



Government  
of South Australia

Housing Safety Authority



# Complaints and Referrals Policy

*2021 – 2023*

**UNCONTROLLED** if printed



# Document control sheet

## Document details

<b>Document Name</b>	Complaints and Referrals Policy
<b>Business Unit</b>	Housing Safety Authority
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## Custodian (for enquiries or amendments)

<b>Position</b>	Manager, Housing Safety Authority
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## Compulsory considerations

<ul style="list-style-type: none"> <li>This policy has been reviewed in its entirety for relevance and is up to date.</li> </ul>
<ul style="list-style-type: none"> <li>All feedback, issues and questions have been considered and addressed.</li> </ul>
<ul style="list-style-type: none"> <li>This policy complies with the SA Housing Authority Policy Framework and will meet all monitoring, review and evaluation processes required, at least every two years.</li> </ul>
<ul style="list-style-type: none"> <li>This policy has been designed and will be implemented in a culturally inclusive and competent way to reduce or eliminate, where possible, external barriers experienced by Aboriginal people when accessing support and services.</li> </ul>
<ul style="list-style-type: none"> <li>All records of policy development will be recorded in the Objective system in accordance with the SA Housing Authority Records Management Policy</li> </ul>
<ul style="list-style-type: none"> <li>Corporate and organisational risks have been considered and assessed.</li> </ul>
<ul style="list-style-type: none"> <li>Staff will be notified of any policy changes when approved.</li> </ul>



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## Introduction

The Housing Safety Authority (HSA) oversees the administration of the *Housing Improvement Act 2016* (the Act) and the *Housing Improvement Regulations 2017* (the Regulations), which requires residential premises to meet minimum housing standards within South Australia.

Re-branded in 2016 from the *Housing Improvement Branch*, the primary purpose of the HSA is to address minimum housing standards which expose occupants and visitors to a health or safety hazard.

This document sets out the policy adopted by the HSA into how notifications regarding alleged substandard properties are assessed and considered for further investigation.

## Strategic Goals

The strategic goals of the HSA include:

1. *Ensuring housing meets prescribed minimum housing standards*
2. *Imposing rent control on unsafe or unsuitable properties where necessary*
3. *Raising community awareness of minimum housing standards*

## Key stakeholders

The HSA liaises with key stakeholders as part of its business. Key stakeholders include, but are not limited to:

- Government departments, e.g.,
  - Consumer and Business Services
  - Environment Protection Authority
  - Local Councils
  - Local Government Association
  - Office of Housing Regulation
  - Office of Technical Regulator
  - SA Health
  - SA Housing Authority
  - SA Metropolitan Fire Service
  - SA Police
- Non-government organisations, e.g.
  - Aboriginal Family Support Services
- Community Housing Council of SA
- Community Housing Providers
- Landlord Association (SA)
- Ombudsman SA
- Real Estate Institute of SA
- RentRight SA
- Shelter SA
- Property agents
- Property tenants
- Property owners
- SA Civil and Administrative Tribunal
- Support Workers / Advocates



## Reporting a substandard property

The HSA receives notifications about the condition of residential premises from a variety of sources, including key stakeholders. If the notifier reporting the substandard property is acting on behalf of a third party, e.g., the tenant, the notifier will need to provide confirmation they are authorised to act on the party's behalf<sup>1</sup>.

If the notifier is renting a property, the notifier must have taken reasonable attempts to raise the issue(s) with their landlord or property agent. Landlords must be given reasonable opportunity to address the issue(s) which includes allowing reasonable access to carry out repairs.

Reasonable attempts to raise the issue(s) includes discussing them with their landlord or property agent and giving a written notice to carry out the repairs.

- If the property is privately owned, contact your landlord or property agent.
- If the property is public housing, contact the SA Housing Authority.
- If the property is community housing, contact the community housing provider.

If there has been no satisfactory resolution, and the issues identified pose a health or safety risk, the notifier can contact the HSA or complete the online '[Report a Substandard Property Form](#)'.

## What makes a property substandard?

Prescribed minimum standards are defined within the Act and the Regulations. Residential premises may be deemed unsafe or unsuitable for human habitation if their condition does not comply with the minimum housing standards and presents a health or safety risk. Some examples may include:

- Defective plumbing, gas or electrical services
- Hazardous materials – e.g., disturbed or damaged asbestos
- Inadequate access and egress in event of an emergency
- Inadequate draught proofing and weatherproofing
- Inadequate fire safety provisions
- Inadequate kitchen, bathroom, toilet or laundry facilities
- Inadequate security measures for screening visitors
- Poor lighting or ventilation
- Premises inadequately converted into a rooming house
- Premises not vermin proofed
- Significant mould
- Structures that are at risk of collapse

<sup>1</sup> The 'Authorisation for third party to act on behalf' form is available for download on the HSA website – [www.housingsafetyauthority.sa.gov.au](http://www.housingsafetyauthority.sa.gov.au)



## Assessing a complaint or referral

The HSA will assess the information or evidence received to ascertain whether there are sufficient grounds to substantiate further investigation. Additional information or evidence may be requested as part of the assessment process.

The HSA takes into consideration a range of factors when assessing a notification, including but not limited to:

- Is the property a residential premises as defined in the Act?
- Does the HSA have primary jurisdiction over investigating the complaint or referral?
- Does the complaint or referral provide tangible information or evidence of an alleged hazard or defect?
- Are there reasonable grounds to believe the hazard or defect is or is likely to expose an occupant or visitor to a health or safety risk?
- Are there reasonable grounds to believe the condition of a residential premises does not meet the minimum housing standards as prescribed by the Regulations and the property condition presents or is likely to present a health or safety risk to occupants or visitors?

## Further investigation

For information in relation to further investigation, refer to the HSA's Compliance and Enforcement Policy.

## Matters not investigation by the HSA

The HSA does not respond to matters listed below. Notifiers are encouraged to contact other appropriate authorities to resolve issues relating to:

- assistance with breaking lease
- compensation and applications for rent reduction
- maintenance concerns
- properties that are not defined as residential premises
- tenancy disputes between owner and occupant

## Withdrawing a complaint or referral

A notification may be withdrawn. However, the HSA will seek written confirmation from the notifier with reasons to substantiate their request. The HSA will consider the request together with information that is reasonably available to the HSA.

If the notification is withdrawn, the notifier will receive written confirmation of the decision. No further action will be taken by the HSA. This does not preclude a further notification being made. Examples where the HSA may withdraw a notification are:

- where the owner and occupant reach a mutually agreed resolution



- where severe and imminent risks are not identified
- defects have been repaired prior to inspection or an order being issued

If the notification is not withdrawn, the notifier will receive confirmation of the decision. The HSA will continue with the investigation. Examples where the HSA is likely to continue investigation are:

- where severe and imminent risks are identified
- an inspection has been conducted at the property
- orders have been issued

## Further Information

### Related documents

- *Housing Improvement Act 2016*
- *Housing Improvement Regulations 2017*
- Compliance and Enforcement Policy (2021 – 2023)

### Related contacts

#### Housing Safety Authority

☎ 1300 700 729  
 ✉ [housingsafety@sa.gov.au](mailto:housingsafety@sa.gov.au)  
 🌐 [www.housingsafetyauthority.sa.gov.au](http://www.housingsafetyauthority.sa.gov.au)  
 📮 GPO Box 1669, Adelaide, SA 5001

#### Consumer and Business Services (CBS)

☎ 131 882  
 🌐 [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au)

#### Ombudsman SA

☎ 08 8226 8699  
 🌐 [www.ombudsman.sa.gov.au](http://www.ombudsman.sa.gov.au)

#### South Australian Civil and Administrative Tribunal (SACAT)

☎ 1800 723 767  
 🌐 [www.sacat.sa.gov.au](http://www.sacat.sa.gov.au)

More information about minimum housing standards and substandard properties is available from:

🌐 [www.housingsafetyauthority.sa.gov.au](http://www.housingsafetyauthority.sa.gov.au)

Full copies of the *Housing Improvement Act 2016* and Regulations are available from:

🌐 [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)

