

OMBUDSMAN SA/AGENCY FILE REFERENCE NUMBERS JULY 2009 - MARCH 2013

State Government Agencies

1. AGENCY: State Procurement Board
MATTER: Unreasonable tender process for Across Government Printing Services
Ombudsman reference: 2010/00023
Agency reference: SSSA09-1715 PT 01
2. AGENCY: Department of Education and Children's Services
MATTER: Inadequate investigation of complaint
Ombudsman reference: 2010/00212
Agency reference: MC 09/1596
3. AGENCY: Adelaide Health Service Incorporated, representing the Flinders
Clinical Research Ethics Committee
MATTER: Failed to properly consider an application and unreasonable delay
in making a decision on the application
Ombudsman reference: 2011/00278
Agency reference: IIAH0203
4. AGENCY: Department of Education and Children's Services
MATTER: Unlawful imposition of materials and services charge
Ombudsman reference: 2011/03723
Agency reference: CE2011/0459
5. AGENCY: Department for Correctional Services
MATTER: Unlawfully charged a prisoner with a breach of the regulations
Ombudsman reference: 2011/04061
Agency reference: CEN/01/0781
6. AGENCY: SA Water Corporation
MATTER: Unreasonable charge for mains water to be connected to the
complainant's property
Ombudsman reference: 2011/05523
Agency reference: 11/12391
7. AGENCY: Department for Correctional Services
MATTER: Unreasonable destruction of property
Ombudsman reference: 2010/00218
Agency reference: CEN/08/1789 Pt 2
8. AGENCY: Department of Treasury and Finance
MATTER: Failure to give reasons regarding an assessment of land tax
Ombudsman reference: 2010/00695
Agency reference: T & F 10/18 73
9. AGENCY: Department for Environment and Natural Resources
MATTER: Misleading advice regarding the effect of a heritage agreement on
the complainant's land
Ombudsman reference: 2010/05974
Agency reference: DENR 01/11/0274
10. AGENCY: Department for Correctional Services
MATTER: Unreasonable financial charge and misrepresentation of surcharge
on items purchased from prison canteen
Ombudsman reference: 2011/01250
Agency reference: CEN/10/0554

11. AGENCY: Courts Administration Authority
Department of Planning, Transport and Infrastructure
MATTER: CAA failed to inform DPTI of offences and unreasonable decision by DPTI disqualify licence
Ombudsman reference: 2011/05543
Agency reference: 2008/08141/01
12. AGENCY: Department for Correctional Services
MATTER: Unreasonable treatment of prisoner Fyfe
Ombudsman reference: 2011/06117
Agency reference: CEN/86/0111 Pt 6
13. AGENCY: Department for Correctional Services
MATTER: Restraining and shackling of prisoners in hospitals
Ombudsman reference: 2011/04720
Agency reference: CEN/07/1931
14. AGENCY: Department of Treasury and Finance
MATTER: Unreasonable refusal to provide refund/financial compensation for overpaid land tax
Ombudsman reference: 2011/07673
Agency reference: REV10/0818
15. AGENCY: Department for Correctional Services
MATTER: Alleged unauthorised opening of mail
Ombudsman reference: 2011/08104
Agency reference: CEN/11/1500 Pt 2
16. AGENCY: Office of Consumer and Business Affairs
MATTER: Failure to provide notification to licence holder to produce photograph and to respond to request to waive the penalty
Ombudsman reference: 2011/08877
Agency reference: CEO 12/0013
17. AGENCY: Department for Correctional Services
MATTER: Unreasonable delay in transferring prisoners' property and unreasonable management of complainant's requests for his property
Ombudsman reference: 2012/00110
Agency reference: CEN/12/1181
18. AGENCY: Consumer and Business Services
MATTER: Failure to properly notify complainant that the agency was postponing assessment of his application
Ombudsman reference: 2012/00157
Agency reference: CBS 610/12-00037
19. AGENCY: The Health and Community Services Complaints Commissioner
MATTER: Alleged failure to conduct appropriate investigation
Ombudsman reference: 2012/02681
Agency reference: 004945(MD)
20. AGENCY: Department of Water, Land and Biodiversity Conservation
MATTER: Failure to enforce requirement to backfill a leaky well
Ombudsman reference: 2010/00101
Agency reference: 10WLB03348
21. AGENCY: Department for Families and Communities
MATTER: Improper disclosure of information
Ombudsman reference: RAEMOC 077616
Agency reference:

22. AGENCY: Environment Protection Authority
MATTER: Unreasonable decision to issue emergency authorisation
Ombudsman reference: RAEMOC 079637
Agency reference:
23. AGENCY: Super SA Board
MATTER: Wrongfully threatened to suspend the complainant's pension
Ombudsman reference: 2012/04341
Agency reference: SUP09/0560
24. AGENCY: SA Ambulance Service
MATTER: Unreasonable requirement to disclose identity details
Ombudsman reference: 2012/02671
Agency reference: SAHC-13547
25. AGENCY: Department for Correctional Services
MATTER: Refusal to honour ex gratia payment, no reasons given for decision in relation to ex gratia payment.
Ombudsman reference: 2011/02040
Agency reference: CEN/10/1084
26. AGENCY: Department of Education and Children's Services
MATTER: Unreasonable decision to exclude father from school premises without giving a reason
Ombudsman reference: 2011/05858
Agency reference: CE2012/00243
27. AGENCY: Consumer and Business Services
MATTER: False information released by the agency to the media
Ombudsman reference: 2012/06361
Agency reference: 601/12-00065
28. AGENCY: The Health and Community Services Complaints Commissioner
MATTER: Unreasonable investigation of complaint
Ombudsman reference: 2012/04503
Agency reference: 004549
29. AGENCY: SA Ambulance Service
MATTER: Unreasonable assessment of hardship application
Ombudsman reference: 2012/04708
Agency reference: CEO OUT 2013 04 05-02
30. AGENCY: SA Housing Trust
MATTER: Failure to lodge bond in association with private rental assistance
Ombudsman reference: 2012/07008
Agency reference: 12T CEO/1625
31. AGENCY: Department for Correctional Services
MATTER: Unreasonable banning of the complainant from seeing his brother
Ombudsman reference: 2012/07682
Agency reference: CEN/12/1495
32. AGENCY: Veterinary Surgeon's Board
MATTER: Unreasonable investigation
Ombudsman reference: 2012/05362
Agency reference: C01/12
33. AGENCY: Department of Treasury and Finance
MATTER: Unreasonable management of FOI application
Ombudsman reference: 2012/09073
Agency reference: T & F 11/0579

34. AGENCY: Department of Further Education, Employment, Science and
Technology
MATTER: Breach of confidentiality
Ombudsman reference: 2012/07386
Agency reference: BRIEFC/12/2345

Local Government

1. AGENCY: City of Port Adelaide Enfield
MATTER: Unreasonable seizure and sale of a motor vehicle
Ombudsman reference: 2010/00042
Agency reference: 10LG0321
2. AGENCY: Town of Gawler
MATTER: Unreasonable commercial decision in relation to the proposed
construction of a community centre
Ombudsman reference: 2010/00055
Agency reference: CC10/2292
3. AGENCY: District Council of Tumby Bay
MATTER: Unreasonable change to Land Management Agreement
Ombudsman reference: 2010/00092
Agency reference: 10LG0352
4. AGENCY: Rural City of Murray Bridge
MATTER: Failure by councillors to disclose personal interests and withdraw
from council meetings
Ombudsman reference: 2010/02519
Agency reference: 10LG1102
5. AGENCY: District Council of Yorke Peninsula
MATTER: Failure to authorise a community group to remove trees from roadsides
Ombudsman reference: 2010/02944
Agency reference: 6455-2010-1
6. AGENCY: City of Holdfast Bay
MATTER: Unreasonable decision to retain a street tree
Ombudsman reference: 2010/03982
Agency reference:
7. AGENCY: City of Adelaide
MATTER: Wrongly failed to exercise discretion to accept a late objection to a
valuation of the complainant's property
Ombudsman reference: 2010/07529
Agency reference:
8. AGENCY: Regional Council of Goyder
MATTER: Alleged conflict of interest
Ombudsman reference: 2011/03644
Agency reference: 10.46.2.1
9. AGENCY: Adelaide Hills Council
MATTER: Unreasonable failure to implement a council resolution (amongst
other matters)
Ombudsman reference: 2011/05151
Agency reference: ICII/18446/09.67.6
10. AGENCY: City of Onkaparinga
MATTER: Alleged breach of caretaker conventions by publishing annual review
Ombudsman reference: 2011/05327
Agency reference:

11. AGENCY: Campbelltown City Council
MATTER: Failure to comply with statutory time frames and procedural requirements in the Development Act
Ombudsman reference: 2011/07157
Agency reference: 170/0832/10
12. AGENCY: District Council of Grant
MATTER: Unlawful decisions regarding uses of Land Management Agreements
Ombudsman reference: 2012/00146
Agency reference: ICR135416
13. AGENCY: District Council of Mount Remarkable
MATTER: Failure to properly approve and enforce the installation of a septic tank and grey water diverter
Ombudsman reference: 2010/00024
Agency reference: Wba 157FP185049
14. AGENCY: District Council of Yorke Peninsula
MATTER: Unreasonable delay in completing repairs to infrastructure located on complainant's land
Ombudsman reference: 2010/00047
Agency reference: 4558-2011-1
15. AGENCY: City of Port Lincoln
MATTER: Unreasonable administrative management of expiation notices
Ombudsman reference: 2010/00068
Agency reference: 10.46.1.2
16. AGENCY: City of Charles Sturt
MATTER: Unreasonable process regarding St Clair reserve land swap
Ombudsman reference: 2010/00143
Agency reference: 11/256193
17. AGENCY: Wakefield Regional Council
MATTER: Unreasonable management of land sale to Rising Sun
Ombudsman reference: 2010/01434
Agency reference: ILT15355
18. AGENCY: Wattle Range Council
MATTER: Alleged breach of caretaker policy and alleged failure to disclose an interest (change to LGA)
Ombudsman reference: 2010/06330
Agency reference: GF/10.46.1/1
19. AGENCY: City of Prospect
MATTER: Decisions made in relation to Code of Conduct complaint
Ombudsman reference: 2011/01419
Agency reference: C10/1239
20. AGENCY: Town of Gawler
MATTER: Unreasonable handling of information
Ombudsman reference: 2011/02521
Agency reference: CC10/2292 CR11/21738
21. AGENCY: Kangaroo Island Council
MATTER: Mayor wrongly failed to make employee incident reports (the subject of a special meeting) available to elected members
Ombudsman reference: 2011/02795
Agency reference: L2011/10.9.3

22. AGENCY: Light Regional Council
MATTER: Council failed to comply with the procedural requirements of the FOI Act in processing an FOI application and applied its confidentiality policy inconsistently
Ombudsman reference: 2011/02973
Agency reference: 235-07-001

23. AGENCY: Wakefield Regional Council
MATTER: Alleged conflict of interest
Ombudsman reference: 2011/04690
Agency reference: 10.46.1.1

24. AGENCY: City of Tea Tree Gully
MATTER: Unreasonable refusal to grant exemption to planting of tree on council verge
Ombudsman reference: 2011/06938
Agency reference: 03/1 C4/8

25. AGENCY: District Council of Yorke Peninsula
MATTER: Unreasonable denial of exemption from waste collection service charge
Ombudsman reference: 2011/07919
Agency reference: 1162-2011-0

26. AGENCY: District Council of Barunga West
MATTER: Alleged conflict of interest
Ombudsman reference: 2011/07946
Agency reference:

27. AGENCY: Campbelltown City Council
MATTER: Improper use of confidentiality order regarding a code of conduct allegation
Ombudsman reference: 2012/03666
Agency reference: B 1139

28. AGENCY: City of Salisbury
MATTER: Alleged unlawful disposal of tyres to company without development or EPA approval
Ombudsman reference: 2012/05139
Agency reference: 12LG0780

29. AGENCY: Flinders Ranges Council
MATTER: Failure to adhere to due process: Hawker solar lights
Ombudsman reference: 2012/05312
Agency reference: 12LG0595

30. AGENCY: District Council of Coober Pedy
MATTER: Breach of Whistleblowers Protection Act
Ombudsman reference: 2010/07205
Agency reference: 5LGR-116

31. AGENCY: City of Unley
MATTER: Unreasonable failure to allow representation at a DAP meeting
Ombudsman reference: 2010/00104
Agency reference: 10LG0424

32. AGENCY: District Council of Tumby Bay
MATTER: Unreasonable failure to have land properly valued
Ombudsman reference: 2010/00044
Agency reference: 11LG0071

33. AGENCY: City of Port Adelaide Enfield
MATTER: Unreasonable failure to manage claim for damage to property
Ombudsman reference: 2010/05214
Agency reference: HJW:kah
34. AGENCY: City of Holdfast Bay
MATTER: Failure to comply with section 237 Local Government Act
Ombudsman reference: RAEMOC 076333
Agency reference:
35. AGENCY: Mid Murray Council
MATTER: Unreasonable development approval
Ombudsman reference: RAEMOC 076744
Agency reference:
36. AGENCY: District Council of the Copper Coast
MATTER: Inadequate processes regarding neighbour's development
Ombudsman reference: RAEMOC 077071 & 078251
Agency reference:
37. AGENCY: City of Burnside
MATTER: Failure to provide documents
Ombudsman reference: RAEMOC 077841
Agency reference:
38. AGENCY: Port Pirie Regional Council
MATTER: Failure to enforce development conditions
Ombudsman reference: RAEMOC 079050
Agency reference:
39. AGENCY: Regional Council of Goyder
MATTER: Unreasonable development approval
Ombudsman reference: 2010/07383
Agency reference: 13.40.2.2
40. AGENCY: Kingston District Council
MATTER: Unreasonable charges for unauthorised work
Ombudsman reference: 2012/08265
Agency reference: 83/2013
41. AGENCY: City of Playford
MATTER: Unreasonable investigation of dog attack complaint
Ombudsman reference: 2012/06454
Agency reference: ea165029
42. AGENCY: City of Onkaparinga
MATTER: Failure to honour terms of lease agreement
Ombudsman reference: 2012/04706
Agency reference: GC2012-12
43. AGENCY: Wakefield Regional Council
MATTER: Failure to review confidentiality orders
Ombudsman reference: 2012/08372
Agency reference: 10.46.1.1
44. AGENCY: District Council of Mount Barker
MATTER: Failure to consult regarding Aboriginal Heritage Sites
Ombudsman reference: 2012/04516
Agency reference: 12/077918

45. AGENCY: City of Playford
 MATTER: Unlawful disposal of tyres to company without development approval or EPA licence
 Ombudsman reference: 2012/098471
 Agency reference: ea165347
46. AGENCY: District Council of Yorke Peninsula
 MATTER: Unreasonable outcome of section 270 review
 Ombudsman reference: 2012/09755
 Agency reference: 641-2013-1
47. AGENCY: City of Onkaparinga
 MATTER: Alleged failure to enforce ERD court condition
 Ombudsman reference: 2012/04715
 Agency reference: 2578267

Universities

1. AGENCY: University of Adelaide
 MATTER: Elder Conservatorium failed to comply with its stated audition requirements
 Ombudsman reference: 2011/07881
 Agency reference: 2011/7958
2. AGENCY: University of South Australia
 MATTER: Unreasonable preclusion from UniSA as student 'at-risk'
 Ombudsman reference: 2011/08108
 Agency reference:

Administrative Audits

1. AGENCY: Local Government
 MATTER: Audit of complaint handling in SA councils.
 AUDIT FILE: 2011/02394
2. AGENCY: Department for Correctional Services
 MATTER: An audit of prisoner complaint handling in the South Australian Department for Correctional Services.
 AUDIT FILE: 2010/06157
3. AGENCY: Local Government
 MATTER: An audit of the use of meeting confidentiality provisions of the Local Government Act 1999 in South Australian councils.
 AUDIT FILE: 2011/07567-07588

Summary

- 81 investigations with recommendations for action
- 3 audits with recommendations for action
- Total recommendations = 217 (184 investigation & 33 audit)
- Total state government matters = 35 (34 investigation & 1 audit)
- Total local government matters = 49 (47 investigation & 2 audit)
- Total university matters = 2