



Department of Justice

Consumer Affairs Victoria

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- 4 DEC 2013

Our ref: CD/13/466049

Ms Jacinta Heffey
Coroner
Coroners Court of Victoria
222 Exhibition Street
MELBOURNE VIC 3000

Dear Ms Heffey

Investigation into the deaths of Chase and Tyler Robinson

I refer to your Report of 30 July 2013 into the deaths of Chase and Tyler Robinson and letter from the Coroners Court of Victoria dated 13 September 2013, and provide Consumer Affairs Victoria's response to your recommendation.

Recommendation: That the [*Renting a home: a guide for tenants*] booklet be re-drafted in such a way as [to] 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 timeframe and every two years thereafter.

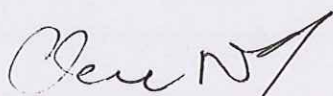
Consumer Affairs Victoria **supports** the recommendation. The *Renting a home* guide has been revised to include information concerning gas appliance safety on pages 21-22. An attachment showing the relevant inserted information and a copy of the revised guide have been enclosed for your information.

The inserted information outlines the dangers associated with carbon monoxide poisoning and the responsibilities of landlords and tenants with respect to gas safety. Tenants are advised to make sure they are satisfied that any gas appliance is operating safely, and to ask for their landlord to arrange a safety test if they have any concerns. The information also notes the Energy Safe Victoria recommendation that gas appliances are serviced every two years, and states that, prior to signing a lease, prospective tenants may consider requesting a condition or clause be added requiring the landlord to undertake gas appliance safety checks every two years.

Consumer Affairs Victoria has also published the revised guide and updated the information relating to gas appliance safety on its website, which can be accessed at www.consumer.vic.au. The website also directs consumers to further information regarding gas safety which is published on the Energy Safe Victoria website.

A copy of the Consumer Affairs Victoria response will be published on our website.

Yours sincerely



Dr Claire Noone
Director
Consumer Affairs Victoria

Encl.

Non-urgent repairs

- ✓ *Write to your landlord or agent telling them what needs to be repaired.*
- ✓ *You may use Consumer Affairs Victoria's 'Notice to Landlord of Rented Premises' form.*

If you give your landlord or agent a list of repairs that need to be done, they have 14 days to carry them out.

If they do not carry out the repairs, send Consumer Affairs Victoria a copy of the written notice with a letter asking for an inspector to visit the property. The inspector can fill out a report on whether the landlord is in breach of their duty to ensure that the premises are maintained in good repair.

If the repairs still have not been done after you receive the inspection report, you then have 60 days to apply to VCAT for a repair order.

You must continue to pay rent even if your landlord has not arranged for the repairs. However, if the matter has gone to VCAT, you may apply for the rent to be paid into VCAT's Rent Special Account until the issue is resolved

Gas appliance safety

Landlords' responsibilities
Landlords must ensure that rented premises are maintained in good repair. This includes ensuring that all gas appliances provided by the landlord, such as heaters and stoves, are safe to use and properly maintained.

All installation and maintenance of a gas fitting or fixture should be done by a licensed gas fitter.

Failing to ensure gas appliances are safe to use or properly maintained can result in death, serious injury or considerable property damage.

Energy Safe Victoria recommends gas heaters and water heaters are serviced every two years.

Gas leak danger
Professional servicing of gas appliances is necessary because carbon monoxide leaks are hard to detect. The poisonous gas is tasteless, colourless and odourless.

Symptoms of carbon monoxide poisoning include tiredness, shortness of breath, headaches, nausea, vomiting and dizziness.

Fixing a gas leak qualifies as an urgent repair and a landlord or owner must respond immediately to the tenant's request for repairs.

If a landlord or owner is not contactable or does not respond immediately, the tenant can authorise an urgent repair of up to \$1800 and the landlord or owner must reimburse them.

→ Renting a home

Tenants' responsibilities

Tenants also have responsibilities, including to immediately report any gas appliance fault to the landlord or agent.

If you are a tenant, make sure you are satisfied that any gas appliance is operating safely. If you are concerned about the safety of a gas heater, contact your landlord and ask for it to be tested.

Before you sign a lease, you may consider requesting a condition/clause be added requiring the landlord to undertake to have any gas appliances checked and certified safe every two years.

To minimise gas safety risks:

- use appliances appropriately and in accordance with the instructions
- report any fault or malfunction to your landlord or agent
- immediately stop using any appliance that is obviously faulty
- allow reasonable access for gas safety checks
- do not illegally install, remove or tamper with any gas appliance.

The landlord/agent and the tenant should work together to ensure that a safety check is done at agreed intervals – which Energy Safe Victoria recommends should be every two years.

For more advice on general gas safety in the home, visit the Energy Safe Victoria website esv.vic.gov.au

Smoke alarms

Smoke alarms must be installed in all Victorian homes, units, flats and townhouses. Landlords are responsible for fitting smoke alarms in rented properties.

Hard-wired smoke alarms with a battery back-up must be installed in all buildings constructed after 1 August 1997, as well as all rooming houses. Buildings constructed before then can have a battery-powered smoke alarm.

The Metropolitan Fire Brigade recommends all smoke alarms be:

- tested regularly
- replaced after 10 years.

Tenants or residents should:

- not deactivate a smoke alarm or interfere with its operation in any way
- notify the landlord or owner if a smoke alarm is faulty or not in working order.