

Victorian Government response to Coroners Court inquest into the death of Sonia Sofianopoulos - Implementation Update

The Government Response to the Coronial inquest into the death of Mrs Sonia Sofianopolous was released in October 2018. This is an update one year on from that response.

25 October 2019

Making Victoria safer

The Coronial inquest into the death of Mrs Sonia Sofianopoulos made eight recommendations aimed at mitigating the risk of carbon monoxide poisoning in Victorian households.

The Victorian Government Response supported seven recommendations in full and one recommendation in principle.

The recommendations focused on the following areas:

- phase out of open flued gas space heaters (recommendation 1 - supported in principle);
- improved testing of carbon monoxide leakage (recommendations 2, 4 and 6 – supported);
- strengthened compliance (recommendation 5 – supported);
- more effective communication with relevant industry stakeholders (recommendation 7 – supported); and
- targeted risk information for the community (recommendation 3 and 8 – supported).

This paper provides an update on the progress of the implementation of the Government Response one year after its release. It covers elements already implemented, those that are underway, and those for which options are still under consideration.

Progress on recommendations

Recommendation 1 – The Australian Gas Association and Energy Safe Victoria collaborate to implement a strategy and a plan to phase out all open flued gas space heaters

In progress

- The Victorian Government supported this recommendation in principle and committed to consider the phase out of open flued gas heaters through a regulatory impact statement (RIS) process to be delivered by the Department of Environment, Land Water and Planning (DELWP).

- The review of open flued gas heaters has commenced and the RIS process is expected to be complete by mid-2020. There will be opportunity for extensive public consultation and engagement on the RIS in 2020.

Recommendation 2 – The Department of Environment, Land, Water and Planning conduct a regulatory impact statement process to consider the implementation of a system of mandatory continuous professional development for Type A Gas Appliance plumbers and fitters as a condition of being registered or licensed

In progress

- DELWP is developing a continuing professional development (CPD) scheme for registered builders and licensed and registered plumbers to be introduced through new regulations by 2021.
- This follows recent amendments to the *Building Act 1993* which provide relevant powers to introduce CPD requirements.
- DELWP is progressing the development of a consultation paper to be released for public comment in late 2019.
- Following release of a RIS and formal consultation in 2020, it is envisioned that certain practitioners, including gasfitters, will be prioritised as part of CPD rollout.

Victorian Government response to Coroners Court inquest into the death of Sonia Sofianopoulos - Implementation Update

Recommendation 3 – Climate Technologies, the manufacturer of the Vulcan/Pyrox Heritage open flued gas heater which was implicated in the death of Mrs Sofianopoulos, publish an article in The Age and The Herald Sun warning the public about the necessity of regular servicing and maintenance. This is to ensure that it operates in a safe and efficient manner and does not expose residents to carbon monoxide poisoning

Complete

- Climate Technologies implemented the Coroner's Recommendation by publishing a prominent Consumer Safety Notification in The Herald Sun and The Age on 2 October 2018 which included the following key messages:
 - people with Vulcan Heritage or Pyrox Heritage gas heaters should have them checked by a qualified gasfitter immediately;
 - in certain installation environments where there is poor ventilation and bathroom exhaust fans or kitchen rangehoods are used at the same time as the heater, there is potential for carbon monoxide poisoning to occur;
 - the importance of regular servicing (2 yearly) to ensure safe and efficient operation of the heater;
 - not use the heater until it can be tested by a qualified gasfitter and in the meantime, use alternative sources of heating; and
 - not to bring outdoor gas appliances inside such as a patio heater. This is dangerous and could also lead to carbon monoxide poisoning.

Recommendation 4 – Energy Safe Victoria publish an article in their quarterly newsletter about the importance of testing for carbon monoxide spillage and provide guidance as the appropriate detection equipment to use to obtain the most accurate results and to ensure the safety of the users

Complete

- ESV published articles about the importance of carbon monoxide spillage testing and guidance material on equipment in the Energy Safe Magazine Winter 2018 edition (June 2018) and in each of its quarterly newsletters since the release of the Coroner's report.
- ESV has committed to continue publishing articles in its magazines about the importance of testing and providing guidance material. A full copy of the

relevant magazines can be located on ESV's website (<https://www.esv.vic.gov.au/energysafe-magazine/>).

Recommendation 5 – The Victorian Building Authority consult with relevant industry stakeholders and review its requirements for the provision of Certificates of Compliance to the extent that they relate to the servicing, testing and maintenance of open flued gas heaters

In progress

- The Victorian Building Authority (VBA) has undertaken an assessment of issues associated with the provision of compliance certificates for servicing, testing and maintenance of open flued gas heaters. That assessment identified four possible options for improvements.
- Introduction of some of the four options may require legislative amendments. DELWP will work closely with the VBA to finalise options and lead any policy work necessary to support change.
- Some of the identified options will be considered as part of the RIS on phasing out open flued gas heaters being delivered by DELWP.

Recommendation 6 – The Chairman of Standards Australia – Committee Responsible for Australian Standard: 4575 Gas Appliances – Quality of Servicing to consider amending that standard to incorporate Appendix R of AS/NZ 5601 as soon as practicable

Complete

- The Standards Australia – Committee Responsible for Australian Standard: 4575 Gas Appliances – Quality of Servicing has approved the amended standard AS 4575 and published it on 9 August 2019.
- ESV will now begin work to give consideration to mandating the standard.

Victorian Government response to Coroners Court inquest into the death of Sonia Sofianopoulos - Implementation Update

Recommendation 7 – Energy Safe Victoria conduct a review on the best way for Energy Safe Victoria to communicate guidelines, changes to legislation and industry updates to relevant industry stakeholders using all forms of modern technology including phone applications, social media, and YouTube videos

In progress

- ESV is commencing a research project to review its communications approach to all stakeholders and a program to restructure its website to improve communication through the site.
- To ensure communications in winter 2019 were wide-reaching ESV developed communications on gas heater safety across multiple formats including: information sheets, social media posts and newspaper advertising. For the 'Be Sure' gas heater safety campaign ESV also communicated through digital, radio, outdoor posters and billboards and television advertising.

Recommendation 8 – Energy Safe Victoria conduct a widespread media and public awareness campaign on the dangers associated with open flued gas heaters, especially in the context of negative pressure and lack of adventitious ventilation and the need and importance of servicing and maintaining open flued gas heaters

In progress

- Since 2011 ESV has been running carbon monoxide awareness campaigns every winter.
- ESV launched the 'Be Sure' campaign to coincide with the beginning of Carbon Monoxide Awareness Week (29 April – 4 May) and issued a media release on 25 April 2019.
- In the State Budget 2019-20, the Victorian Government committed a further \$1.7 million to increase the reach of the 'Be Sure' campaign.
- The campaign recommended households have their gas heaters serviced by a qualified gasfitter at least once every two years, and encourages other measures to mitigate risk, such as ensuring adequate ventilation or not leaving an appliance on overnight.
- ESV commenced advertising on digital platforms in late June, radio from 7 July, social media from 10 July and television ads and print from 14 July 2019. Awareness campaigns were also run at major shopping centres, including Highpoint on 12-14 July 2019 and Northland on 19-22 July 2019.

- The 2019 campaign concluded at the end of August 2019 and the campaign will recommence for the 2020 winter.

Victorian Government response to Coroners Court inquest into the death of Sonia Sofianopoulos - Implementation Update

In addition to responding to the Coroner's recommendations, the Victorian Government has taken further steps to keep Victorians safe

Replacement program for public housing residents

In progress

- The Department of Health and Human Services (DHHS) has written to all 54,000 DHHS tenants with any form of gas heating appliance and set up an inquiry hotline through the Housing Call Centre. DHHS has advised tenants to seek medical advice if they have any symptoms of carbon monoxide exposure.
- As at 4 October 2019, DHHS has inspected more than 40,000 gas heaters in public housing properties and replaced almost 20,000 gas heaters.
- This includes all but 85 of the 6,525 dwellings identified with having Vulcan/Pyrox Heritage heaters installed, where access issues have been experienced and are being addressed.
- DHHS developed a program to install carbon monoxide alarms in properties containing gas heating and has installed more than 35,000 carbon monoxide alarms.

Improving protection for tenants

In progress

- In September 2018, the Victorian Parliament passed amendments to the *Residential Tenancies Act 1997* as part of its commitment to ensure Victorians who rent have access to fairer, safer housing.
- The reform package includes mandatory safety-related obligations under which residential rental providers will be required to service electrical and gas appliances every two years.
- These changes will be considered through a regulatory impact statement (RIS) process being delivered by the Department of Justice and Community Safety in late 2019.
- Public consultation on the RIS will be enabled through the Victorian Government's www.engage.vic.gov.au platform.
- Updates about the consultation can be obtained at www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws.

Carbon monoxide alarms

In progress

- The Victorian Government is considering measures such as mandatory installation of carbon monoxide alarms as part of the RIS on phasing out open flued gas space heaters being delivered by DELWP.

Carbon monoxide training for all registered and licensed gasfitters in Victoria

Completed

- The VBA has developed and delivered a training module for gasfitters, including an instructional video demonstrating the steps required to correctly test for negative air pressure and carbon monoxide spillage. As of September 2019, the module had been completed by 16,851 (85% of) gasfitters.

Reviewing regulatory frameworks to ensure they are fit-for-purpose

In progress

- DELWP will commence a review of the regulatory framework for gas heater safety, including a review of regulator roles and responsibilities, to ensure that Victoria has a well-integrated regulatory framework that:
 - is easier for consumers and industry to navigate;
 - provides all relevant agencies with clear accountabilities; and
 - aligns responsibilities to maximise effective risk management and provide for proactive risk identification and monitoring.
- This review will also examine the adequacy of national certification and testing processes for gas appliances, in consultation with other jurisdictions and the Gas Technical Regulators Committee.

Open flued gas heater testing and safety

Ongoing

- Following the death of Mrs Sonia Sofianopoulos, Energy Safe Victoria:
 - requested suspension of the certification of the Vulcan/Heritage open flued gas heater, issued a safety alert regarding this heater and arranged for the manufacturer, Climate Technologies to carry out testing and servicing to establish gas heater safety; and
 - initiated rigorous testing of all open flued gas heaters on the market (testing is now complete), leading to deeds of undertaking being agreed for a further four models of open flued gas space heaters

Victorian Government response to Coroners Court inquest into the death of Sonia Sofianopoulos - Implementation Update

– the Regency i31 and Regency F38/FG38 manufactured by Fireplace Products Australia and the Real Flame Pyrotech and Nectre 2000 manufactured by Glen Dimplex.

- In total, six models of open flued gas space heaters in Victoria are currently subject to a safety alert and deed of undertaking with ESV (in addition to the five models discussed above, in 2016 ESV also put in place a deed of undertaking for the Cannon Fitzroy/Canterbury open flued gas space heater manufactured by Sampford IXL and a predecessor company).
- Approximately 19,000 heaters subject to these arrangements have been sold in Victoria over many decades. While it is unknown how many of these heaters have been decommissioned, replaced or are no longer in use, ESV reports that an estimated 17 per cent of these heaters have been rectified, as at 31 August 2019. This progress is broadly consistent with the progress of similar product recalls in Australia.
- To notify Victorian's of these safety programs, manufacturers have contacted owners directly, where sales information is available. ESV has also published related and informative safety alerts in The Age and The Herald Sun on: 7 April 2018; 26 May 2018; 4 February 2019; and 23 May 2019.
- The alerts were also published in suburban, major regionals and Culturally and Linguistically Diverse (CALD) publications (Arabic, Indian, Chinese, Greek, Italian and Vietnamese) as well as on social media and its website during the above periods.
- The safety alerts were also promoted as part of the carbon monoxide (CO) awareness campaigns in 2018 (CO is a silent killer May – July 2018) and 2019 (Be Sure June-Aug 2019).
- In the coming months, ESV will be running social media advertisements about all heaters subject to current safety alerts.

- Further information is available on ESV's website (<https://esv.vic.gov.au/safety-education/heating-your-home-with-gas/>)

Victorians are encouraged to get their gas heater checked and maintained by contacting a licensed gasfitter and to check whether their gas heater is subject to safety action by checking the safety alerts on Energy Safe Victoria's website or contacting manufacturers directly.

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