IN THE CORONERS COURT
OF VICTORIA
AT SHEPPARTON

Court Reference: COR 2010 2037

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)
*Section 67 of the **Coroners Act 2008***

Inquest into the Death of: CHASE ROBINSON

Delivered On:	30 July 2013
Delivered At:	Coroners Court of Victoria Level 11, 222 Exhibition Street, Melbourne 3000
Hearing Dates:	18 March 2013 to 20 March 2013
Findings of:	JACINTA HEFFEY, CORONER
Representation:	Ms S. Hinchey was present to assist the Coroner Mr J. Murphy appeared on behalf of Energy Safe Victoria Mr R. Taylor appeared on behalf of the Building Commission Ms M. Britbart appeared on behalf of Youngs & Co. Mr M. Testhart appeared on behalf of the Watts Family Ms D. Foy appeared on behalf of Mr S. Robinson Mr J. Valiotis appeared on behalf of Ms V. Robinson

I, JACINTA HEFFEY, Coroner having investigated the death of CHASE ROBINSON

AND having held an inquest in relation to this death on 18 March 2013 to 20 March 2013
at SHEPPARTON
find that the identity of the deceased was CHASE ROBINSON
born on 5 February 2002
and the death occurred on 30 May 2010
at 37 Kalimna Drive, Mooroopna 3629
from:

1 (a) CARBON MONOXIDE POISONING

in the following circumstances:

1. Chase was aged 8 years old at the time of his death having been born on 5 February, 2002. He resided with his mother Vanessa and his six year old brother Tyler at a rental property at 37 Kalimna Drive, Mooroopna. His parents had been separated for about five years and had recently divorced. Their relationship was amicable, however, and they both shared the responsibility of raising their boys.

2. On Saturday, 29 May, both boys were put to bed at 8.30pm. Vanessa went to bed at around 10.30pm but was subsequently woken by a friend, Kristi Flintrop, who had called around. The two of them chatted and listened to music. They smoked cigarettes and opened the kitchen window from time to time to let out the smoke. Kristi left at about 3.45am after which Vanessa went back to bed, checking the boys on the way. At some stage later, the boys came into her room crying. She settled them in her bed and all went to sleep.

3. Throughout the night the gas wall furnace (open flued) located in the kitchen/dining area down the hallway from the bedrooms was operating. Both the heater and the fan were switched to the highest level.

4. Vanessa woke during Sunday afternoon with a severe pain in her left arm. She had soiled herself. She managed to get to the shower in the adjoining ensuite and upon returning to the bedroom noticed that both boys were unrouseable and appeared deceased. She telephoned their father, Scott, who immediately went to the house and then an ambulance. Police attended, followed by the ambulance. No resuscitation was attempted as it was evident that the boys were deceased. Vanessa was observed by ambulance and police officers to be in pain

and disoriented, at one point seated with her legs shaking uncontrollably and continually wiping her hands together. After being taken to Shepparton Police station, she was medically assessed as being "unfit for interview". She was then taken to Goulbourn Valley Health and subsequently flown to St Vincent's Hospital in Melbourne for further treatment.

5. Autopsies were conducted on each boy and toxicological analysis revealed that the cause of death was ingestion of carbon monoxide. Vanessa Robinson has residual problems arising from her own exposure to carbon monoxide. Carbon monoxide (CO) is a toxic gas, but being colourless, odourless, tasteless and non-irritating it is very difficult for people to detect when exposed to it. It is the product of incomplete combustion due to insufficient oxygen supply.

6. A series of tests were conducted at the premises to get readings of the carbon monoxide issuing from the installed IXL Finesse 10862 gas wall furnace. The premises had five extractor fans: a "rangehood" in the kitchen, and an extractor fan each in the ensuite attached to the master bedroom, in the bathroom, in the laundry and in the toilet off the hallway. On the **4/5 June** when testing with monitoring equipment was conducted by Gas Technology Services (a trading division of Vipac Engineers and Scientists Limited) over several hours, it was found that when the gas heater and fan were turned on to full, and *with no extractor fans operating,* the presence of carbon monoxide within the flue assembly, as measured at the flue cowl, was measured at more than 10,000 parts per million (ppm). (An expected concentration for a warmed up appliance is only several tens of ppm).[1] This observation led to the comment that "there is something seriously amiss with the combustion within this appliance".[2]

7. In testing on the **10/11 June**, when external weather conditions better matched those that obtained on the 29/30 May, with a *single* exhaust fan operating within the house and the gas heater and fan on full, the draw from the flue was matched by the suction of that exhaust fan. The carbon monoxide levels in the house were at 30-70 ppm but not at a level that was dangerous to human health.[3] When *two* exhaust fans within the house were operated over two hours, the presence of carbon monoxide *within the bedrooms* was recorded at 800 parts per million. It was hypothesised that had that scenario continued, after around three hours the

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[1] See Evidence of Ian Jones -Transcript P 213 Lines 8-25.

[2] Exhibit F3 P 7. Transcript P 179 Lines 3-4.

[3] See Transcript P 184 Lines 1-4.

concentration may well have exceeded 1000 ppm. (stabilising at between 1000ppm and 2000 ppm after five hours).[4]

8. When *multiple* extractor fans were switched on three hours later, the combustion products were no longer observed at the flue cowl – from which it could be deduced that all the combustion products were spilling into the house.

9. The heater was dismounted and then re-assembled with further testing being conducted at the Australian Gas Association test laboratory. Mr Enzo Alfonsetti provided an expert opinion to the Coroners Office which confirmed that emissions of carbon monoxide from the heater were extremely high. This was considered to be caused by a thick layer of built up soot within the heat exchanger. Once cleaned, the emissions were at an acceptable level. Testing revealed that the presence of foreign matter, (such as dust or carpet lint) partially or wholly blocking the main burner primary air opening, could have reduced the amount of air in the primary supply and disturbed the ratio of air to gas, thereby producing carbon monoxide.

10. The gas heater had been originally located in the lounge room but had been re-located by the landlords, Jeffrey and Tracey Watt in about 2002 to the dining-kitchen area. Energy Safe Victoria determined that the heater had been installed correctly and in compliance with the relevant Standard AS 5601. When Mr and Mrs Watt had moved into the house in late 2000, there were two extractor fans, apart from the kitchen rangehood, in the bathroom and in the ensuite off the master bedroom. At some point after this, they had two additional extractor fans installed: one in the toilet off the passageway (no independent operation of fan/light switch) and one in the laundry (with a separate switch for the fan). Later again, Mrs Watt noticed a line of soot beneath the heater and arranged to have it cleaned. This occurred in either 2004 or 2005. There is no clear evidence that it was serviced or cleaned after this date.

11. The Watts vacated the house and rented it to Vanessa Robinson through the agency of Youngs and Co. Pty. Ltd in 2008. The heater therefore had not been serviced/cleaned for at least two years at the time the house was leased. It has not been possible to locate or identify the firm that was engaged to clean the furnace on the last occasion, as there are no longer any invoices or receipts in existence and the Watts have no recollection of the name of the firm. Youngs and Co conducted periodical inspections and were authorised to spend up to $1000 on any

[4] Exhibit F2 P.11.

urgent repairs. In terms of the gas heater, this involved nothing more than a visual inspection and in the absence of any complaint by the tenant, nothing further was done in this regard.

12. Connie Young, a director at Youngs and Co., with 27 years of experience in managing properties, produced a pro forma letter that her firm sent to Mr and Mrs Watt on three occasions during the Robinson tenancy in which it was recommended, inter alia, that there be a regular "service of gas and electric heaters". She told the court that this letter was sent out after routine inspections conducted on behalf of all the landlords on their books. The main intention behind that particular recommendation was to promote the longevity and efficient working of the heaters rather than safety of the appliances. Since 2011, arising out of the tragic deaths of these two young boys, her firm now writes to landlords seeking permission to service gas appliances "on their behalf" every two years. All but about five percent of landlords on their books have taken up the offer. Those who have chosen not to take it up have indicated that since it is not "legislated" and "they are not forced to do it" they choose not to do it.[5]

13. The furnace in question is known as an "open-flued" gas wall furnace; that is to say: it has a flue that conveys product through the roof space to the atmosphere outside.[6] It has an atmospheric burner ignited by a pilot burner. The gas injected when the furnace is turned on draws in ambient air through the primary air inlet mixing the air and gas in the correct proportions to produce combustion. The heat so created after ignition of the burner travels up the appliance through a metal heat exchanger. A fan entrains room air through the draft diverter situated near the upper front louvers which air is heated as it passes over the external surface of the heat exchanger and is then discharged from the front lower louvers into the room.

14. If carbon monoxide is produced, in an open flued gas appliance, this product will travel through the heat exchanger. Incomplete combustion creating carbon monoxide will occur if there is some contaminant obstructing the primary air inlet, such as carpet lint, which in turn will produce soot, which in turn will further impede the air inlet. In the absence of any negative pressure (for example if no extractor fans were operating), most of the CO would be

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[5] Transcript P112-113.

[6] The Allen Consulting Group Report dated May 2012 "The Risk of carbon monoxide poisoning from domestic gas appliances" noted that 20% of households had open flue or "natural draught" gas heaters which represents 1,729,524 households and estimated exposed population of 4,524,120 people.

expected to travel through the flue to the flue cowl and into the atmosphere. The operation of extractor fans within the well-sealed residence, the testing showed, had the effect of creating negative pressure resulting in a reversal of air-flow drawing spillage of carbon monoxide not vented through the flue up towards the top louvers and into the room.[7]

15. The testing conducted by Mr Ian Jones of Gas Technology Services revealed that as the CO was drawn along the passageway of the house, it spilled into any room with an open door and would have stayed at a high level; in the circumstance that a door was shut, the spillage into that room would not have occurred. It is not known which doors were closed during the night in question but it would appear from the diagram provided that there was open access to the main bedroom where all three occupants were sleeping.

16. Mr Alfonsetti, as referred to in paragraph 9 above, has been a mechanical engineer since 1982 and is the Manager for Type A Gas Appliance Safety at ESV. When he first saw the heater in its disassembled state at Shepparton Police Station, he saw evidence of lint in the rear register inside of the control panel, the ventilation fan blades, inside the electrical terminal board housing, at the primary air opening to the burner and over the gas control. There was also evidence of soot in the primary flue and the secondary flue, in the flue cowl, inside the burner and heavy deposits of soot in the heat exchanger and at the primary air opening to the burner.

17. Once re-assembled, and prior to cleaning the heat exchanger, when the appliance was operated, the emissions of CO from it were extremely high (more than 3000 ppm). The heat exchanger was then cleaned. In follow-up testing, when a foreign object was positioned between the main burner injector and the main burner primary air opening to disturb the flow of gas and air into the burner, the test results indicated that high levels of soot were produced along with an unacceptably high level of carbon monoxide.[8]

18. Mr Alfonsetti concluded that high levels of soot and CO may have developed over the course of time from foreign matter (eg lint) that may have positioned itself in the region between the gas injector and the primary air opening in the main burner. The soot would have built up over time inside the heat exchanger thus further restricting the passage of flue products to the outside atmosphere via the flue. This further blockage would have resulted in further CO being produced. He also considered that there may have been quenching of the burner flame

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[7] Transcript P 341 Lines 28-31.

[8] See Page 6 of Exhibit H1.

caused by the partial blockage of the burner which, in turn, would have lead to the production of more carbon monoxide gases. Prior to the cleaning of the heat exchanger the burner flame was noted to be luminous (yellow) and extended up to the heat exchanger.

19. Mr Paul Bonsak from Energy Safe Victoria,("ESV") Executive Manager of Gas Installation and Appliance Safety (a licenced gas-fitter with over 40 years in the industry) told the court that open flued products are still far more common than room-sealed appliances both already installed and for sale on the market. He said that if open flued appliances are installed correctly and maintained correctly there should not be a problem. *"They have been around for many, many years and each time there has been a defect it has always been because of those reasons: installation issues or maintenance issues".*[9]

20. The original documentation (Owners Manual) provided to a purchaser and accompanying the furnace in this case makes no recommendation as to regularity of servicing or maintenance. Mr Bonsak told the court that Energy Safe Victoria as a member of the Australian Standards Association encourages manufacturers to specify a period of time for servicing.[10]

ESV recommends that owners of open flued appliances have their appliances safety checked (and, if necessary, serviced) every two years. This is notwithstanding that it may take less than two years in some circumstances for sooting to reach dangerous levels. This is contained in a media release issued by ESV and published on the 3rd June 2010 which has 13 dot points the first of which states:

"Appliances must be serviced, checked and regularly maintained by a licensed or registered gasfitter every two years at least."

The second dot point states that gas heaters *must be checked to make sure they are safe before winter and, in evidence, Mr Bonsak added the words "every two years".* The reference to winter, he told the court, was due to the fact that during winter, which is a busy season, it may be difficult to retain the services of a gas-fitter. Whilst Mr Bonsak stated that it might only take six months for the level of soot to build up so as to be dangerous, ESV took the view that it was better to recommend a regularity that people were more likely to abide by.

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[9] Transcript P 221 (Line 12)-P222 (Line 7)

[10] Transcript P 225.

21. The checking and servicing of gas furnaces is required to be done by plumbers with a specific licence to perform the task. Mr Bonsak told the court that there are thirty different types of plumbing licences issued by the Plumbing Industry Commission and that only a plumber who is a licenced gas fitter should attend to checking and servicing a gas furnace. All plumber licences need to be applied for on an annual basis and are issued to any plumber who has satisfied the Commission that he/she is a fit and proper person. [11] When installing or checking a gas furnace a gas fitter is required "not just to clean out the appliance with a vacuum cleaner or make a few adjustments; it is also to inspect the fluing; it is also to inspect the ventilation and to inspect scenarios that could affect ventilation and negative pressure, extraction fans". [12] They should ask if there are extraction fans and if so, should operate them to see their effect on the unit. Mr Bonsak told the court that if the extraction fans were overriding the operation of the flue, the fans should be disconnected or the gas appliance should be disconnected. He had been doing this for 30-40 years. "The flue is a safety device ...so if you're by-passing a safety device, that would be a negligent thing to do".[13] He said that ESV in conjunction with the Plumbing Industry Commission through the Building Commission regularly prosecutes and disciplines plumbers that leave an unsafe situation such as this.[14]

22. One of the issues raised in the inquest was the fact that the residence at Kalimna Drive had a high energy rating with little adventitious ventilation. The house had no separate vents or openings in any of the bedrooms or living spaces and the windows were single glazed, aluminium framed with standard industrial seals fitted. The requirements of the Building Code of Australia at the time the house was built with respect to "natural ventilation" were satisfied in that the house had openable windows and doors. In the view of Mr Bonsak, you should not have open flued appliances in five and six star homes. However, he said that "the reality of life is that the great majority of high efficiency homes have external balanced flue gas

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[11] Transcript P 265-268.

[12] Transcript P 244 (note typographical error – "extraction fans" not "except for fans".

[13] Transcript P. 245 Lines 18-24.

[14] It is noted that AS 5601-2004 Clause 5.3.1 requires ventilation systems to be tested when installing a gas appliance and such should not be installed if that ventilation system could under any circumstances (a) deprive the gas appliance of the air required for combustion and draught diverter dilution..." See Exhibit H3. Regulation 25 Gas Safety (Gas Installation) Regulations 2008 imposes fines in the event that a person carrying out gas fitting work on a gas installation becomes aware of a danger arising from a defect in the installation and does not take certain steps.

appliances[15] "rather than open flued appliances, although in the latter case there are available mechanical ventilations that automatically operate when the appliance is turned on- but this he said is an additional cost.

In submissions on behalf of the Building Commission Mr Taylor of Counsel recited Part 3.12.3 of the Building Code of Australia which relates to the sealing of buildings as containing the proviso that those sealing requirements do not apply to "a permanent building ventilation opening that is necessary for the safe operation of a gas appliance." It did not emerge from the evidence what sort of ventilation, apart from the mechanical ventilation described by Mr Bonsak, was envisaged by the terms of the above proviso, however there would seem to be a strong case for arguing that any such ventilation will not breach the sealing requirements of the Building Code *if installed for the safe operation of the gas appliance.*

23. Another issue that arose was that of carbon monoxide alarms as offering some measure of safety in households with gas furnaces. This is to be distinguished from a CO analyser as operated by licenced gas fitters. Mr Bonsak told the court that ESV had concerns about these devices (a view repeated in submissions made by various responders to the Consultation Regulatory Impact Statement (RIS) –"The Risk of carbon monoxide poisoning from domestic gas appliances" dated March 2012, a copy of which was provided to all parties at the Directions Hearing in this matter). There is no Australian Standard for these devices. The main problem seems to lie in the fact that detection of carbon monoxide in a room may fail due to the location of the device within the room. As Mr Bonsak stated when talking about detecting CO "It may be high, it may be low; it may be in the middle of the room. If you had an engineer to work that out and say, yes, this is where it needs to be placed, all you'd need to do is open a window which could change all the dynamics and you may have a room that has high contents of carbon monoxide in one corner but may not have it in another".[16]

24. Checking the pilot flame can also be a way of detecting carbon monoxide. The Court heard that if the flame is yellow or "luminous" this suggests that more air is required. It is an indicator of incomplete combustion. Inspection of the pilot flame could be useful if the appliance is designed in a way that the pilot flame can actually be seen. This is not often the

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[15] A "balanced flue gas appliance" is one in which the appliance draws its air externally and it exhausts externally.

[16] Transcript P. 254 Lines 11-17.

case with modern appliances. Often there is an electronic light which, when green, tells you that the pilot light is on – but not whether it is working efficiently. For this, you still need to envision the flame itself. Mr Bonsak told the court that if one can access the pilot flame and see it, it would be "wise" to check whether it is burning correctly.[17]

FINDINGS OF FACT

1. I FIND that the death of Chase Robinson occurred due to the ingestion of carbon monoxide in circumstances in which an open flued gas furnace emitted carbon monoxide into his home at dangerously high levels.

2. I FIND that carbon monoxide was caused by incomplete combustion likely due to the obstruction to the primary air inlet by the build up of a contaminant, possibly carpet lint and/or dust, which reduced the air component in the gas/air combustion mixture at the gas injection site.

3. I FIND that the extent of the sooting that resulted continued to compound this presenting situation leading to heavy sooting within the various parts of the appliance, including the heat exchanger (obstructing the passage of the product through the flue system) and the burner assembly. It is possible that flame quenching due to the same process may also have contributed to the high levels of carbon monoxide being emitted from within the appliance.

4. I FIND that it was this presenting situation, combined with the negative pressure caused by the operation of more than one extractor fan in the home over a period of at least a couple of hours, that had the effect of drawing off the carbon monoxide product from the appliance and expelling it along the hallway of the house towards any open bedrooms and ultimately to the master bedroom. There being little ventilation in the sealed house, it reached a dangerous density, leading to the deaths of the two boys.

5. I am unable to determine over what period of time the lint/sooting situation developed to reach the level of blockage seen on testing, the evidence from the various experts differing in this respect. The failure by Mr and Mrs Watt to comply with the pro forma recommendation in the letters received from Youngs and Co P/L whilst regrettable, is understandable in that there was nothing to alert them to any problem with the appliance. There is nothing to suggest that

[17] Transcript P. 233 Lines 16-18.

they would not have responded appropriately in that event. I consider that most people in the community prior to this tragic event would not have had any idea of the danger represented by the combination of an unclean gas furnace and extraction fans. As indicated above, there was no recommendation in the Owners Manual provided when the appliance was installed. Applying the criteria set out in *Briginshaw v. Briginshaw* (1938) 60 CLR 336 at 362-363 I find that I cannot reach the level of "reasonable satisfaction" required to make a finding of contribution against Mr and Mrs Watt.

6. I am satisfied that the tradesman who attended the house when Mrs Watt discovered soot on the floor near the appliance in either 2004 or 2005 (and whose identity is unknown) did not perform adequate tests to determine the drawing power of the various extraction fans. Either he was not a licensed gas-fitter or he was negligent in the performance of his task as it is clear from the subsequent testing that the negative pressure created by the operation of only two exhaust fans was sufficient to override the operation of the flue and by-pass it as a safety device.

7. I FIND that the Building Code of Australia does not prevent the installation of ventilation adequate to address the safety issues surrounding the potential for emission of carbon monoxide into living spaces.

RECOMMENDATIONS

Pursuant to section 72(2) of the **Coroners Act 2008**, I make the following recommendation(s) connected with the death:

(A) IN RELATION TO ENERGY SAFE VICTORIA

1. THAT ESV continue its public awareness campaign to alert the public to the risks associated with failure to regularly service gas heating appliances and the need to have this servicing performed by licensed gas fitters. In this regard, I want to highlight the tremendous contribution that has been made to this campaign by Vanessa and Scott Robinson. By selflessly and publicly displaying their grief and advocating for safer monitoring and maintenance of domestic gas appliances they have reached many people in a poignant way that has been memorable and, therefore, extremely effective.

2. THAT ESV – whose publications are widely distributed to many trade organizations- specifically target the electrical trade to ensure that exhaust fans are not retro-fitted in homes

with gas heaters without first getting a clearance from a properly qualified and licenced gas fitter who can conduct the necessary tests and analyses.

3. THAT ESV- in its public awareness campaign alert the public to the dangers of DIY exhaust fan retro-fitting insofar as this may impact on the safe operation of gas furnaces.

4. THAT ESV- investigate the sorts of ventilation options available in five and six star energy rated homes that could be fitted in circumstances in which open flued furnaces have been or are to be installed and distribute any recommendations that arise from such an investigation to relevant parties.

5. THAT ESV in its public awareness campaign stress the difference between carbon monoxide alarms and smoke detectors to dispel any perception in the community that each is the equal of the other giving equal re-assurance. This could be simply done by expressing it in the way Mr Bonsak did in his evidence (See paragraph 23 above).

6. THAT ESV continue to train gas fitters to test for spillage of CO from open-flued appliances and continue to conduct presentations and continuing education on this issue.

7. THAT ESV as a member of the Australian Standards Association continue to use its offices to persuade manufacturers of gas heating appliances to nominate within their Owners Manuals the appropriate periodic checking and servicing of such appliances.

Whilst the foregoing addresses the public awareness of the issues and of the appropriate precautions to be taken I consider that specific reference should be made to the position of tenants.

(B) IN RELATION TO REAL ESTATE INSTITUTE OF VICTORIA (REIV)

I was impressed by the actions taken by Estate Agent Mrs Young in response to this tragedy. (Refer paragraph 12 above). I note with some dismay that a small number of landlords she approached were not prepared to delegate to her agency the power to undertake two yearly checks of gas appliances as they were not legally obliged to do so. I note that in the UK, pursuant to the Gas Safety (Installation and Use) Regulations 1998, a landlord is required to service gas appliances in accordance with the manufacturers' instructions and, in the absence of these, it is recommended that they are serviced annually. A gas safety check *must* be carried out annually on every gas appliance/flue to make sure gas fittings and appliances are safe. I have no information as to how

effectively these requirements are policed. Certainly if enforcement is not occurring, the option of a public awareness is to be preferred to legislative change.

I have already referred to the steps pro-actively taken by Mrs Young in her agency.[18] Given the fact that the safe operation of these appliances is not always able to be ascertained visually (save, perhaps when the pilot flame can be visualised) and that CO is not detectable by the senses, it does not fall within a category that behoves the tenant to report any malfunction and require repairs to be carried out under the provisions of the Residential Tenancies Act. The only way defects can be detected is by regular checking by a licenced gas-fitter. I consider that the steps taken by Mrs Young could be encouraged by the Real Estate Institute of Victoria in the material disseminated to managing agents. Having listened to all the evidence about time frames, I consider that two yearly checks is a realistic goal in this respect. Mrs Young told the court that they have licensed gas fitters on their books that are willing to undertake the work and she has not found it burdensome to offer this service to landlords.[19]

ACCORDINGLY I RECOMMEND:

THAT the REIV take steps to encourage managing real estate agents, by implementing information and/or training packages, to build into the arrangements made between landlords and tenants in respect of domestic dwellings an undertaking that any gas appliances be checked and, if necessary, serviced and cleaned, on a two yearly basis at the expense of the landlord. Such could be incorporated as an additional clause in the relevant tenancy agreement. It follows from the foregoing discussion that such should be performed by a suitably qualified gas fitter and the landlord should be prepared to make any alterations in relation to negative pressures created by exhaust fans as is necessary to obviate the risk of CO being emitted into the living space of the residence.

(C) IN RELATION TO CONSUMER AFFAIRS VICTORIA

Exhibits E and E1 tendered in the inquest were booklets issued by Consumer Affairs Victoria. Pursuant to Section 66 of the Residential Tenancies Act 1997, the landlords and agents must give a copy of Exhibit E "Renting a home. A guide for tenants and landlords" to residents moving into rented premises on or before the day they move in or face a fine of up to $500.

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[18] See paragraph 12.

[19] Transcript P.142.

IT IS RECOMMENDED

THAT the booklet be re-drafted in such a way as bring to the attention of prospective tenants, perhaps on page 8, the need to be satisfied as to the safety of any gas heating appliances by suggesting that the landlord be asked to provide evidence of the appliances having been checked within the past two years. It could also be recommended that the tenant ask that a clause be inserted in the tenancy agreement pursuant to which the landlord would undertake to have the appliances checked within that time frame and every two years thereafter.

I DIRECT that a copy of this Finding be provided to the following (in addition to the interested parties, including ESV and the Building Commission and their legal representatives):

- The Hon. Mr Michael O'Brien, Minister for Consumer Affairs, 121 Exhibition Street, Melbourne 3000.
- Mr Enzo Raimondo, CEO REIV, PO Box 443, Camberwell 3124.
- Mr Phil D'Adamo, Acting Executive Director, Consumer Affairs Victoria 121 Exhibition Street, Melbourne 3000.

Signature:

JACINTA HEFFEY
CORONER
Date: 30 July 2013