



OmbudsmanSA

STATEMENT ON FORMAL RESOLUTION

Published under section 26 of *Ombudsman Act 1972*

30 July 2026

Agency obligations in handling complaints



Essential Insights

Transparency and responsiveness are essential to effective public sector service delivery and maintaining public trust, particularly where contracted providers deliver services on an agency's behalf.

Where agencies or contracted service providers fail to provide accurate advice, clearly explain the basis for decisions and policy interpretations, or adequately manage complaints, public confidence and service outcomes may be undermined. To mitigate these risks, agencies should ensure contractors clearly explain the basis of their decisions under agency policy, and that complaint and appeal pathways between contractors and the agency are clearly defined, effectively communicated to the public, and supported through appropriate staff training and guidance.

COMPLAINT

In South Australia, affordable housing applications may be managed by Community Housing Providers (**CHP**) under contract with SA Housing Trust (**SAHT**).

The complainant's affordable housing application to a CHP, on behalf of her son and his family, was refused on the basis that it did not meet SAHT's occupancy standards where the family's children were between 5 and 17 years of age and of different genders. The complainant was dissatisfied with the CHP's response to her request for it to clarify its interpretation of the occupancy standards and how this informed the refusal.

Following SAHT advice, the complainant then lodged a complaint with SAHT seeking clarification on the occupancy standards interpretation issue. Receiving no agency response, the complainant followed up and was advised that:

- the agency could not clarify the occupancy standards interpretation

- the agency could not overturn the CHP's determination
- the complainant should make a complaint to Ombudsman SA.

Subsequently, the complainant wrote to the Minister, raising the occupancy standards interpretation issue.

54 days after lodging a complaint with the agency, the complainant received a letter from the Minister affirming the accuracy of the CHP's decision based on the occupancy standards.

In response to enquiries by Ombudsman SA, SAHT advised that complaints about a CHP's decision are dealt with by the CHP's complaints process, rather than the agency. It also advised that, in accordance with agency practice, the complainant's agency complaint was superseded by a ministerial correspondence process that had been triggered by a letter from the complainant to the Minister, that it does not notify complainants this has occurred and that it considers the ministerial correspondence letter as the official response to the original complaint.

KEY OUTCOMES FOLLOWING THE OMBUDSMAN'S ASSESSMENT

At the assessment stage, Ombudsman SA considered that the SAHT appeared to have erred by:

1. advising the applicant to lodge an SAHT and Ombudsman SA complaint instead of using the CHP's complaint process
2. failing to notify the complainant that a response to her complaint would be delayed due to the ministerial correspondence process

Ombudsman SA was also concerned that the SAHT's publicly available guidance on occupancy standards did not clearly align with their intention; Ombudsman SA considered the standards as expressed to be ambiguous in the particular circumstances of the complainant's family.

Ombudsman SA determined that the matter could be resolved without an investigation. The agency agreed to take the following further actions to resolve the complainant's complaint and to prevent the issues from occurring again:

- Providing guidance and training to SAHT staff involved in complaint handling about complaint, escalation and appeal pathways for CHPs
- Advising relevant staff that a complainant must be notified when a ministerial complaint suspends their original complaint
- Writing to the complainant to:
 - advise of the steps SAHT would take to remedy the standards ambiguity
 - provide an explanation for the delay in responding to the complainant's agency complaint and an apology for failing to notify her that a response would be delayed due to the ministerial correspondence
- Amending the SAHT occupancy standards to make it clearer when children of different genders may or may not share bedrooms