

21 June 2011

Mark Baker  
Coroners Registrar  
Coroners Court of Victoria



By email: [cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)

Dear Registrar

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

I refer to your letter dated 16 March 2011, which was received on 21 March 2011.

In accordance with section 72 of the **Coroners Act 2008**, Energy Safe Victoria (ESV) responds as follows to the Coroner's recommendations in connection with the death of Mr Spence.

#### **Recommendation 1**

*ESV have an opportunity not only via its own publications, but also via influence or involvement in apprentice education for review of educational material at tradeschool, in respect of the risks and corrective procedures identified in these findings.*

*I would recommend that ESV take every opportunity to increase emphasis upon safety risks with ageing and old electrical connections and fittings so the prospect of avoiding this sort of risk and death may be reduced by involvement in trade education and its own publications, online and in print.*

#### **ESV response**

ESV will implement recommendation 1.

As a result of age, modification or inadvertent interference, metallic plain conduit (also known as split conduit) wiring systems in the roof cavities of older homes and buildings can lose earthing continuity with metal components becoming electrically live. ESV recognises that younger electricians and electrical apprentices may not be familiar with older electrical wiring systems - such as the split conduit and Vulcanized India Rubber wiring found in Mr Spence's home - and may be unaware of the particular dangers.

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In order to increase industry awareness of the risks of split conduit and ageing electrical installations, ESV has highlighted the risks of deteriorated split conduit in previous editions of *EnergySafe* magazine. The magazine is sent to about 40,000 registered electrical contractors (RECs) and licensed electrical workers in Victoria each quarter.

Furthermore, ESV regularly presents to electrical apprentices on safety requirements. ESV approaches registered training organisations with a view to presenting to 3<sup>rd</sup> year apprentices. There are about 1,200 3<sup>rd</sup> year apprentices in Victoria. In response to recommendation 1, ESV has modified the content of its presentation to better educate apprentices regarding the potential dangers of split conduit wiring.

The first ESV presentation incorporating the modified content will take place in late June 2011 and all future presentations will incorporate this content.

## **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.*

## **ESV response**

Recommendation 2 is in 2 parts. ESV will implement the first part of the recommendation - review of ESV's website and publication strategies.

### Review of ESV website

ESV's website includes pages aimed at home owners, occupiers and property managers in relation to electrical safety in the home. The website will be enhanced to include specific information and warnings on the potential hazards of split conduit and older wiring systems.

In addition, the current Autumn/Winter 2011 edition of *EnergySafe* magazine carries a number of articles on the Spence fatality and the Coroner's inquest findings. The link to the Autumn/Winter 2011 edition is below:

[http://www.esv.vic.gov.au/LinkClick.aspx?fileticket=Pk6qOh\\_5CSA%3d&tabid=404&mid=2135](http://www.esv.vic.gov.au/LinkClick.aspx?fileticket=Pk6qOh_5CSA%3d&tabid=404&mid=2135)

### Review of publication strategies – household electrical safety campaign

ESV has committed to a household electrical safety campaign in 2011 and is preparing a communications strategy/program. The campaign – which will focus on raising community awareness of the dangers of split conduit and older wiring in homes – will target home owners, tenants, landlords, real estate agents, electricians and builders.

An 8-week spring campaign is proposed to coincide with the surge in auctions and home renovation activity at this time of year. It is proposed that the campaign include:

- advertisements on online real estate sites including Domain.com and Realestate.com
- advertisements in the property sections of *The Age* and *Herald Sun*;
- advertisements in suburban and regional papers/magazines with strong real estate sections, such as the *Melbourne Weekly*, with supporting editorial;
- media interviews and stories to promote the campaign;
- promotion on the ESV website;
- further material on the risks of older wiring in the spring edition of *EnergySafe* magazine;
- an article in the Real Estate Institute of Victoria magazine to alert real estate agents to the risks;
- letters to the editor from the Director of Energy Safety to be sent to all regional and suburban papers.

The second part of the recommendation involves review of ESV's presentation of and commitment to the Home Safety Inspection (HSI) program.

There are unresolved issues with this aspect of recommendation 2. ESV conducted trials of the HSI program in regional and suburban Melbourne locations in 2005. The program – which offered homeowners a \$50 rebate off the cost of the home safety inspection – received very little response. Factors in the low rate of uptake are believed to relate to the low level of the subsidy, concern that the inspection might reveal the need for expensive re-wiring<sup>1</sup> and the potential impact on the ability to insure a property found to be electrically defective.

ESV will review the HSI program and determine its ongoing effectiveness. One possibility is to make the HSI report template available to all RECs and to

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<sup>1</sup> re-wiring could be expected to cost at least \$5,000.

encourage home owners to engage an REC to carry out safety inspections with a view to increasing the rate of inspection activity.

### 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.*

### ESV response

An alternative to the Coroner's recommendation is under consideration.

The recommendation is that the Law Institute of Victoria and ESV consider "Vendor Certificates of electrical safety". It may be that the recommendation is aimed at requiring property owners to certify the electrical safety of properties that are offered for sale as part of the obligation under section 32 of the **Sale of Land Act 1962 (the SL Act)** on a vendor to disclose certain matters to prospective purchasers. The SL Act is administered by the Department of Justice.

ESV will write to the Department of Justice in relation to possible amendment of section 32 of the SL Act.

It should be noted that a certificate of electrical safety (**COES**) is required to be given under the **Electricity Safety Act 1998** whenever electrical installation work is carried out in Victoria by a registered electrical contractor or licensed electrical installation worker. An inspection may reveal the need for electrical work to rectify an unsafe or non-compliant installation. However, a COES is not required to be

issued following an inspection where electrical installation work has not been carried out.

#### **Recommendation 4**

*Community awareness of the existence and type of risks to safety identified in respect of the death of David Spence by any means, may well assists others in avoiding such risks, and/or in the appreciation of them resulting in remedial action at an earlier date.*

*Accordingly, magazines or other publications, also home renovation publications, as well as weekend or daily magazine or newspaper publication of these findings regarding the avoidable circumstances of this death may well also assist in wider public awareness of risks.*

#### **ESV response**

To the extent that recommendation 4 is directed to ESV, ESV has implemented the recommendation through the publication of the Coroner's findings and recommendations and associated warnings in the Autumn/Winter 2011 of *EnergySafe* magazine (as referred to in the response to recommendation 2, above).

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

Yours sincerely



Andrew Padanyi  
**LEGAL OFFICER**