

29 August 2012

Mark Baker  
Coroner's Registrar  
Coroners Court of Victoria  
Level 1  
436 Lonsdale Street  
MELBOURNE VIC 3000

Dear Mr Baker

**DAVID WILLIAM HERBERT SPENCE**  
**COURT REFERENCE: 801/2010**

I refer to previous correspondence from Energy Safe Victoria (ESV) dated 21 June 2011 and 30 January 2012 in which ESV described the actions that it had taken or proposed to take in response to recommendations in the coroner's report of the inquest into the death of Mr Spence.

ESV now wishes to finalise its response to those recommendations in respect of which ESV was considering action or further action, i.e. recommendations 2 and 3.

**Recommendation 2**

*ESV should also review its website and publication strategies, with a view to placing further emphasis upon risks to public health and safety, especially to the ordinary home owner or occupier which arise in circumstances illustrated by Mr Spence's death. Also review its presentation of, and commitment to, the Home Safety Inspection program.*

**Final ESV response to recommendation 2**

ESV previously undertook to run a household electrical safety campaign to raise awareness of the potential risks associated with metallic split conduit wiring in older homes. The campaign was run from April to June 2012 with online advertisements appearing on real estate websites [www.realestate.com.au](http://www.realestate.com.au) and [www.domain.com.au](http://www.domain.com.au), plus news websites [www.theage.com.au](http://www.theage.com.au) and [www.heraldsun.com.au](http://www.heraldsun.com.au).

The key messages of the campaign were:

- *Buying an older home?*
- *Don't let a renovator's dream turn into a nightmare.*

- Older wiring can be dangerous.
- Get it checked by a licensed electrician before you move in.
- Protect yourself and your family.

The imagery associated with these messages is set out in **Attachment 1**.

The campaign exceeded the targeted click-through rate of 0.02 per cent, achieving more than 24 million page impressions and 5,000 click-throughs to the ESV website, where people were able to gain further information about the dangers of older wiring and the importance of getting wiring checked when buying a home.

Recommendation 2 also concerned the Home Safety Inspection program. In previous correspondence ESV indicated that it would make the home safety inspection report template available for use by Victorian registered electrical contractors free of charge.

In April 2012 a certificate of home safety inspection report template was made available on ESV's website ([www.esv.vic.gov.au](http://www.esv.vic.gov.au)). Only electrical inspectors licensed by ESV and registered electrical contractors are authorised to issue a certificate of home safety inspection following inspection and testing of the relevant electrical installation.

### **Recommendation 3**

*It is a prudent and sensible step for any person who may be considering the purchase of a home, either constructed before the 1960's, or at all, to consider a pre-purchase electrical inspection. Such steps are not uncommon with retention of builders or engineers to advise of structural risks and maintenance or repair costs which may come with a property. Similar identification of safety and costs risks with respect to electrical safety should be considered by purchasers and those who advise them.*

*To the extent solicitors are involved in advising purchasers of homes and buildings, regarding proper enquiries upon, or disclosure by Vendors, any practice, either undertaken informally within the legal profession, or otherwise by additional formal legal procedure, should be considered.*

*In this context, I recommend that any Conveyancing Committee or Property Law Group within the Law Institute of Victoria, and ESV, give consideration to the merits of Vendor Certificates of electrical safety, and/or regular procedures for enquiry or investigation of electrical safety by purchasers of specific (or all) buildings and/or for other review strategies upon sale and purchase of relevant buildings. To minimize or avoid risks to health and safety as occurred here.*

### Final ESV response to recommendation 3

It was previously indicated that ESV had contacted the Law Institute of Victoria (LIV) with a view to coordinating a response to this recommendation. The LIV prepared a submission to the Minister for Energy & Resources dated 14 May 2012. The submission is available at:

<http://www.liv.asn.au/Membership/Practice-Sections/Property---Environmental-Law/Submissions/Coroner-s-report-into-the-death-of-Mr-David-Spence.aspx?rep=1&glist=0&sdiag=0&h2=1&h1=0>

The recommendation and the LIV submission refer to certificates of electrical safety (COES). As previously stated, a COES is required to be provided whenever electrical installation work is carried out. A COES only verifies the compliance of the specific electrical installation work described in the certificate. As such, COES are not designed to verify the overall safety or compliance of the electrical installation or the wiring in a home or property. That, however, is the intended purpose of the certificate of home safety inspection and report (which is discussed above under Recommendation 2).

The home safety inspection report can be shown to any person inspecting or undertaking work on the electrical installation or in the home in the future. The property owner or occupier may also choose to provide a copy of the report to prospective purchasers or new occupants of the property.

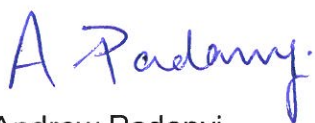
The LIV submission also refers to the possibility of introducing mandatory installation of safety switches or residual current devices (RCDs) in homes that are sold and in rental properties.

RCDs were first mandated in Victoria in 1992 when regulatory changes required most socket outlets in domestic installations to be RCD protected. Since then the requirements for RCD protection of electrical installations in residential and non-residential premises have been progressively extended. RCDs must now be fitted on all power and lighting circuits in new homes and when alterations and additions (e.g. renovations and extensions) are carried out in existing homes.

Mandatory retrofitting of RCDs in Victorian homes has been raised on a number of occasions over the last decade, but ESV is not aware of any compelling evidence or analysis to support such an initiative.

Please do not hesitate to contact me on 03 9203 9700 if you have any queries.

Yours sincerely



Andrew Padanyi  
**SOLICITOR CORPORATE**

Letter to the Coroner's Court August 2012 – David William Herbert Spence

Attachment 1

WIRING CAMPAIGN - MRB

**energysafe**  
VICTORIA  
Creating a safer state with electricity and gas

Edwardian 	Federation 	Cal Bungalow 	Triple front 
<b>Buying an older home?</b>	Don't let a renovator's dream turn into a nightmare.	<b>Old wiring can be dangerous.</b>	Get it checked by a licensed electrician before you move in.
Protect yourself and your family. <b>More information</b> 1800 800 158 <a href="http://www.esv.vic.gov.au">www.esv.vic.gov.au</a>		A safety message from <b>energysafe</b> VICTORIA Creating a safer state with electricity and gas	<b>redhanded</b> Connecting rural & regional Australia

