



## Secretary

Department of Health

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COR 2020 004299

Dear Mr Doolan

Thank you for your letter of 29 October 2021 regarding Coroner Magistrate English's investigation and findings into the death of Yunjie Zhang, who died between 28 July and 7 August 2020. I acknowledge the tragic loss of life described in the Coroner's findings and the impact of Ms Zhang's death on her loved ones.

The Department of Health (the department) notes the matters in relation to the findings of Ms Zhang's death caused by "complications of malnutrition in the setting of presumed nitrous oxide use". I note the Coroner's finding that her death was likely caused by the unintended consequence of the deliberate inhalation of nitrous oxide and recommendations that highlight opportunities for prevention of harms associated with recreational nitrous oxide use. The department's response to the recommendations in the Coroner's report is:

### **Recommendation One:**

***"That the Victorian Department of Health consider whether a kit similar to the previously published Responsible Sale of Solvents: A Retailers Kit is needed for retailers of cream whipper bulbs and other nitrous oxide sources to alert them to the requirement that they must have a reasonable belief the nitrous oxide will not be inhaled."***

### **Department's response: An alternative to the recommendation will be implemented**

The Victorian Government acknowledges the risk of solvent abuse and has enacted legislation regarding the sale and possession of solvents. Victorian retailers have a responsibility to ensure that commonly misused solvents are appropriately stored and sold.

The department supports that retailers require adequate information regarding their obligations under the law. The Retailers Kit referenced by the Coroner was published in 2002 and has been superseded by online resources available at:

<https://www.health.vic.gov.au/aod-treatment-services/responsible-sale-of-solvents>

I note that this website does not specifically point to retailers' legislative obligations regarding supply of nitrous oxide products. The department will review and update this webpage to ensure important legislative information is explicitly stated to assist retailers understand their obligations.

**Recommendation Two:**

***“That the Victorian Department of Health consider developing an education resource for recreational users of nitrous oxide, outlining the dangers of the drug in general as well as the specific elevated risks associated with practices such as using tubes and masks...(and) consider distributing this resource to all Australian online retailers of cream whipping nitrous oxide bulbs and request that they incorporate the material into their websites in such a way that it is visible to any person seeking to purchase these bulbs.”***

**Department’s response: the recommendation will be implemented**

The department recognises the importance of ensuring there is strong awareness among Victorians about the harm from misuse of nitrous oxide. The department funds the Alcohol and Drug Foundation (ADF) to support a dedicated webpage for consumers regarding nitrous oxide uses, effects and health and safety risks, which can be found at <https://adf.org.au/drug-facts/nitrous-oxide/>. The department will continue to work with the ADF to ensure the existing resource is up to date and highlights relevant risks in light of the Coroner’s findings.

To further support retailers’ awareness, a link to the ADF consumer resources has been made available on the Victorian ‘Responsible sale of solvents’ webpage referenced above.

The department supports increasing consumer access to information about the risks associated with nitrous oxide inhalation at point of sale. The department will work with the relevant Commonwealth and Victorian government agencies to distribute consumer information to retailers.

In addition, new warning labelling requirements for nitrous oxide set out by the Therapeutic Goods Administration are proposed to come into effect in October 2022. The department will work in collaboration with the Department of Justice and Community Safety and the Commonwealth Government on advice to retailer organisations to support Victorian retailers’ awareness of the new provisions and existing legislation.

Should you wish to discuss this matter further, please contact Ms Melissa Arduca, Director, Mental Health and AOD Strategy and Policy, 0429 380 899; [melissa.arduca@health.vic.gov.au](mailto:melissa.arduca@health.vic.gov.au).

I thank Coroner English and the court for providing these recommendations and trust this information is of assistance.

Yours sincerely

*Jacinda de Witts*

**Jacinda de Witts**  
Acting Secretary  
05/01/2022