

23 September 2013

Ms Kav Selvakumar
Coroners Registrar
Coroners Court of Victoria
Level 11
222 Exhibition Street
MELBOURNE VIC 3000



Dear Ms Selvakumar,

INQUEST FINDINGS - AUDREY J SVIKERS (COR 2008 002158)

Thank you for your letter dated 20 November 2012, regarding the Coroner's Inquest into the death of Audrey Svikers. The TAC was not a party to this inquest.

The TAC's response to the recommendations made by Coroner Heather Spooner is attached.

I apologise for the delay in providing the TAC's response. However the TAC, a party to the recent inquest into the death of Mrs Cheryl Currie before Coroner Jamieson, is working with the Metropolitan Fire Brigade and the Department of Human Services Fire Risk Management Unit to exchange information and expertise about fire safety issues.

Should you require further information Marion Nagle, Senior Manager of Service Development & Performance, (Tel: 9641 1673 or email Marion.Nagle@worksafe.vic.gov.au) would be pleased to assist.

Yours Sincerely

A handwritten signature in purple ink that reads "Janet Dore".

Janet Dore
Chief Executive Officer

Janet Dore

Chief Executive Officer

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INQUEST INTO THE DEATH OF AUDREY SVIKERS
THE TAC'S RESPONSE TO THE CORONER'S RECOMMENDATIONS

Introduction

On 15 November 2012, Coroner Spooner handed down her findings into the death of Audrey Svikers. The TAC was not a party to this Inquest. However the TAC was a party to the recent inquest into the death of Cheryl Currie before Coroner Jamieson (Case No. 2009 2905). Coroner Jamieson's findings had not been delivered at the time of this response.

Coroner Spooner made a number of recommendations including the direction that the TAC distribute the following recommendations to community care service providers that deliver services to TAC clients:

1. *That during initial needs assessment, community care providers advise community care clients that it is mandatory for all homes in Victoria to have a working smoke alarm.*
2. *In homes where community care is to be provided and there is no smoke alarm, the installation of a smoke alarm is organised in line with service provision. In homes where smoke alarms are installed, these are checked by the community care provider to ensure they are in working order.*
3. *That community care providers promote regular testing and maintaining of smoke alarms to the client, their family and/or friends or provide assistance for their clients to test and maintain smoke alarms if required.*
4. *In homes where the client smokes, community care providers promote the use of high-sided ashtrays or sealed containers to allow for properly discarded smoking materials*

The TAC is supportive of the Coroner's recommendations and recognises that fire safety is an important safety concern in the disability sector. The TAC is working with the Metropolitan Fire Brigade and the Department of Human Services Fire Risk Management Unit to exchange information and expertise about fire safety issues.

The TAC will distribute the Coroner's recommendations to all contracted and non-contracted disability services providers who have been funded to provide supported accommodation and/or attendant care services to clients and injured workers in the last two years. A copy of this notice is attached.

Statutory Context

The Transport Accident Commission (TAC) was established and is governed by the **Transport Accident Act 1986** ('TA Act'). The TAC administers a comprehensive no-fault and common law damages compensation scheme for people who are injured or die as a result of a transport accident within Victoria or interstate.¹ In the 2011/2012 financial year, the TAC provided 44,410 people with benefits and paid a total of \$1.01 billion for the incurred cost of support services and common law benefits.

Importantly, unlike the Department of Human Services, the TAC does not itself deliver services to its clients.

In addition to the medical and rehabilitation services the TAC has historically funded for these clients, it also funds a range of disability services.² Disability services, as specifically defined in the TA Act, include attendant care, assistance, accommodation support, community access, respite care and household

¹ Involving a Victorian registered vehicle

² Section 60 (2)(a) of the TA Act

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WorkSafe
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Date (26th September 2013)

Title First Surname
Address
Address 2
Suburb, State, Post Code

Dear <Title Surname>,

I am writing to you following recent recommendations made by the Victorian Coroner Heather Spooner, in her findings into the death of Mrs Audrey Svikers on 20 May 2008, dated 15 November 2012.

The Coroner has sought to ensure that the Transport Accident Commission (TAC) distribute the recommendations contained in her report. Whilst Mrs Svikers was not a client of the TAC or WorkSafe Victoria (WorkSafe), the recommendations are pertinent to the provision of fire safety to our clients and service providers in a community care setting.

The recommendations are as follows:

- 1. That during initial needs assessment, community care providers advise community care clients that it is mandatory for all homes in Victoria to have a working smoke alarm.*
- 2. In homes where community care is to be provided and there is no smoke alarm, the installation of a smoke alarm is organised in line with service provision. In homes where smoke alarms are installed, these are checked by the community care provider to ensure they are in working order.*
- 3. That community care providers promote regular testing and maintaining of smoke alarms to the client, their family and/or friends or provide assistance for their clients to test and maintain smoke alarms if required.*
- 4. In homes where the client smokes, community care providers promote the use of high-sided ashtrays or sealed containers to allow for properly discarded smoking materials.*

The TAC and WorkSafe recognise that fire safety is an issue needs to be addressed on a proactive basis in order to ensure the safety of vulnerable claimants and the people who work with them to support their independence.

Please ensure that all necessary safety measures are maintained, smoke alarms are regularly checked and batteries replaced. Appropriate education should be provided to clients regarding the safe extinguishing of cigarettes as well as ensuring that clear fire safety procedures are in place and understood.

Regards

Marion Nagle
Senior Manager of Service Development & Performance
Health and Disability Strategy Group