

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Government Response to the Coroner's recommendation from the Inquiry
into the origin of the Homegrown Me explosion**

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November 2021**

ACT Government Response to the Coroner's recommendation from the Inquiry into the origin of the Homegrown Me explosion

Executive Summary

On the evening of 24 October 2018 there was an explosion at a commercial kitchen in Fyshwick, resulting in serious injuries to four men.

The ACT Office of the Coroner exercised its jurisdiction to hold an inquiry into the cause and origin of the fire that occurred pursuant to section 18 (2) of the *Coroners Act 1997*. On 29 April 2021, the ACT Coroner wrote to the ACT Attorney-General, enclosing a copy of the Coroner's Report (the report) of the Inquiry into the explosion, pursuant to section 57 of the *Coroners Act*. The report contains comments and a single recommendation about the incident. The ACT Government supports the recommendation.

Coroner's recommendations and key issues

The report made a single recommendation that - the Construction Occupations Registrar consider including 'the above information' in any recommended compliance plate, as anticipated by the *Gas Safety Regulation 2001*, reg 18.

The phrase 'the above information' refers to the suggested statement in the preceding paragraph of the report that - *it is dangerous for an unlicensed person to modify the gas piping system or install or disconnect a gas appliance to the gas piping system, and that it may from time to time be appropriate to have the gas piping system and gas appliances inspected by a licensed gasfitter and gas appliance worker.*

The report includes several comments about the incident.

- The incident arose due to the existence of an uncapped gas line.
- The owner of the kitchen had appropriately engaged a gas appliance worker on two occasions in relation to the adjacent oven and does not appear to have received any advice or warning about the uncapped gas line.
- The *Gas Safety Regulation 2001* (ACT), regs 6 and 10 require any disconnected gas line to be capped.
- The regulatory regime requires that approved gas appliances be disconnected only by licensed gasfitters. A licensed gasfitter would be aware of the need to cap a disconnected gas outlet. The existence of the compliance plate following the removal of the hotplate would have been misleading to the new owner.

- The regulatory scheme does not contemplate the periodic inspection and re-issuing of compliance plates. In the absence of such an arrangement, there would be utility in consumer information being added to the compliance plate. That information could include a statement that it is dangerous for an unlicensed person to modify the gas piping system or install or disconnect a gas appliance to the gas piping system, and that it may from time to time be appropriate to have the gas piping system and gas appliances inspected by a licensed gasfitter and gas appliance worker.

ACT Government response to the recommendation

The ACT Government agrees to Coroner Theakston's recommendation that - the Construction Occupations Registrar consider including consumer safety information in any recommended compliance plate, as anticipated by the *Gas Safety Regulation 2001*, reg 18.

The Coroner's recommendation refers to section 18 of the *Gas Safety Regulation 2001*; section 18 of the Regulation provides an offence for using a consumer piping system that has not been certified as safe. Section 18 (2) states that the owner of a system must not use the system unless (a) a compliance plate is attached; or (b) a certificate of compliance has been given in accordance with section 12 (Certificates of compliance). The Regulation states that 'compliance plate' means the type of verification system that would have been required under a previous, now repealed, regulation. Under current Regulation only a certificate of compliance is mandatory and as such, considering including the consumer safety information as part of the compliance certificate is taken to meet the intent of the Coroner's recommendation.

Section 9 of the *Gas Safety Act 2000* requires gasfitters to supply each person prescribed by regulation a certificate of compliance once an installation is complete. Section 12 of the *Gas Safety Regulation 2001* prescribes the certificate of compliance to be given to the owner or occupier, the Registrar, and the owner of the gas distribution network.

In addition to adding the recommended consumer safety information to compliance certificates the ACT Government will distribute the consumer safety information to stakeholder groups including gas appliance retail outlets, food businesses, and gas bottle suppliers.

Conclusion

The ACT Government acknowledges the serious injuries caused by the explosion and the effect that this has had on the individuals impacted. The Government recognises the importance of the comments and recommendation made by Coroner Theakston in relation to provision to consumer safety information in addition to the existing regulatory regime.