

Our Ref: VEW/11/336

2 July 2025

Ms Kate Sanderson
Coroner's Registrar
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Sent via email to: cpuresponses@coronerscourt.vic.gov.au

Dear Ms Kate Sanderson

INVESTIGATION INTO THE DEATH OF HAROLD CLAYTON (COR 2023 005337)

Thank you for your letter of 8 April 2025, attaching Coroner Judge Cain's finding without inquest into the death of Harold Lester Clayton. On behalf of Energy Safe Victoria, I offer our sincere condolences to the family and friends of Mr Clayton.

Coroner Judge Cain directed one recommendation to Energy Safe:

"that legislation be developed under the Gas Safety Act 1997 to mandate the installation of a gas detecting system on vessels in a position to alert occupants of high levels of carbon monoxide and other toxic gases and that it coordinates with Standards Australia to amend AS 1799.1 (2021, Small craft, Part 1: General requirements for power boats) in accordance with this legislation."

Energy Safe's remit for gas safety on boats

Energy Safe regulates gas safety under the Gas Safety Act, which aims to ensure the safe conveyance, sale, supply, measurement, control and use of gas arising from gas facilities, installations and appliances (including boats). Our remit does not, however, extend to gas arising from other sources, such as a petrol fuelled generator as we understand to have been the source on Mr Clayton's boat. AS 1799.1 is not a prescribed standard under the Gas Safety Act and is, therefore, not a standard that is enforced by Energy Safe. Energy Safe is also not represented on the committee for AS 1799.1 and is therefore unable to directly influence amendments to this standard.

Energy Safe will implement an alternative to the recommendation

Energy Safe supports the intent of the recommendation to protect boat users from the dangerous effects of carbon monoxide. We have asked the Chair of the Standards Australia AG006 committee for AS/NZS 5601.2 to review that standard in light of the Coroner's findings and recommendation.

AS/NZS 5601.2 (2020, Gas installations, Part 2: LP Gas installations in caravans and boats for non-propulsive purposes) is a prescribed standard under the Gas Safety Act. Energy Safe is represented on the committee for this standard (and that representative is also the Chair).

AS/NZS 5601.2 provides safety requirements for gas installations and gas appliances on boats, where gas is used for non-propulsive purposes. It includes requirements for ventilation and use of carbon monoxide detectors on boats in certain circumstances. The review will include consideration of whether the current requirements remain fit for purpose to mitigate risks associated with carbon monoxide in enclosed areas of boats.

We will also review and update our existing guidance for boat users, including information about the importance of ventilation and the dangers of carbon monoxide in confined settings. We note carbon monoxide detectors can provide a false sense of security, as they are not always reliable, vary in quality and are difficult to site and calibrate to ensure efficacy. It is therefore important that users are also educated on the dangers of carbon monoxide and actions they can take to mitigate risks.

Unresolved issues that need to be addressed

Any requirements under the Gas Safety Act and AS/NZS 5601.2 for ventilation and use of carbon monoxide detectors will only apply where there is a gas installation or gas appliance, which we understand were not present on the boat owned by Mr Clayton. Rather, we understand that the source of carbon monoxide on Mr Clayton's boat was a petrol fuelled generator.

Amendments to AS 1799.1 could mean that all boats would be required to have carbon monoxide detectors regardless of whether a gas installation or gas appliance is present to enliven the requirements under the Gas Safety Act. We note, however, that caution should be exercised when mandating carbon monoxide detectors. As noted above, these devices can provide a false sense of security, as they are not always reliable, vary in quality and are difficult to site and calibrate to ensure efficacy.

Further information

If you require more information, please contact Renee Coles, Head of Regulatory Policy and Legislation [REDACTED]

Yours sincerely



Leanne Hughson

CHIEF EXECUTIVE OFFICER