



Report

Full investigation - *Ombudsman Act 1972*

Complainant	██████████
Agency	South Australian Housing Trust
Ombudsman reference	2025/05563
Date complaint received	24 September 2025
Issues	1. Whether the SAHT erred in its response to the complainant's concerns about black mould contamination at her tenancy 2. Whether the SAHT erred in its handling of the tenant's complaint made in February 2024

Introduction

I received a complaint from Ms ██████████, a South Australian Housing Trust (SAHT) tenant about the SAHT's failure to address her concerns about black mould contamination at her tenancy at ██████████ (the property).

I will refer to Ms ██████████ as the 'complainant' throughout this report.

My investigation has identified that the complainant first reported that her property was contaminated with mould in February 2021. Over the years, the mould contamination has worsened significantly. Further reports have been made by the complainant to the SAHT, but the contamination was not addressed. Despite 'works orders' being raised by the SAHT, no substantive work to address the mould contamination had been carried out at the time of commencing my investigation in February 2026.

My investigation has also considered the SAHT's handling of complaints about mould contamination at the property.

My investigation has involved:

- Considering the information provided by the complainant.
- Seeking responses and information from the SAHT.
- Considering the *South Australian Housing Trust Act 1995*.

- Considering the *Housing Improvement Act 2016* and the *Housing Improvement Regulations 2017*.
- Considering the SAHT's policies and procedures, including:
 - Maintenance Policy
 - Maintenance Non-Access Procedure
 - Maintenance Accommodation Standards
 - Customer Feedback and Complaints Management Policy
 - Customer Feedback and Complaints Management Procedure
 - The Department for Premier and Cabinet 039: Complaints Management in the South Australian Public Sector.
- Preparing a provisional report and seeking submissions from the parties on my tentative views.
- Preparing this report.

Jurisdiction

The SAHT is a statutory corporation to which the Ombudsman Act applies.¹

The SAHT assists people to secure and maintain affordable and appropriate housing by acting as a landlord of public housing and managing various forms of public housing and providing private rental assistance, among other services to the South Australian public.

The SAHT has contracting arrangements with a number of contractors for the delivery of maintenance services to its tenants. The multi trade (head) contractors are responsible for the maintenance work and repairs to all SAHT properties, through the management of trades for a specific area. While I have jurisdiction to consider the conduct of a contractor,² it is the role of the SAHT to manage contractors, including ensuring that work is done in a timely and satisfactory manner. Further, the contractor is only able to undertake work as instructed by the SAHT in accordance with the details provided to it in a work order. While my investigation references the actions of the multi trade contractors, I have not considered whether the individual contractors engaged in error. Rather, I have focused on the SAHT's management of the maintenance work that was required to ensure that its tenant had safe housing.

Standard of proof

The standard of proof I have applied in my investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, I have considered the nature of the assertions made and the consequences if they were to be upheld. That decision recognises that greater care is needed in considering the evidence in some cases.³ It is best summed up in the decision as follows:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved ...⁴

¹ The Trust is an incorporated body continued in existence for a public purpose under the *South Australian Housing Trust Act 1995*; *Ombudsman Act 1972*, section 3.

² *Ombudsman Act 1972*, section 3(b).

³ This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

⁴ *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

Procedural fairness

I provided the SAHT and the complainant a copy of my provisional report, which outlined my tentative views in this investigation; being that the SAHT erred in its response to the complainant's concerns about black mould contamination at her tenancy, and in its handling of the tenant's complaint made in February 2024. I also provided the complainant a summary of my provisional views, to assist her in responding to my tentative views.

The SAHT advised that it broadly supported the provisional report and proposed recommendations. It has made comment on some aspects of my report, including my interpretation of a HSE Australia report, which tested contamination at the property. I have addressed these submissions in the body of my report where relevant.

The complaint also provided a response to my report. The complainant has advised that she is in 'complete agreement' with my provisional views.

The complainant also provided my office with a significant number of emails between her and the SAHT, which she considers supports my views. I have considered each email sent by the complaint. I have not altered the information in my report based on these emails as I am satisfied my report captures the complainant's attempts to raise her concerns with the SAHT about the mould contamination and its lack of response.

Background

1. Based on the information provided to my investigation, I have outlined a timeline of what action the SAHT has taken to address the complainant's concerns about mould contamination at the property.

Timeline - Action taken by the SAHT in response to concerns raised about mould contamination at the property	
Date	Event
5 Oct 2021	The complainant reported to the SAHT that there is mould in the property. A works order (WO 694571/1) is raised on 5 October 2021, ⁵ but closed on 25 October 2021 due to non-access to the property. The SAHT has told my office that a card was left for the complainant to contact the SAHT to arrange for another attendance.
15 Dec 2022	The complainant advised the SAHT that she has black mould inside the bathroom and the kitchen. A 'check and report' is raised and allocated a priority 3 status (WO 9 14647/1). ⁶ The records held by the SAHT do not include any record of what assessment was made following this check and report. It does not appear that another works order was made to carry out maintenance to address the mould contamination.
9 Feb 2023	The complainant reported to the SAHT that the mould in the property has worsened due to deteriorating gutters. On the records provided by the SAHT, the complainant reported that the gutters are 'moulding and deteriorating outside the bathroom. Water

⁵ A works order is a request for maintenance to be carried out on a SAHT property. It is raised by SAHT's maintenance team and directed to a contractor who attends the property to carry out the work.

⁶ A 'check and report' is raised when the SAHT needs to assess what maintenance may be required.

	is entering through the [edges] of the roof.' The complainant also advised the SAHT that she has a lung condition.⁷ The same day a works order (WO 939175/1 is raised and given a priority 3 status. The SAHT has advised that 'works were scoped but given a low priority.'⁸ It does not appear any substantive action to address the mould contamination was carried out in relation to this works order.
21 Mar 2023	A 'reminder to contractor' is recorded following the complainant's contact with the SAHT. It is recorded that 'no one has attend[ed] [the property].' The file note also records that the complainant advised she has 'lung issues.'⁹ It is not clear to me what is involved when the SAHT raises a 'reminder to contractor.' It appears that the works order was closed on 25 May 2023,¹⁰ however, on the SAHT's records it is not known if any substantive work was carried out. I note that the complainant continued to raise concerns about mould contamination.
5 Feb 2024	The complainant made a 'Feedback and Complaints' submission to the SAHT, relating to a Freedom of Information (FOI) application she made in 2023 and had not received an outcome. The complainant also submitted that 'black mould is infested in bathroom, kitchen, bedroom, outside and windowsills.'¹¹ The SAHT directed the complaint to its FOI business unit to action. The FOI determination was provided to the complainant on 6 February 2024.¹² Issues relating to the mould contamination appear to have been treated as a complaint. These issues were provided to the SAHT's Maintenance team through the Feedback and Complaints system, to address the concerns regarding maintenance.¹³
8 March 2024	A works order (WO 1125965/1) for a 'check and report' of the property was raised in response to '[Tenant] adv extensive [mould] on the walls ands (sic) ceilings causing T to have lung issues.'¹⁴ This check and report was completed on 17 June 2024.¹⁵ The SAHT's records do not detail what was recommended as part of this check and report.
14 June 2024	A follow-up works order (WO 1168482/1) was raised to paint the exterior of the property and to seal and re-align the roof gutters. This was completed on 27 September 2024.¹⁶ I understand that the work on the gutters was to address potential leakage issues causing the mould contamination, however I understand that the contamination itself was never addressed.

⁷ Dwelling Maintenance History, Responsive Maintenance request dated 9 February 2023.

⁸ Letter from the SAHT to Ombudsman SA dated 22 October 2025.

⁹ Customer Call Back Information for [REDACTED], record dated 21 March 2023.

¹⁰ Dwelling Maintenance History, Responsive Maintenance request dated 9 February 2023.

¹¹ 'Feedback and Complaints' submission dated 5 February 2024.

¹² Letter from the SAHT to Ombudsman SA dated 23 March 2026.

¹³ Letter from SAHT to Ombudsman SA dated 23 March 2026.

¹⁴ Dwelling Maintenance History, Responsive Maintenance request dated 8 March 2024.

¹⁵ Letter from SAHT to Ombudsman SA dated 22 October 2025.

¹⁶ Letter from SAHT to Ombudsman SA dated 22 October 2025; Dwelling Maintenance History, Responsive Maintenance request 14 June 2024.

8 Oct 2024	The complainant contacted the SAHT and advised that she has 'report[ed] mould in the bathroom for 4 years in the (sic) row... and nothing been done about (sic).' ¹⁷ It is recorded that the complainant advised the SAHT that the contamination had caused her to become very ill. The SAHT raises the contact as 'information for contractor' and requests that the lack of action be followed up with the contractor.
11 Nov 24	A works order (WO 1241892/1) is raised for 'further inspection of mould in the bathroom ceiling.' ¹⁸ The SAHT has advised this was a 'large works order relating to the mould and fascia' that included multiple trades attending throughout early 2025 to 'scope works.' On the records provided by the SAHT, I do not have details of what the 'scoping' referred to by the SAHT entailed and when this occurred. The target date for this works order was 9 December 2024.
12 Dec 2024	A record labelled 'information to contractor' is raised requesting the following: ¹⁹ **CONTRACTOR TO RESPOND** T is still waiting for mould to be addressed etc, following initial attendance. T frustrated by delay & lack of contact. ***HC Supervisor to call her urgently to discuss/confirm a date & time/ETA for works...as requested. Please action ASAP*** There is no record of any action occurring between December 2024 and March 2025.
March 2025	The SAHT advised my office that a variation was submitted in March 2025 for mould treatment, wall fracture repairs in the bathroom, and painting. ²⁰ However, on the records it has provided, it appears that the contractor requested that the request to 'treat mould area' be reviewed. The reason for the variation request was due to the treatment request being 'excessive' due the size of the room. ²¹ It appears that a new works order was submitted to seal 'new cornice bathroom and ceiling lining.' It does not appear any works order was also raised to treat the mould.
4 July 2025	The SAHT raised a reminder to the contractor in relation to WO 1241892/1 (the November 2024 works order) as 'T is still waiting for mould to be addressed.'
8 July 2025	The complainant advised her housing officer that she will be escalating her complaints regarding non-attendance by contractors and unsafe living conditions at her property. It is recorded that the complainant is seeking temporary accommodation. The SAHT requested that the head contractor contact the tenant urgently to discuss/confirm a date and time for works.

¹⁷ Customer Call Back Information for [REDACTED] dated 8 October 2024.

¹⁸ Letter from SAHT to Ombudsman SA dated 22 October 2025; Dwelling Maintenance History, Responsive Maintenance request 11 November 2024.

¹⁹ Customer Call Back Information for [REDACTED] record dated 12 December 2024.

²⁰ Letter from SAHT to Ombudsman SA dated 22 October 2025. I note that this variation has not been recorded in the complainant's Dwelling Maintenance History file.

²¹ Customer Call Back Information for [REDACTED] records dated 13 March 2025; 14 March 2025 and 14 March 2025.

6 Aug 25	A contractor attended the property in relation to WO 1241892/1, however no work was carried out. The SAHT has advised that the reasons the works order was not carried out was because:²² - The complainant turned away the contractor (verbally) stating that no further work should be undertaken until the ceiling/roof was replaced. The SAHT has advised that it had not been assessed by contractors that the roof required replacement. - The contractor also refused to undertake works due to the tenant allegedly smoking cannabis and the presence of drug paraphernalia. There is no record of the SAHT advising the tenant of its concerns until 23 October 2025.
1 Sep 25	The SAHT contacted the complainant in relation to her February 2023 complaint. It advised that the 11 November 2024 works order was raised to address the concerns raised in the complaint, but the works order was cancelled by the contractor.²³ It advised that the works were on hold as a review was underway. It appears that the SAHT considered this addressed the complaint from February 2023.
17 Sept 25	WO 1241892/1 (initially raised in November 2024) is closed. I understand this was due to the concerns raised by the contractor in August 2025.
20 Oct 25	The SAHT requested that the works order be 're-raised.' Its communication appears to suggest that the reason for re-raising the works order was due to involvement by my office and a Ministerial being raised.²⁴
23 Oct 25	The SAHT tenancy team leader telephoned the complainant and advised of the contractor's concerns about her alleged cannabis use during the contractor's attendance.
18 Nov 25	The head contractor advised the SAHT that works had not progressed since August 2025 due to its concerns in relation to the complainant allegedly smoking cannabis.
19 Mar 26	The head contractor attended the property to conduct a site inspection. The SAHT has advised that the purpose of this attendance was to conduct a 'fresh inspection' of its condition to identify underlying causes of the tenant's concerns and determine appropriate remedial actions. The SAHT has reported that the primary issues identified were mould, the condition of the tenant's roof and internal painting associated with mould remediation. The contractor recommended that a specialist be engaged to test the contamination at the property. I understand that this testing occurred on 9 April 2026. Other remediation works were recommended to address the cause of the mould.
April 26	The SAHT engaged HSE Australia to test the mould contamination at the property. A report delivered on 21 April 2026 found that there was active mould contamination on the bathroom ceiling, which registered at the highest 'condition 3' surface contamination level, as well as 'condition 1' surface contamination in the hallway

²² Letter from SAHT to Ombudsman SA dated 23 March 2026.

²³ Customer Feedback Direct Contact Action Summary for [REDACTED].

²⁴ Email chain between SAHT OCE and Maintenance dated 20 October 2025 re '[REDACTED]' - [REDACTED] - We need this WO re-raised by 11AM'

	carpet.²⁵ The report found that there were high concentrations of mould, which are measured against the Guidelines for Total Airborne Mould Spore Concentrations. The report found that remediation was necessary to address the contamination and restore normal fungal ecology within the property. In particular, HSE Australia has recommended that: • the contaminated gyprock in the bathroom ceiling be removed and remediated • the carpet and underlay in the bedroom, living room and hallway be removed and disposed of • cleaning of the areas of the property where mould spores have settled and contaminants are present • water damage restoration on the concrete subfloor • further testing is to occur post remediation to confirm the effectiveness of the remediation process.
April/May 2026	The SAHT has advised my office that the tenant will require Emergency Accommodation whilst it undertakes the recommended remediation works. At the time of writing the provisional report, the SAHT is working with her to arrange this. The SAHT has also told my office that the tenant has decided to rehome her dog as she is unable to care for it while she is in emergency accommodation.

Relevant law/ Policies

The role of SAHT and maintenance

2. Section 5(1) of the *South Australian Housing Trust Act 1995* outlines the functions of the SAHT. This includes:
 - (a) to assist people to secure and maintain affordable and appropriate housing by -
 - (i) acting as a landlord of public housing in the State; and
 - (ii) managing various forms of public housing in the State; and
 - (iii) providing private rental assistance; and
 - (iv) providing advice and referral on housing options and housing related issues; and
 - (v) supporting initiatives (within the various sectors) to increase the supply of affordable housing.
3. Section 5(3) of the Act also provides that:
 - (3) SAHT should -
 - (a) provide affordable, secure and appropriate housing that meets the needs of its clients; and
 - (b) ensure that rental housing provided by SAHT is well located, of adequate size and condition, **and meets reasonable standards of health, safety and security [my emphasis]**; and
 - (c) ensure that housing built by or for SAHT after the commencement of this Act incorporates modern standards of energy efficiency; and
 - (d) aim to provide housing that provides reasonable access to community services

²⁵ The HSE Australia report outlines that Surface Mould Contamination is based on a three tier scale, with 'condition 3' indicating actual growth.

4. The primary role of the SAHT is that of a landlord. It does not appear that its functions extend to providing social and wellbeing support to its tenants. However, the SAHT has an obligation to ensure that its rental housing 'meets reasonable standards of health, safety and security.'
5. Reasonable standards of health and safety are not defined under the SA Housing Trust Act. I have had regard to the minimum housing standards, which are prescribed under the *Housing Improvement Act 2016* and the *Housing Improvement Regulations 2017*. These standards must be met for a residential premises to be considered safe and suitable for human habitation and include:²⁶
 - the residential premises and any fixtures, fittings or other facilities provided with the residential premises must not present a health or safety hazard.²⁷
 - the residential premises must be reasonably free from mould or other irritants, structural disrepair or other adverse effects caused, or contributed to, by moisture or damp.²⁸
6. The minimum housing standards are applicable to all residential properties in South Australia, so include properties owned by the SAHT.
7. The SAHT *Maintenance Policy* and *Maintenance Accommodation Standards* (**the standards**) outline the types of maintenance that are the responsibility of the SAHT, and those which are the responsibility of the tenant. In relation to mould, the standards suggest that the SAHT has the responsibility to treat mould if it is caused by structural issues and to repair the affected area. It is a tenant's responsibility to treat basic mould contamination. I understand in this instance, the contamination at the property is extensive and is potentially being caused by issues with the complainant's gutters, causing water to leak into the property.
8. Maintenance is prioritised depending on how urgent it is. The policy outlines:

Priority 0
Maintenance requested by the SA Housing Trust to make a site safe in an emergency event, in line with emergency service attendance at a site, for example a gas explosion, vehicle impact, major fire.
Work starts within 45 minutes of it being reported and is completed within 5 hours. This response time is not available in all locations.

Priority 1
Maintenance that may affect someone's health and safety or makes a site unsafe, for example fully blocked or broken sewerage systems, broken door locks or uncontrolled burst hot or cold water services.
Work starts within 4 hours of it being reported and is completed within 5 business days.

Priority 2
Maintenance that causes a serious inconvenience to the tenant, for example a partially blocked toilet, or has the potential to be dangerous, for example absence of power, gas or water to the site.
Work starts within 24 hours of it being reported and is completed within 7 business days.

Priority 3
Maintenance work that's not urgent, for example refit a cupboard door or ease a door.
Work starts within 10 business days of it being reported and at a time agreed to with the tenant. It's completed within 20 business days.

Priority 4

²⁶ Housing Improvement Act 2016, section 5(1).

²⁷ Housing Improvement Regulations 2017, regulation 9(a)

²⁸ Ibid, regulation 15(j).

Repairs with a specific start or completion date as determined by the SA Housing Trust, for example programmed maintenance, vacant properties or maintenance that needs a specific start time.

9. The *Works orders procedures* outline how maintenance requests are raised and carried out at SAHT properties. Works orders are then to be completed in accordance with the maintenance policy and standards.
10. The maintenance required at the complainant's property was 'responsive maintenance,' which is described in the procedures as 'unplanned maintenance work needed because of an issue reported to the SA Housing Trust.'²⁹
11. I summarise the process for responsive maintenance as follows:
 - A tenant will report a maintenance issue to the SAHT. This is assessed by the SAHT's maintenance team and a 'works order' will be raised in Connect (the SAHT system for tracking maintenance requests). At this stage, the works order will be allocated a priority status in accordance with the Maintenance Policy. The work is to be carried out in the timeframe associated with the priority status.
 - If it is not clear from the tenant's report what work is required, a works order for a 'check and report' will be raised and carried out by a SAHT contractor. I understand the purpose of a 'check and report' is to determine what action may be required to address an issue that has been reported.³⁰
 - After the property has been inspected, and it has been determined that work is required, the contractor will request that a works order be 'varied' to include the required action.
 - That works order is then approved and the work is carried out by the contractor.
 - Once completed, the contractor will mark the works order as 'complete' in Connect.
12. I have also had regard to the SAHT's policies and procedures on complaint handling. I outline the following from the SAHT's Complaint Handling Procedure:

Customers can make a complaint or provide feedback in line with the Customer feedback and complaints management policy.

...

2 Responding to complaints and feedback

When the Office of the Chief Executive receives the complaint or feedback they:

- record it in Objective within 2 working days
- ensure the customer is sent an acknowledgement of their complaint or feedback within 5 working days, either through an auto-generated reply email or writing a letter
- assess it to determine the most appropriate course of action to take
- assign it to the most appropriate staff member in the relevant business unit for investigation and response
- provide a response template to the appropriate staff member if required
- follow up and escalate any overdue responses.

The staff member assigned to investigate the issue:

- gathers all relevant information and clarifies details, if required
- refers to the relevant contract manager of a contracted service (eg. homelessness or maintenance) for information and/or response where required
- seeks any approvals required

²⁹ Work Orders Procedures, Responsive Maintenance, page 4.

³⁰ Check and Report procedures

- implements approved actions to resolve the issue
- responds to the customer within the required timeframe, generally within 30 working days, either by making direct contact or by writing a letter
- updates the records in Objective and Connect if required
- actions the Objective workflow if required.

Whether the SAHT erred in its response to the complainant's concerns about black mould contamination at her tenancy

13. In forming my view as to whether the SAHT has erred in its handling of this matter, I have considered whether the SAHT took sufficient and timely action to ensure that its rental housing 'meets reasonable standards of health, safety and security.'³¹
14. While mould may not pose an immediate safety risk, it is well known that ongoing exposure can cause serious health issues. In this instance, the complainant raised with the SAHT, on several occasions, that the contamination at her property was impacting her health. It is also apparent on the tenant's reports to the SAHT that she was concerned that mould was causing structural damage to her property, which would suggest that the contamination went beyond 'basic mould contamination' that would be the tenant's responsibility. It is my view that the mould contamination at the property would not have met the minimum standards of housing as outlined above. Therefore, the SAHT had an obligation to address these concerns, within a reasonable timeframe.
15. When I commenced my investigation in February 2026, no works to treat the mould contamination at the property had been carried out since the complainant first reported the issue in 2021.
16. I acknowledge that at the time of writing my provisional report, significant progress has been made to address the complainant's reports about mould contamination at the property. Notably, the SAHT engaged HSE Australia to test the property and is working to follow its recommendations.³² The complainant has told my office that recent attendance by the contractor at her property was 'an absolute answer to a dream.' It is understood that the complainant was referencing this being the first time the SAHT had acknowledged the mould contamination at her property. While this matter now appears to be progressing, I find the lack of meaningful action before this point concerning.
17. From the timeline above, the SAHT attempted to complete works at the property when the complainant first reported contamination in 2021, however these works could not be completed due to non-access. The complainant was told to contact maintenance to arrange for contractors to attend the property and did not re-approach the SAHT about the issue until 2022.
18. From 2022 onwards, there is a pattern of works orders being raised following reports from the complainant about mould contamination. The works orders do not get carried out or are cancelled, without the reported issue being addressed. Each of these works orders were allocated a priority 3 status under the Maintenance Policy, so attempts should have been made to complete the works within 20 days of being raised. I note the following:
 - Works associated with the February 2023 works order were never carried out, despite the complainant following up and the SAHT initiating a 'reminder to contractor.' No further action occurred until a complaint was made a year later. I

³¹ Section 5(3)(b) of the South Australian Housing Trust Act.

³² HSE Australia Report dated 21 April 2026.

am particularly concerned that the complainant advised the SAHT with each contact that she has a lung condition, which is being affected by the mould contamination.

- The November 2024 works order was not completed, despite being subject to several follow-ups by the complainant. The SAHT has advised my office that it required 'scoping' by several contractors. However, there is no record of when this scoping occurred or what it entailed.
- No attempt is made to carry out the works associated with the November 2024 order until March 2025, at which point the contractor requested that 'mould treatment' be removed from the request. As I understand, the SAHT approves the final works order. It is not clear to me why this variation would have been approved, without any other attempt to treat the mould at a later stage.
- While contractors attended in August 2025, it is not clear if they intended to carry out mould treatment on the property, given the variation request. The works order was closed in September 2025 due to concerns raised by the head contractor.
- I am concerned that the works order was cancelled and then appears to have only been reopened as a result of involvement from my office and the Minister's office.³³ I also note that the concerns raised by the contractor were not discussed with the complainant until October 2025, creating a further delay in potential works being carried out.

19. I asked the SAHT to explain how it tracks the completion of works orders. It has advised that 'outstanding works orders are monitored through key performance indicator (KPI) reporting.'³⁴ However, only works orders with priority 1 and 2 status are subject to 'follow-up' when they are closed due to 'non-access.'
20. As the works orders in this matter all had priority 3 status, it does not appear they were subject to any automatic follow-up process by the SAHT, despite the health risks associated with the property's condition. As indicated above, the only follow-up on maintenance occurred when the tenant contacted the SAHT about the delay.
21. In circumstances where a property's condition poses a risk to a tenant, it is not acceptable for works orders to not be carried out, regardless of their priority status. While the SAHT appears to have followed-up with the head contractor on several occasions, this only occurred after contact from the tenant.
22. I consider that the above extends to issues relating to a tenant's behaviour. From the above, works orders were not carried out due to a contractor's concerns that the complainant was smoking cannabis and that she had refused access to the property. I note that the complainant has denied the allegation about drug use. The complainant also told my office that she refused access because contractors were proposing to paint over the mould or they had not provided notice of their attendance.
23. It may be open to a contractor not to carry out works if they consider it unsafe. I also acknowledge that works cannot be carried out if a tenant refuses access. Nonetheless, it is the responsibility of the SAHT to work with the tenant and contractor to achieve a clear path for maintenance to be completed, particularly when there are health and safety concerns. The SAHT has an obligation to ensure its housing meets reasonable

³³ An email chain provided to my office between SAHT Maintenance and the Regional Office dated 20 October 2025 references that the '[head contractor] has requested to cancel but there is a Ministerial on the job' and 'Ombudsman is very involved.'

³⁴ Letter from the SAHT to Ombudsman SA dated 23 March 2026.

standards of health, safety and security, which requires it to be satisfied that works orders relating to health and safety concerns have been completed and address the issues that have been reported. This has not occurred in this matter and has resulted in a 4-year delay for the complainant to have the mould contamination at her property addressed.

24. Further, I am not satisfied that the SAHT meaningfully assessed the issues at the complainant's property to be able to remediate it to a safe standard. The complainant has told my office that it was not until April 2026 that a contractor or the SAHT mentioned 'mould.' The complainant has raised concerns that none of the works orders that were raised were intended to address the mould contamination.
25. While the timeline above suggests that works were being raised after mould contamination was reported, it is not clear that the proposed works would have sufficiently addressed the issues. It does not appear that the SAHT had considered the cause of the mould contamination until March 2026. It also only engaged expert testing of the property by HSE Australia in April 2026.³⁵
26. I query how the SAHT could be satisfied that the proposed works addressed the issues at the property before testing occurred. I note that the above maintenance policy and works orders procedures require the SAHT to conduct a 'check and report' if it is not clear what maintenance is required. While this process is not detailed in its policies, it is my view that the SAHT should have engaged testing of the property at the outset of the contamination being reported.
27. I have reviewed the HSE Australia report, which was delivered on 21 April 2026 after it tested the property on 9 April 2026.³⁶
28. The report found that there was active mould contamination on the bathroom ceiling, which registered at the highest 'condition 3' surface contamination level, as well as 'condition 1' surface contamination in the hallway carpet.³⁷ The report found that there were high concentrations of mould, which are measured against the Guidelines for Total Airborne Mould Spore Concentrations. 'High' levels mean there is active mould contamination evident and that remediation is recommended.³⁸ Of note, the report states that:

While generally not considered toxigenic, exposure to *Cladosporium* [the mould present in the property] may cause allergic responses, respiratory irritation, and asthma exacerbation in sensitized individuals. In immunocompromised individuals, it may act as an opportunistic pathogen. Elevated indoor levels, particularly in conjunction with visible growth, are indicative of moisture related issues requiring remediation.
29. The report outlines that the mould contamination in the property is likely associated with elevated moisture levels and condensation. The report found that remediation was necessary to address the contamination and restore normal fungal ecology within the

³⁵ Email from the SAHT to Ombudsman SA dated 16 April 2026.

³⁶ My summary of the HSE Australia testing results has considered the SAHT's submissions, which clarified my interpretation of the testing results.

³⁷ The HSE Australia report outlines that Surface Mould Contamination is based on a three tier scale, with 'condition 3' indicating actual growth.

³⁸ HSE Australia Report dated 21 April 2026.

property. Recommendations have been made to treat the contamination and address its cause.³⁹

30. In response to my provisional report, the SAHT submitted that the mould found was localised surface mould growth and that, as the HSE Australia testing did not find visible evidence of water damage or microbial growth observed within the ceiling cavity, the mould contamination is associated with internal environmental conditions, such as elevated moisture levels and condensation created through bathroom use and tenant behaviour, as opposed to water ingress in the room. The SAHT submitted that the tenant had declined mould remediation works at the property, advising that the roof needed to be replaced first, and that this meant that the remediation works to address the mould were delayed.
31. I note the SAHT's submission and acknowledge that HSE Australia did not find water ingress in the ceiling at the time of its testing. However, based on the recommendations made by HSE Australia, I understand that it considers there is a risk of water ingress in the ceiling cavity if repair to the external guttering system is not carried out.⁴⁰ I also understand that HSE Australia's report has suggested that one of the causes of mould and elevated moisture levels is due to the property's lack of mechanical ventilation.⁴¹ This appears to be an issue with the property, rather than solely related to tenant behaviour as suggested by SAHT.
32. I do not consider the SAHT's submission that the tenant delayed remediation to the property due to her request for the roof to be fixed to alter my finding of error. I acknowledge that the SAHT's records indicate that the tenant refused work due to a request for the property's roof to be fixed. However, as outlined in the timeline above, this occurred during an attendance on 6 August 2025; almost 4 years after the concerns were first raised in 2021.
33. I am concerned that the complainant has been living in a property with high contamination levels for over 4 years, despite raising with the SAHT that she had a lung condition. I acknowledge that the passage of 4 years likely led to an increase in contamination across that period, but it is not acceptable that testing only occurred in April 2026.
34. Given the lack of substantive action to address the mould contamination at the property, it is my provisional view that the SAHT has failed to ensure that the property meets reasonable standards of health and safety. It is my view that the 4-year delay in addressing the safety concerns is unreasonable and has meant the SAHT is failing to meet its obligations to the complainant, amounting to an error under the Ombudsman Act 1972.

Opinion

35. In light of the above, my view is that the SAHT has erred in its handling of the complainant's concerns regarding black mould contamination at her property.
36. To remedy this error, I make the following recommendations under section 25(2) of the Ombudsman Act that the SAHT:

³⁹ Part 8 of the HSE Australia Report dated 21 April 2026.

⁴⁰ Ibid.

⁴¹ Ibid, part 5.0.

- 1) Immediately address the ongoing mould contamination issues at the complainant's property, in accordance with the recommendations made by HSE Australia. Ensure that each works order associated with the mould contamination is completed within a priority 3 timeframe, if not sooner and provide my office with updates on the status of the works.

The complainant has raised concerns with my office about remaining in the property while remediation occurs, given the health conditions she has raised. I recommend that the SAHT work with the complainant to manage the remediation works in the safest manner possible for her.

- 2) Implement a policy that ensures all works orders associated with a tenant's health and wellbeing are subject to sufficient oversight. This policy should ensure that:
 - the SAHT is satisfied that works have been completed before they are closed and that the works address the safety issues raised
 - works orders associated with health and safety issues cannot be cancelled by the contractor on grounds of tenant behaviour or non-access issues, without there having been attempts by the SAHT to manage these issues.
- 3) Implement a policy relating to mould contamination, which considers whether expert testing is to occur as part of the 'check and report' stage of a responsive maintenance request. Works orders are to align with the recommended remediation.

37. I note that the SAHT is working to carry out the recommendations made by HSE Australia and is providing my office with updates on this. I also understand it is working to move the tenant out of the property while this occurs. .

Whether the SAHT erred in its handling of the tenant's complaint made in February 2024

38. As outlined in the timeline above, the complainant complained to the SAHT about a lack of response to an FOI application that she had submitted in October 2023. In doing so, she again raised concerns that her property was infested with black mould, which the SAHT had failed to address. In addition to addressing the complainant's concerns about her FOI application, the SAHT also escalated the complainant's concerns about the lack of maintenance through its 'Feedback and Complaints' system.⁴² Seemingly, it was treating the lack of maintenance as a separate complaint (**the maintenance complaint**).
39. I have not considered the SAHT's handling of the applicant's FOI application as this appears to have been resolved. I have focused on its handling of the maintenance complaint, which it was required to address in accordance with its Complaint Handling Policy and Procedure. I have also had regard to the Premier's Circular on Complaint Management (**the Premier's Circular**), which agencies must consider in developing a complaint management system.
40. The SAHT's Complaint Handling Policy and Procedure requires assessment of a complaint by the SAHT's Office of the Chief Executive to determine the most appropriate course of action. This action is then assigned to an appropriate staff

⁴² Letter from the SAHT to Ombudsman SA dated 23 March 2026.

member in the relevant business unit for investigation and response. That staff member is then to resolve the issue.

41. The SAHT has told my office that for this matter, its 'action summary'⁴³ was not completed until 1 September 2025 and a response was not communicated to the complainant until this date. It is not clear to me whether the complainant was aware that the SAHT was treating her concerns as a complaint or what level of contact the SAHT had with her about her complaint. This is not consistent with its Complaint Handling Procedure or the Premier's Circular, which require timely responses to complainants. In particular, the SAHT's Complaint Handling Procedure requires a response to be provided within 'the required timeframe, generally within 30 working days.' While the issues may not be resolved during this timeframe, timely responses are to be provided. I note that the complainant contacted the SAHT on several occasions but has told my office she never received a response. It appears to have taken approximately 1.5 years for the SAHT to have communicated with the complainant about the maintenance complaint. This is a significant delay, which falls far short of the requirements in the procedure and the circular.
42. Further, the lack of action to address the mould contamination suggests that the issues in the maintenance complaint were not meaningfully considered by the SAHT in response to the complaint. I am concerned that the delay in completing the 'action summary' means that it did not properly turn its mind to the complaint until this point.
43. I am not satisfied that the SAHT considered the reasons for the delay and failures to carry out the works orders. As I have identified above, there was a lack of oversight by the SAHT of its works orders, which appears to have contributed to the significant delay and ongoing lack of action to address the mould contamination. The complaints process should be a way for customers to escalate issues; however, this cannot be achieved without a fresh assessment of the issues in question.
44. On the information I have been provided, it appears that the SAHT ended its consideration of the complaint after the November 2024 works order was cancelled. This was despite the works not being carried out and the mould contamination continuing. I do not consider the SAHT could have been satisfied that this addressed the issues in the complaint.
45. For the reasons I have identified above, I do not consider that the SAHT complied with proper complaint handling procedure in dealing with the maintenance complaint. There was a 1.5-year delay in communicating with the complainant; the issues at the core of the complaint do not appear to have been considered; and the SAHT ended its consideration of the complaint despite the issues remaining unaddressed. It is my provisional view that this amounts to an error under the Ombudsman Act 1972.

Opinion

46. In light of the above, it is my view that the SAHT has erred in its handling of its tenant's complaint made in February 2023.
47. To remedy this, I make the following recommendation that SAHT:

⁴³ I understand the 'action summary' is the SAHT's assessment of what is to occur following receipt of a complaint.

- 1) Amend its Complaints Handling Procedure to:
 - ensure that matters concerning health and safety issues at a property are considered and escalated within a timely manner
 - ensure that the issues being raised receive a fresh assessment
 - ensure that complainants receive timely contact about their complaint and proposed resolution.

Summary and Recommendations

In light of the above, my final view is that the following failures amount to error under the Ombudsman Act:

- the failure to ensure that the property meets reasonable standards of health and safety. The 4-year delay in addressing the safety concerns is unreasonable and has meant the SAHT is failing to meet its obligations to the complainant. I recommend that the SAHT:
 - 1) Address the ongoing mould contamination issues at the complainant's property and ensure that each works order associated with the mould contamination is completed within a priority 3 timeframe, if not sooner and provide my office with updates on the status of the works.
 - 2) Implement a policy that ensures all works orders associated with a tenant's health and wellbeing are subject to sufficient oversight. This policy should ensure that:
 - the SAHT is satisfied that works have been completed before they are closed and that the works address the safety issues raised
 - works orders associated with health and safety issues cannot be cancelled by the contractor on grounds of tenant behaviour or non-access issues, without there having been attempts by the SAHT to manage these issues.
 - 3) Implement a policy relating to mould contamination, which considers whether expert testing is to occur as part of the 'check and report' stage of a responsive maintenance request. Works orders are to align with the recommended remediation.
- the failure to comply with proper complaint handling procedure in dealing with the maintenance complaint. I recommend that the SAHT:
 - 1) Amend its Complaints Handling Procedure to:
 - ensure that matters concerning health and safety issues at a property are considered and escalated within a timely manner
 - ensure that the issues being raised receive a fresh assessment
 - ensure that complainants receive timely contact about their complaint and proposed resolution.

Final comment

In accordance with section 25(4) of the Ombudsman Act the SAHT should report to the Ombudsman by **30 September 2026** on what steps have been taken to give effect to the recommendations above; including:

- details of the actions that have been commenced or completed
- relevant dates of the actions taken to implement the recommendation.

In the event that no action has been taken, reason(s) for the inaction should be provided to the Ombudsman.

I have also sent a copy of my report to the Minister for Minister for Housing and Urban Development as required by section 25(3) of the *Ombudsman Act 1972*.

A handwritten signature in black ink, appearing to read 'Emily Strickland', with a stylized flourish at the end.

Emily Strickland
SA OMBUDSMAN

17 July 2026