel	1	0.11%	2	0.22%
Believe Housing	3	0.32%	3	0.32%
BioSA	2	0.21%	2	0.22%
Central Adelaide Local Health Network	60	6.31%	60	6.45%
Commissioner for Children and Young People	1	0.11%	1	0.11%
Commissioner for Consumer Affairs	74	7.78%	62	6.67%
Commissioner for Equal Opportunity	2	0.21%	2	0.22%

Commissioner for Public Sector Employment	3	0.32%	1	0.11%
Commissioner for Victims' Rights	2	0.21%	2	0.22%
Community Housing Ltd	10	1.05%	10	1.08%
Coroner	3	0.32%	1	0.11%
Country Arts SA	2	0.21%	1	0.11%
Courts Administration Authority	16	1.68%	15	1.61%
CTP Regulator	2	0.21%	2	0.22%
Defence SA	1	0.11%	1	0.11%
Director of Public Prosecutions	11	1.16%	11	1.18%
Dog & Cat Management Board	1	0.11%	1	0.11%
Drug & Alcohol Services SA	1	0.11%	1	0.11%
Education Standards Board	10	1.05%	9	0.97%
Electoral Commission of South Australia	18	1.89%	17	1.83%
Fleurieu Regional Assessment Panel	1	0.11%	1	0.11%
Flinders and Upper North Local Health Network	4	0.42%	4	0.43%
Flinders University	12	1.26%	14	1.51%
Green Adelaide	1	0.11%	1	0.11%
Green Industries SA	1	0.11%	1	0.11%
Health & Community Services Complaints Commissioner	46	4.84%	48	5.16%
Hills and Fleurieu Landscape Board	5	0.53%	5	0.54%
History Trust of SA	2	0.21%	2	0.22%
HomeStart	3	0.32%	3	0.32%
Housing Choices SA	5	0.53%	5	0.54%
Housing Safety Authority (HSA)	6	0.63%	6	0.65%
Infrastructure SA	1	0.11%	1	0.11%
Junction Australia Ltd	3	0.32%	3	0.32%
Land Services SA	3	0.32%	3	0.32%
Legal Profession Conduct Commissioner	22	2.31%	20	2.15%
Legal Services Commission	13	1.37%	13	1.40%
Lifetime Support Authority	3	0.32%	3	0.32%
Limestone Coast Local Health Network	7	0.74%	7	0.75%
Liquor & Gambling Commissioner	1	0.11%	1	0.11%
Local Government Association Mutual Liability Scheme	3	0.32%	4	0.43%
Local Government Association of South Australia	4	0.42%	4	0.43%
Lotteries Commission	1	0.11%	1	0.11%
Native Vegetation Council	2	0.21%	1	0.11%
Northern Adelaide Local Health Network	32	3.36%	36	3.87%
Office of the Technical Regulator	2	0.21%	2	0.22%
Office of the Valuer-General	1	0.11%	-	-
Outback Communities Authority	6	0.63%	5	0.54%
Public Advocate	47	4.94%	45	4.84%
Public Trustee	166	17.46%	164	17.63%
ReturnToWorkSA	41	4.31%	39	4.19%
Riverland Mallee Coorong Local Health Network	4	0.42%	4	0.43%
RSPCA Inspectorate	8	0.84%	8	0.86%
SA Ambulance Service	21	2.21%	21	2.26%
SA Country Fire Service	1	0.11%	2	0.22%

SA Film Corporation	3	0.32%	4	0.43%
SA Forestry Corporation	3	0.32%	3	0.32%
SA Government Financing Authority	1	0.11%	2	0.22%
SA Metropolitan Fire Service	6	0.63%	8	0.86%
SA Portable Long Service Leave (Community Service) Board	1	0.11%	1	0.11%
SACE Board of SA	3	0.32%	3	0.32%
Salvation Army Housing SA	4	0.42%	4	0.43%
South Australian Civil and Administrative Tribunal	50	5.26%	50	5.38%
South Australian Dental Service	9	0.95%	9	0.97%
South Australian Employment Tribunal	2	0.21%	2	0.22%
South Australian Fire and Emergency Services Commission	1	0.11%	1	0.11%
South Australian Motor Sport Board	1	0.11%	1	0.11%
South Australian Small Business Commissioner	1	0.11%	1	0.11%
South Eastern Water Conservation & Drainage Board	1	0.11%	1	0.11%
Southern Adelaide Local Health Network	14	1.47%	12	1.29%
State Planning Commission	1	0.11%	1	0.11%
Super SA Board	24	2.52%	22	2.37%
TAFE SA	30	3.15%	27	2.90%
Teachers Registration Board	4	0.42%	4	0.43%
The Art Gallery Board	1	0.11%	1	0.11%
Uniting Housing - Uniting SA	2	0.21%	1	0.11%
Unity Housing Co Ltd	9	0.95%	9	0.97%
University of Adelaide	19	2.00%	20	2.15%
University of South Australia	13	1.37%	15	1.61%
Veterinary Surgeons Board of SA	1	0.11%	1	0.11%
West Beach Trust	2	0.21%	2	0.22%
Westside Housing	3	0.32%	3	0.32%
Women's and Children's Health Network	5	0.53%	5	0.54%
Yorke and Northern Local Health Network	3	0.32%	3	0.32%
Eastern Health Authority	-	-	1	0.11%
Eyre and Far North Local Health Network	-	-	1	0.11%
State Commission Assessment Panel	-	-	1	0.11%
Urban Renewal Authority	-	-	1	0.11%
Total	951	100.00%	930	100.00%

Complaint outcomes

Outcome	Total	%
Complainant Cannot be Contacted	11	1.18%
Declined s12H\Other Good Reason (s12H (1)(c))\Discretion not in public interest to investigate	66	7.10%
Declined s12H\Other Good Reason (s12H (1)(c))\More appropriate review body (s12H(1)(c))	38	4.09%
Declined s12H\Other Good Reason (s12H (1)(c))\No error	164	17.63%
Declined s12H\Other Good Reason (s12H (1)(c))\Referred Back to Agency	361	38.82%
Declined s12H\Other Good Reason (s12H (1)(c))\Referred to NSO	36	3.87%
Declined s12H\Other Good Reason (s12H (1)(c))\Suggested administrative improvement	3	0.32%

Declined s12H\Previously Dealt With (s12H (1)(c))	5	0.54%
Declined s12H\Referred to Other Authority (s12H(1)(b))\Referred to agency - monitored	11	1.18%
Declined s12H\Referred to Other Authority (s12H(1)(b))\Referred to agency - not monitored	3	0.32%
Declined s12H\Resolved with Agency Co-operation (s12H)	29	3.12%
Discontinued (s13(2a))	2	0.22%
Investigation Outcome\Partly substantiated	3	0.32%
Investigation Outcome\Substantiated	3	0.32%
Out of Jurisdiction\12B Complainant not directly affected	6	0.65%
Out of Jurisdiction\13(3) Statutory or legal remedy	80	8.60%
Out of Jurisdiction\Agency Not Within Jurisdiction	1	0.11%
Out of Jurisdiction\Judicial officer conduct	4	0.43%
Out of Jurisdiction\No administrative act	14	1.51%
Out of Time (s12C)	11	1.18%
Own initiative - discontinued	1	0.11%
Referral Withdrawn by OPI	9	0.97%
Return to Work\Alternate remedy available with another body (RTW)	1	0.11%
Return to Work\Declined - Other Good Reason (s12H(1)(c)) (RTW)	17	1.83%
Return to Work\Declined - Previously Dealt With (s12H (1)(c)) (RTW)	2	0.22%
Return to Work\Out of Time	1	0.11%
Return to Work\Referred back to Compensating Authority (RTW)	11	1.18%
Return to Work\Withdrawn by Complainant (RTW)	2	0.22%
Withdrawn by Complainant	35	3.76%
Total	930	100.00%

FOI Act jurisdiction

Outcomes of external reviews conducted by the Ombudsman in 2025-26

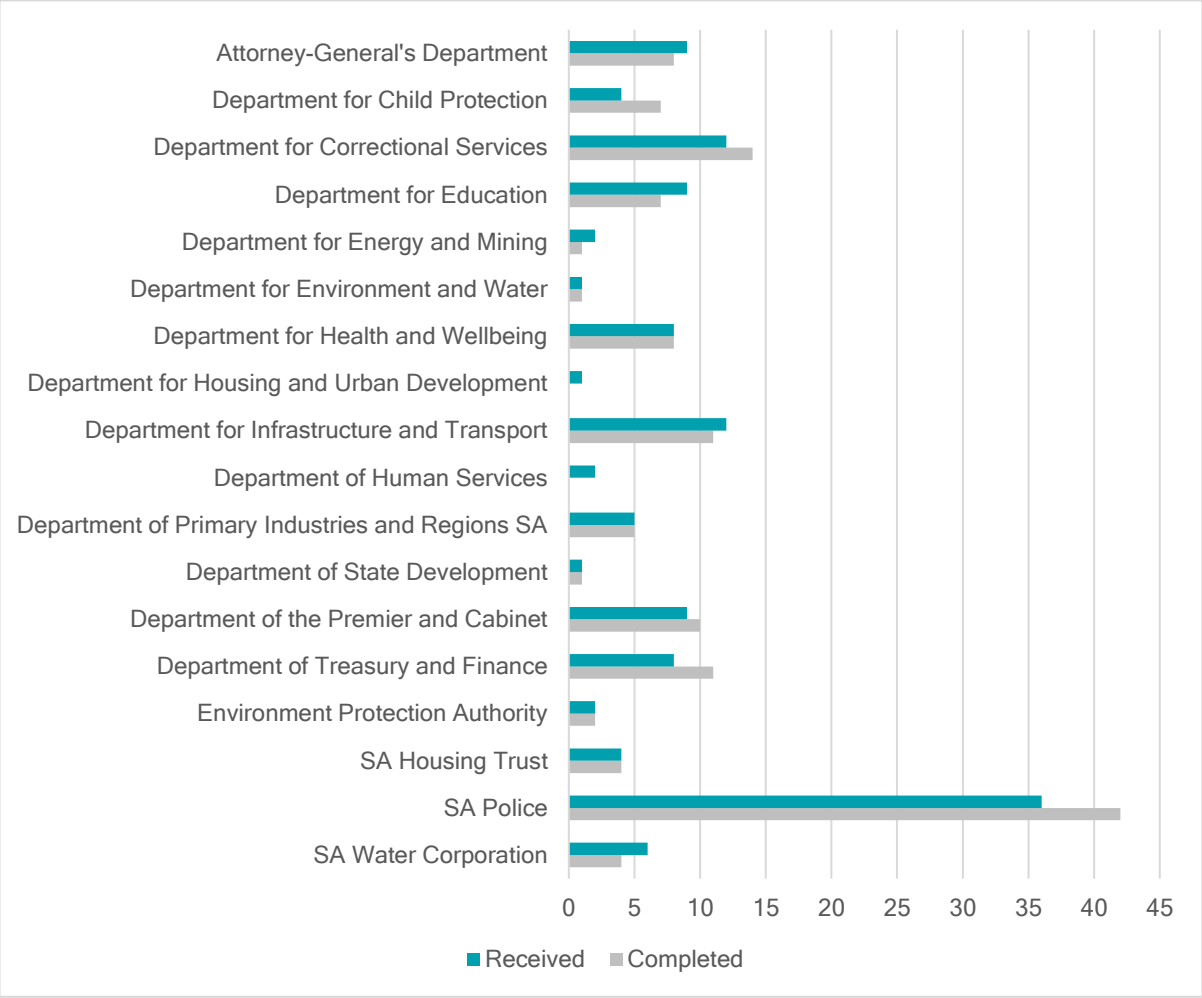
Matter Outcome	Total	%
FOI\Application for Review Withdrawn by Applicant	17	6.85%
FOI\Application for review withdrawn following OSA intervention	26	10.48%
FOI\Application Settled During Review (s39(5))	10	4.03%
FOI\Determination Confirmed (s39(11))	63	25.40%
FOI\Determination Reversed (s39(11))	10	4.03%
FOI\Determination Varied (s39(11))	57	22.98%
FOI\Extension of time\Discretion not exercised	2	0.81%
FOI\Outside of Jurisdiction	63	25.40%
Total	248	100.00%

Government departments

External reviews received and completed

Department	Received	%	Completed	%
Attorney-General's Department	9	6.87%	8	5.88%
Department for Child Protection	4	3.05%	7	5.15%
Department for Correctional Services	12	9.16%	14	10.29%
Department for Education	9	6.87%	7	5.15%
Department for Energy and Mining	2	1.53%	1	0.74%
Department for Environment and Water	1	0.76%	1	0.74%
Department for Health and Wellbeing	8	6.11%	8	5.88%
Department for Housing and Urban Development	1	0.76%		-
Department for Infrastructure and Transport	12	9.16%	11	8.09%
Department of Human Services	2	1.53%		-
Department of Primary Industries and Regions SA	5	3.82%	5	3.68%
Department of State Development	1	0.76%	1	0.74%
Department of the Premier and Cabinet	9	6.87%	10	7.35%
Department of Treasury and Finance	8	6.11%	11	8.09%
Environment Protection Authority	2	1.53%	2	1.47%
SA Housing Trust	4	3.05%	4	2.94%
SA Police	36	27.48%	42	30.88%
SA Water Corporation	6	4.58%	4	2.94%
Total	131	100.00%	136	100.00%

Government departments external reviews received and completed

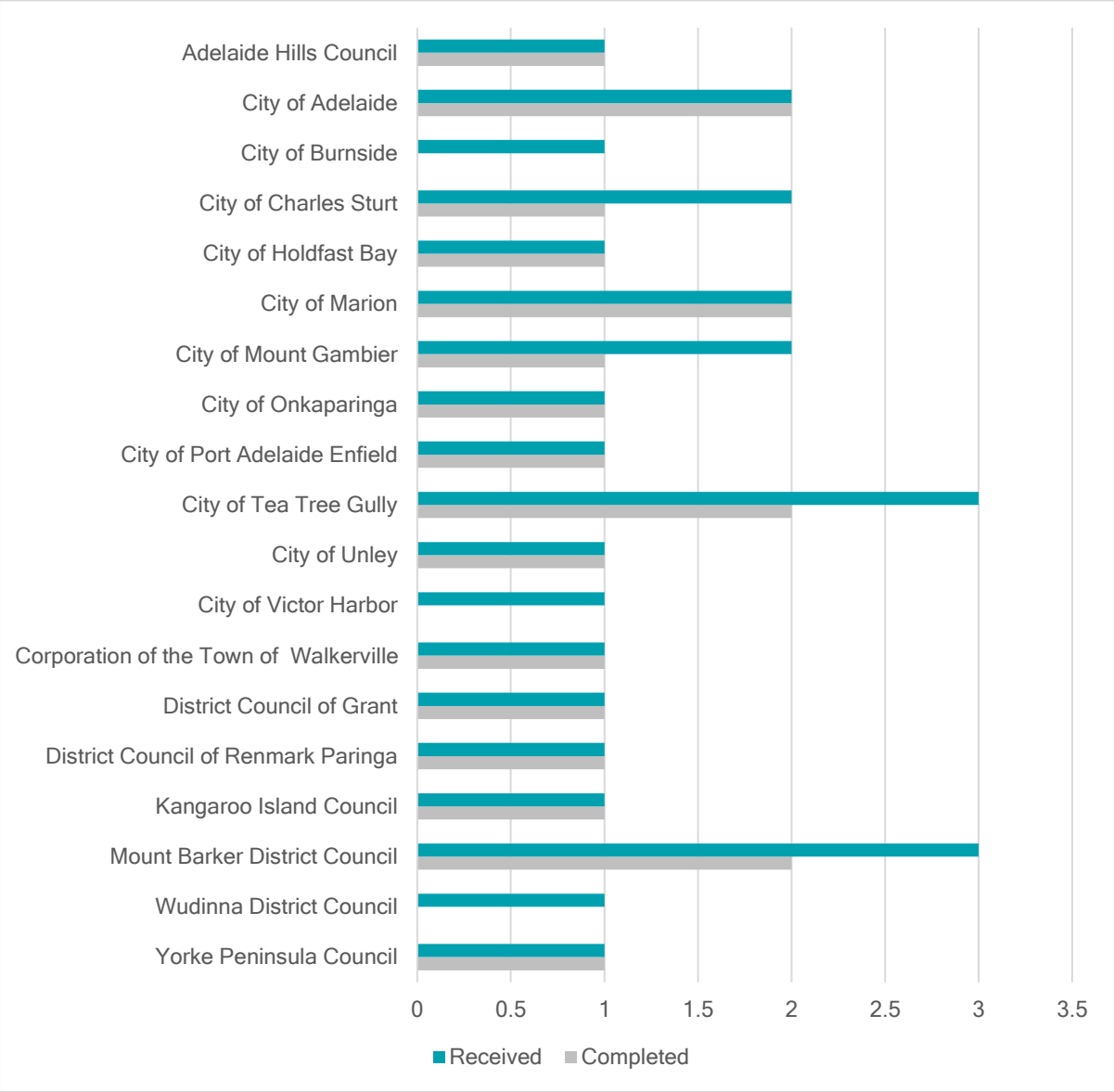


Local government

External reviews received and completed

Local Council	Received	%	Completed	%
Yorke Peninsula Council	1	3.70%	1	5.00%
Wudinna District Council	1	3.70%	-	0.00%
Mount Barker District Council	3	11.11%	2	10.00%
Kangaroo Island Council	1	3.70%	1	5.00%
District Council of Renmark Paringa	1	3.70%	1	5.00%
District Council of Grant	1	3.70%	1	5.00%
Corporation of the Town of Walkerville	1	3.70%	1	5.00%
City of Victor Harbor	1	3.70%	-	0.00%
City of Unley	1	3.70%	1	5.00%
City of Tea Tree Gully	3	11.11%	2	10.00%
City of Port Adelaide Enfield	1	3.70%	1	5.00%
City of Onkaparinga	1	3.70%	1	5.00%
City of Mount Gambier	2	7.41%	1	5.00%
City of Marion	2	7.41%	2	10.00%
City of Holdfast Bay	1	3.70%	1	5.00%
City of Charles Sturt	2	7.41%	1	5.00%
City of Burnside	1	3.70%	-	0.00%
City of Adelaide	2	7.41%	2	10.00%
Adelaide Hills Council	1	3.70%	1	5.00%
Total	27	100.00%	20	100.00%

Local government external reviews received and completed

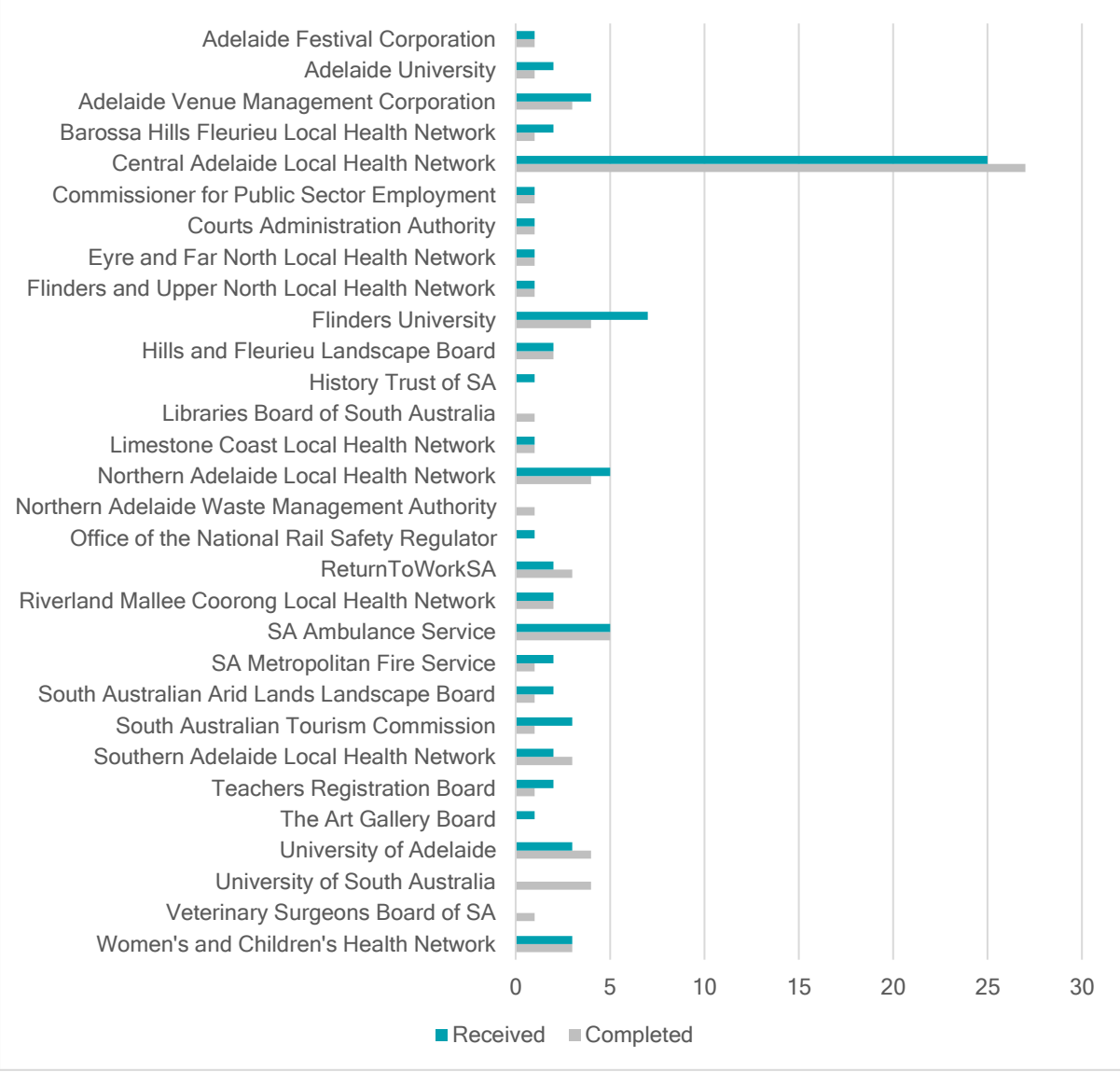


Other authorities

External reviews received and completed

Authority	Received	%	Completed	%
Women's and Children's Health Network	3	3.61%	3	3.75%
Veterinary Surgeons Board of SA	-	0.00%	1	1.25%
Urban Renewal Authority	1	1.20%	1	1.25%
University of South Australia	-	0.00%	4	5.00%
University of Adelaide	3	3.61%	4	5.00%
The Art Gallery Board	1	1.20%	-	0.00%
Teachers Registration Board	2	2.41%	1	1.25%
Southern Adelaide Local Health Network	2	2.41%	3	3.75%
South Australian Tourism Commission	3	3.61%	1	1.25%
South Australian Arid Lands Landscape Board	2	2.41%	1	1.25%
SA Metropolitan Fire Service	2	2.41%	1	1.25%
SA Ambulance Service	5	6.02%	5	6.25%
Riverland Mallee Coorong Local Health Network	2	2.41%	2	2.50%
ReturnToWorkSA	2	2.41%	3	3.75%
Office of the National Rail Safety Regulator	1	1.20%	-	0.00%
Northern Adelaide Waste Management Authority	-	0.00%	1	1.25%
Northern Adelaide Local Health Network	5	6.02%	4	5.00%
Limestone Coast Local Health Network	1	1.20%	1	1.25%
Libraries Board of South Australia	-	0.00%	1	1.25%
History Trust of SA	1	1.20%	-	0.00%
Hills and Fleurieu Landscape Board	2	2.41%	2	2.50%
Flinders University	7	8.43%	4	5.00%
Flinders and Upper North Local Health Network	1	1.20%	1	1.25%
Eyre and Far North Local Health Network	1	1.20%	1	1.25%
Courts Administration Authority	1	1.20%	1	1.25%
Commissioner for Public Sector Employment	1	1.20%	1	1.25%
Central Adelaide Local Health Network	25	30.12%	27	33.75%
Barossa Hills Fleurieu Local Health Network	2	2.41%	1	1.25%
Adelaide Venue Management Corporation	4	4.82%	3	3.75%
Adelaide University	2	2.41%	1	1.25%
Adelaide Festival Corporation	1	1.20%	1	1.25%
Women's and Children's Health Network	3	3.61%	3	3.75%
Veterinary Surgeons Board of SA	-	0.00%	1	1.25%
Urban Renewal Authority	1	1.20%	1	1.25%
University of South Australia	-	0.00%	4	5.00%
Total	83	100.00%	80	100.00%

Other authorities external reviews received and completed

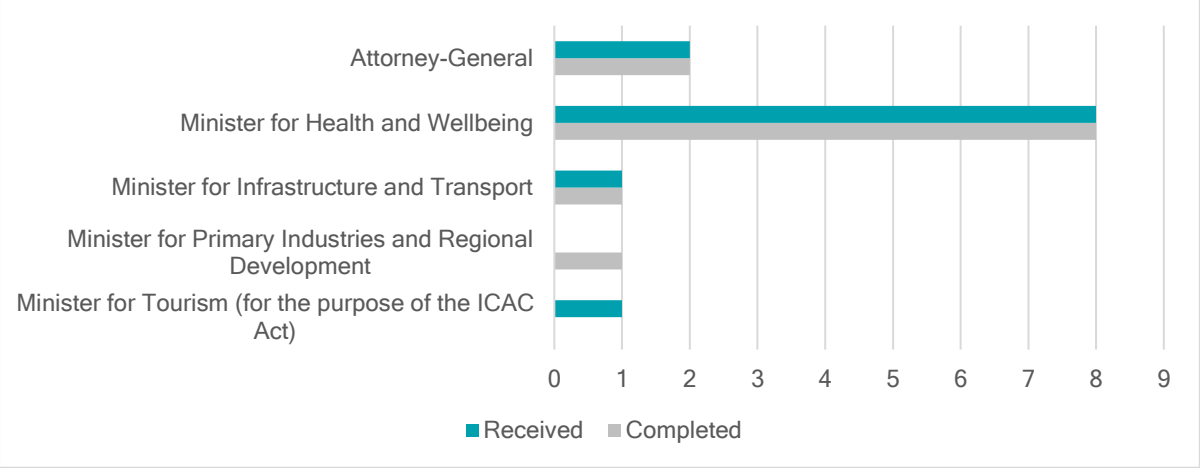


Ministers

External reviews received and completed

Minister	Received	%	Completed	%
Minister for Tourism (for the purpose of the ICAC Act)	1	8.33%	-	0.00%
Minister for Primary Industries and Regional Development	-	0.00%	1	8.33%
Minister for Infrastructure and Transport	1	8.33%	1	8.33%
Minister for Health and Wellbeing	8	66.67%	8	66.67%
Attorney-General	2	16.67%	2	16.67%
Total	12	100.00%	12	100.00%

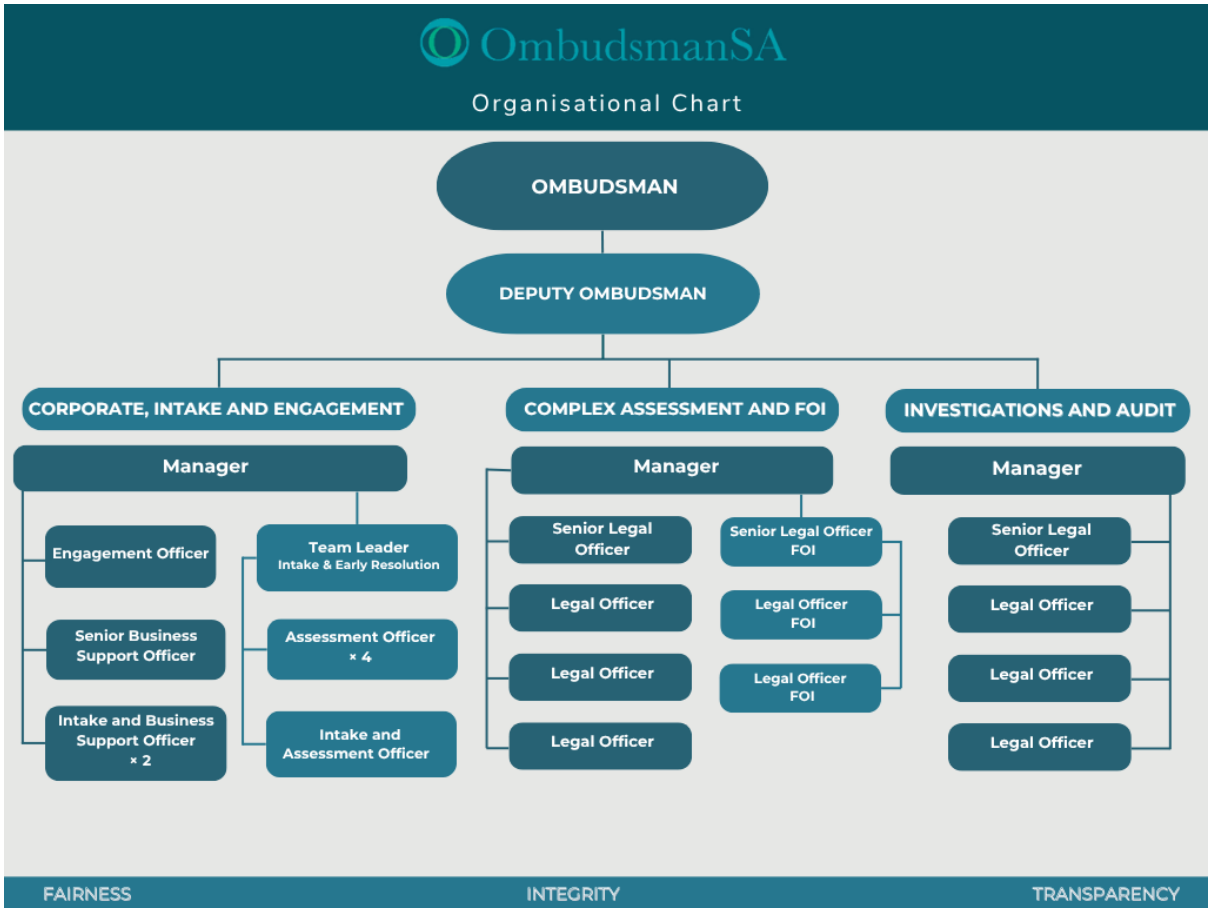
Ministerial external reviews received and completed



Appendices

Appendix A

Organisational Chart



As at 30 June 2026

NB: A new organisational structure was implemented on 1 September 2025. For the organisation chart for the period 1 July – 31 August 2025, refer to the Ombudsman SA annual report 2025-26.

Appendix B

Financial Statement

Expenditure	2023-24	2024-25	2025-26
Annual report	0	0	0
Computer expenses	73,712	86,846	71,283
Equipment maintenance	0	0	0
Equipment purchases	7,538	8,324	348
* Fringe Benefits Tax	9,934	2,867	4,192
* Motor vehicles	4,246	326	540
Postage	4,424	7,131	6,852
Printing and stationery	694	1,201	2,530
Projects	0	0	252
Publications and subscriptions	485	1,178	1,967
Research Project	0	0	0
Staff development	39,218	20,266	20,311
Sundries	135,792	22,744	67,823
Telephone charges	4,907	2,136	747
Travel/taxi charges	7,530	7,622	6,825
Website development	0	0	0
Sub-total	288,480	160,641	183,670
*Accommodation and energy	215,939	251,628	343,201
Consultant/Contract staff/Prof costs	43,001	131,087	92,527
Sub-total	258,940	382,715	435,728
* Salaries	3,266,114	3,412,198	3,508,287
Sub-total	3,266,114	3,412,198	3,508,287
** Income	(377,000)	(386,176)	(400,382)
Sub-total	(377,000)	(386,176)	(400,382)
* Figures include expenses incurred by the Ombudsman position (funded by Special Acts)			
** Includes recovery of expenditure from ReturnToWorkSA			
Net expenditure	3,436,534	3,569,378	3,727,303

Appendix C

Description of outcomes

Ombudsman Act

The following table describes outcomes arising from the Ombudsman's jurisdiction, with the exception of the Ombudsman's Return to Work and Freedom of Information jurisdictions.

OUTCOME	DESCRIPTION
ADVICE GIVEN	This outcome is used to record a response to a general enquiry, such as giving: - advice that does not relate to a specific approach or complaint - information or advice to the public about Ombudsman SA (e.g. address details, a request for a copy of an annual report, pamphlets or reporting guidelines) - FOI advice on a general query. This outcome cannot be used unless the type of matter is a general enquiry. For approaches or complaints, more specific outcomes must be used.
COMPLAINANT CANNOT BE CONTACTED	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.
CONCILIATED 17(3)	This outcome is used where a matter has been dealt with by conciliation.
RESOLVED WITH AGENCY COOPERATION s12H	This outcome is used where the matter was resolved following the agency engaging in voluntary actions following communication with the Ombudsman and these actions appropriately address issues in the view of the Ombudsman.
OTHER GOOD REASON s12H(1)(c) \ DISCRETION \ NOT IN PUBLIC INTEREST TO INVESTIGATE	This outcome is used where there may be an error, but the Ombudsman has determined it is not in the public interest to investigate the matter, or there is some other reason (not otherwise provided for in the outcomes) in the discretion of the Ombudsman, not to investigate.
OTHER GOOD REASON s12H(1)(c) \ NO ERROR	This outcome is used where a matter has been assessed as there being no error by the agency complained about.
OTHER GOOD REASON s12H(1)(c) \ REFERRED BACK TO AGENCY	This outcome is used where a person who has approached the Ombudsman is advised to first raise their complaint with the subject agency, seeking resolution with that agency, before submitting a complaint to the Ombudsman for assessment.

OTHER GOOD REASON s12H(1)(c) \ MORE APPROPRIATE REVIEW BODY	This outcome is used where a matter is within jurisdiction, but the Ombudsman has determined that there is a more appropriate body to review the complaint, for example the Health and Community Services Complaints Commission, the Office of the Housing Regulator, or the Energy and Water Ombudsman.
OTHER GOOD REASON s12H(1)(c) / REFERRED TO NSO	This outcome is used where a complaint has been referred to the National Student Ombudsman. This may occur formally by this Office in some matters, or the complainant will be advised to lodge their complaint with the NSO.
OTHER GOOD REASON s12H(1)(c) \ SUGGESTED ADMINISTRATIVE IMPROVEMENT	This outcome is used when it has been determined that there is good reason not to deal with the complaint but, as a result of the matter, the Ombudsman has identified and suggested to an agency an opportunity for administrative improvement.
PREVIOUSLY DEALT WITH s12H(1)(c)	This outcome is used where a matter is assessed as having been already dealt with by an 'inquiry agency' (the Ombudsman, ICAC or Judicial Conduct Commissioner) or a public authority (includes an agency or local government body), and there is no reason to reexamine it.
REFERRED TO OTHER AUTHORITY s12H(1)(b) / MONITORED	This outcome is used where a matter is formally assessed as not raising an issue that should be investigated under the Ombudsman Act but rather is considered to raise some other issue that should be formally referred by the Ombudsman to a law enforcement agency, another inquiry agency, a public authority, or a public officer AND where it is determined that the Ombudsman SHOULD MONITOR the action taken by the agency or other authority. This outcome should not be used where a *complainant* is referred back to the agency to make a first instance complaint or where the complainant is referred to a more appropriate complaint handling body.
REFERRED TO OTHER AUTHORITY s12H(1)(b) / NOT MONITORED	This outcome is used where a matter is formally assessed as not raising an issue that should be investigated under the Ombudsman Act but rather is considered to raise some other issue that should be formally referred by the Ombudsman to a law enforcement agency, another inquiry agency, a public authority, or a public officer AND where it is determined that the Ombudsman SHOULD NOT monitor the action taken. This outcome should not be used where a complainant is referred back to the agency to make a first instance complaint or where the complainant is referred to a more appropriate complaint handling body.
TRIVIAL / VEXATIOUS / FRIVOLOUS s12H(1)(c)	This outcome is used where the matter is assessed as raising a matter that is considered trivial or frivolous, or the making of the complaint is determined to be vexatious. Note: This outcome is rarely used.

DISCONTINUED (s13(2A))	This outcome is used when matter is discontinued because the Ombudsman has become aware that: a) an investigation under the Independent Commission Against Corruption Act 2012 or other criminal investigation is being conducted in relation to a matter, or b) a person has been or is to be charged with a criminal offence in relation to a matter.
INVESTIGATION OUTCOME - NOT SUBSTANTIATED - PARTIALLY SUBSTANTIATED - SUBSTANTIATED	This outcome is used where the Ombudsman has completed an investigation and has formed a view as to the substantiation of the matter subject to investigation.
OMBUDSMAN COMMENT WARRANTED	This outcome is used where no error has been found, but an issue worthy of the Ombudsman's comment has been identified.
OSA DECISIONS - INTERNAL REVIEW - OUTCOME CONFIRMED - OUTCOME VARIED	This outcome is used where an internal review has been completed in relation to an Ombudsman SA decision and the original decision has been confirmed, varied, or substituted as relevant.
OSA DECISIONS - NO INTERNAL REVIEW	This outcome is used where there was a request for an internal review, but the Ombudsman or Deputy Ombudsman (as relevant) did not consent to commencing a review.
OSA SERVICES - NOT SUBSTANTIATED - PARTLY SUBSTANTIATED - SUBSTANTIATED	This outcome is used where a complaint about the service provided by Ombudsman SA has been considered and records whether the complaint has been substantiated.
OUT OF JURISDICTION / 12B – COMPLAINANT NOT DIRECTLY AFFECTED	This outcome is used where the complainant is not directly affected by the subject administrative act and thus the act is outside the jurisdiction of the Ombudsman. Note: - This outcome does not apply to a complaint relating to alleged misconduct or maladministration, which may be made by any person - The Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People and the Guardian for Children and Young People may make a complaint under the Ombudsman Act despite the fact they are not directly affected by the act to which the complaint relates.
OUT OF JURISDICTION / 13(3) – STATUTORY OR LEGAL REMEDY	This outcome is only used when: - the agency being complained about is within jurisdiction but - the complainant has a right of appeal, reference, or review with another body

	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)). Reasons for the outcome and details of the other agency must be recorded.
OUT OF JURISDICTION / AGENCY NOT WITHIN JURISDICTION	This outcome is used where the agency complained about is outside the jurisdiction of the Ombudsman, for example, as it relates to a Commonwealth agency.
OUT OF JURISDICTION / JUDICIAL OFFICER CONDUCT	This outcome is used where the act complained about relates to the conduct of judicial officers outside of the exercise of judicial authority.
OUT OF JURISDICTION / NO ADMINISTRATIVE ACT	This outcome is used where the complaint does not relate to an administrative act as defined in section 3 of the Ombudsman Act and is not otherwise misconduct or maladministration.
OUT OF JURISDICTION / SAPOL OFFICER CONDUCT	This outcome is used where the act complained about relates to the conduct of South Australia Police Officers.
OUT OF JURISDICTION / 12C – OUT OF TIME	This outcome is used where a complaint has been made after 12 months from the day the complainant first had notice of the matters alleged in the complaint and the Ombudsman is not of the opinion that, in all the circumstances of the case, it is proper to entertain the complaint.
OWN INITIATIVE – DISCONTINUED	This outcome is used where the Ombudsman commenced and then discontinued an own initiative investigation. Comments providing reasons for the discontinuation should be provided on the file.
REFERRAL WITHDRAWN BY OPI	This outcome is used where the OPI withdraws a referral it has made to the Ombudsman pursuant to section 18F of the Independent Commission Against Corruption Act 2012.
REPORT TO OPI	This outcome is used when a matter creates a reasonable suspicion of corruption requiring a mandatory report to OPI.
WITHDRAWN BY COMPLAINANT	This outcome means that the complaint has been withdrawn by the complainant. Note that although a complaint has been withdrawn by a complainant, the Ombudsman may decide to commence a separate, own initiative investigation.

Appendix D

Description of outcomes

RTW Act jurisdiction

OUTCOME	DESCRIPTION
RTW - ADVICE GIVEN	This outcome must only be used when: • giving advice that does not relate to a specific approach or complaint. • information has been received and only needs to be noted. *Note - more specific outcomes are preferable. Only use when matter is Cat 1 and no other outcome is suitable.
RTW - OUT OF JURISDICTION	This outcome is used where the complaint relates to a worker's compensation matter that relates to: • 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
OUT OF TIME	This outcome is used where the applicant or complainant has made their application or complaint outside of the relevant statutory timeframe for doing so.
RTW - COMPLAINANT CANNOT BE CONTACTED	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. Where a white telephone contact slip is responded to, this outcome is used when: • 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. All attempts to contact the complainant must be clearly recorded.

RTW - REFERRED BACK TO COMPENSATING AUTHORITY	This outcome is used usually during the assessment phase, but may be used in the investigation phase. 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. See s5(1)(a) of schedule 5, Return to Work Act. Reasons for the outcome must be recorded.
RTW - ALTERNATE REMEDY AVAILABLE WITH ANOTHER BODY	This outcome is only used where the complainant has right of appeal, reference or review with another body such as the SAET.
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 OTHER GOOD REASONS (s12H(1)(c))	This outcome is used for a complaint where the Ombudsman decides not to take action in respect of the complaint, because the Ombudsman has determined it would not be in the public interest to do so.
RTW – DECLINED - PREVIUSLY DEALT WITH (s12H(1)(c))	This outcome is used where the Ombudsman assesses that the matter has already been dealt with by the Ombudsman or another appropriate authority and declines to investigate on that basis.
RTW – REFERRED TO OTHER AGENCY (s12H(1)(b)	This outcome is used where the Ombudsman has assessed that the issue constituting the complaint is more appropriately dealt with by another agency and declines to investigate on that basis.
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 - 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 E

Description of outcomes

FOI Act jurisdiction

OUTCOME	DESCRIPTION
APPLICATION DISMISSED BECAUSE OF LACK OF COOPERATION OF APPLICANT (s39(8))	This outcome means the Ombudsman considers the Applicant has failed to comply with section 39(7) by failing to cooperate in a process proposed by the Ombudsman for the conduct of the review.
FOI APPLICATION FOR REVIEW 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.
APPLICATION FOR REVIEW WITHDRAWN FOLLOWING OSA INTERVENTION	This outcome means that during the course of an external review, the applicant was satisfied with informal actions taken by the Ombudsman and the applicant indicated that they did not need to continue with the review. For example, the agency may have decided to disclose documents or information sought by an applicant after being notified of an external review, or the Ombudsman may have clarified an issue for the applicant and the applicant no longer considered an external review to be necessary. This outcome does not include instances where the applicant withdrew an application for external review for reasons other than the Ombudsman's involvement, or where a formal settlement occurred under section 39(5)(c).
FOI APPLICATION SETTLED DURING REVIEW (SECTION 39(5))	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).
FOI DETERMINATION CONFIRMED (SECTION 39(11))	This outcome means that at the conclusion of the external review, the Ombudsman agreed (in whole) with the agency's determination (section 39(11)). *Note – the Ombudsman's reasons may differ from the agency (for example, a different exemption clause may apply).
FOI DETERMINATION REVERSED (SECTION 39(11))	This outcome means that at the conclusion of the external review, the Ombudsman disagreed (in whole) with the agency's determination (section 39(11)).

FOI DETERMINATION REVISED BY AGENCY (SECTION 19(2)(A))	This outcome means that all documents were released by the agency under section 19(2A) after the commencement of the external review. 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.
FOI DETERMINATION VARIED (SECTION 39(11))	This outcome means that at the end of the external review, the Ombudsman agreed in part and disagreed in part with the agency's determination (section 39(11)).
FOI EXTENSION OF TIME FOR APPLICATION FOR REVIEW (SECTION 39(4)) DISCRETION NOT EXERCISED	This outcome means that the Ombudsman did not exercise her discretion to accept an external review application out of time under section 39(4).
FOI FEES AND CHARGES: WAIVE / VARY / CONFIRM	These outcomes relate to an application to review FOI fees and charges under section 54(3). The Ombudsman may waive, confirm or vary the fee or charge.
NO DOCUMENT IN SCOPE	This outcome means that during the course of an external review, it came to light that the agency did not hold documents within the scope of an initial application for access. No practical outcome would have been achieved by continuing the external review and the Ombudsman declined to confirm, vary or reverse the agency's determination.
OUTSIDE OF JURISDICTION	This outcome means the agency subject of the FOI application is not an agency, or is an exempt agency. The outcome is also relevant when the applicant seeks the external review before they have sought or finalised internal review processes, and hence the Ombudsman is unable to undertake an external review.
PROCEEDINGS SUSPENDED (s39(5)(c)(ii))	This is a provisional outcome where a matter has been suspended to allow an opportunity for a settlement to be negotiated. Once settlement negotiations have concluded, a matter will be conclusively finalised by way of a settlement outcome, a determination or withdrawal of the application.

Appendix F

Strategic Plan 2024-26

Strategic Plan 2024-26

OmbudsmanSA

Ombudsman SA provides robust and independent oversight of state and local government to ensure fairness, integrity and transparency in public administration.

For this planning period Ombudsman SA will continue to provide effective complaint resolution, conciliation, investigative, and Freedom of Information review functions. Ombudsman SA will increase its investment in its proactive functions including audit, evaluation, training and education.

The goals and objectives below serve as our guide for action for 2024-2026.

GOAL 1: Ensure fair outcomes for members of the public in their interactions with government

Objectives

1.1 Achieve fair outcomes for complaints as quickly as possible.

1.2 Educate the community about what we can do to help.

1.3 Be responsive to the needs of all communities.

1.4 Engage with and be responsive to the needs of First Nations people.

1.5 Take action in response to systemic issues.

GOAL 2: Ensure government acts with integrity and fairness in providing services to the public

Objectives

2.1 Government agencies understand our role and our expectations of good administration.

2.2 Communicate with agencies in a way that best achieves efficient and effective outcomes.

2.3 Prevent and minimise integrity breaches and promote fair decision making by:

2.3.1 providing guidance to agencies, and

2.3.2 using evaluations, audits and investigations to influence cross-agency practice.

GOAL 3: Our decisions and practices are data-driven

Objectives

3.1 Enhance and use our internally available data throughout our work.

3.2 Use agency and open-source data to inform our work.

3.3 Explore the potential impact of AI on our business.

GOAL 4: Continue to improve how we deliver our functions

Objectives

4.1 Value and develop our people.

4.2 Deliver outcomes that are timely, meaningful and maximise impact on public administration.

FAIRNESS **INTEGRITY** **TRANSPARENCY**

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

OmbudsmanSA

Contacting Ombudsman SA

Our business hours are
10.00am - 4.00pm, Monday to Friday

Level 8
95 Grenfell Street
Adelaide SA 5000

Telephone 08 7322 7020
Toll free (outside metro area) 1800 182 150

www.ombudsman.sa.gov.au