



PERTH CORONERS COURT

31 JAN 2018

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Hon Bill Johnston MLA
Minister for Mines and Petroleum; Commerce and Industrial Relations;
Electoral Affairs; Asian Engagement

Our ref: 71-04686
Your ref: 1281/2015

Ms Ros Fogliani
State Coroner
Office of the State Coroner
Level 10, Central Law Courts
501 Hay Street
PERTH WA 6000

Dear Ms Fogliani

CORONER'S FINDING IN RELATION TO THE DEATH OF REEF JASON BRUCE KITE

Thank you for the correspondence of 18 December 2017 enclosing a copy of Coroner Sarah Helen Linton's Finding in relation to the death of Reef Jason Bruce Kite (the Coroner's Finding).

I thank Coroner Linton for her thoroughness in conducting the Inquest. The McGowan Government welcomes the Deputy State Coroner's recommendation and is in the process of drafting an amendment to the *Residential Tenancies Act 1987* (RT Act) to ensure tenants cannot be precluded from affixing a fixture, if the fixture relates to anchoring a television or item of furniture to a wall for the purposes of child safety. The Government notes that there may need to be some minor exceptions to this rule, such as where the walls of the premises contain asbestos or where the premises are heritage listed. The proposed amendment will be contained in the Consumer Protection Legislation Amendment Bill 2018, which I expect to table in Parliament this year.

Additionally, immediately following the release of the Coroner's Finding, the Department of Mines, Industry Regulation and Safety – Consumer Protection Division (Consumer Protection) issued an e-bulletin informing private lessors of the circumstances of Reef Kite's death and urging them to give tenants permission to affix fixtures in order to secure furniture. A similar e-bulletin was sent to all registered property managers. A copy of this e-bulletin is **attached** for your information. Consumer Protection also updated its webpages to raise awareness of the risks and to again urge lessors to grant permission to tenants to affix fixtures to the wall for the purpose of child safety.

The Government also proposes to amend the Residential Tenancies Regulations 1987 so that the compulsory information sheet provided to tenants at the commencement of the tenancy agreement includes information about the dangers of toppling furniture, and the rights of tenants to affix the furniture to the wall of the premises (once the RT Act is amended).

The Government also intends to include information about these proposed amendments in mandatory continuing professional development training for all property managers, commencing in 2019.

Thank you for bringing the Deputy State Coroner's Finding to my attention. I greatly appreciate the opportunity to respond and I trust the above information is of assistance.

Yours sincerely

Hon Bill Johnston MLA
Minister for Mines and Petroleum; Commerce and Industrial Relations;
Electoral Affairs; Asian Engagement

25 JAN 2018

Att.

Protecting children in rental properties from toppling furniture: Landlord Issue 15 (October 2017)

This publication is for:

Landlord / lessor
30 October 2017

A recent coronial inquest was held into the death of a 22 month old boy, who tragically died at the family's Yokine home in October 2013. Forensic pathologists found that the boy had died of injuries suffered when the 1.25m tallboy he was climbing on toppled onto him.

During the inquest the boy's mother gave evidence that before the tragedy she had asked her landlord to allow her to bolt the tallboy to a wall but her request had been denied.

Small children tend to climb on freestanding bookshelves, drawers, wardrobes and sideboards and if they are unsecured the child's weight can cause them to topple. Furniture units over a metre tall and any unstable furniture can be secured using angle braces or anchors screwed into the wall.

Landlords have a responsibility to ensure rental premises are safe to live in. Under common law, landlords have a duty of care to tenants, as well as to anyone the tenant invites into the property.

As you would be aware, under Western Australian tenancy law, tenants can be prohibited from affixing fixtures, renovating, altering or amending the home OR they can be allowed to, on a case-by-case basis with consent. Consumer Protection encourages landlords to give tenants the permission to anchor furniture in a bid to protect children.

It is important to remember a hole in a wall can be patched or repaired at the end of a rental agreement, but a child's life cannot be replaced.

As evidenced above, unstable furniture can tip over when a child climbs or pulls on it. If the furniture lands on top of the child it can cause serious injuries or be fatal. Between 2000 and 2015 at least 14 children under the age of 9 died in Australia after domestic furniture fell on them.

Consumer Protection is urging landlords to grant consent for tenants with a concern about toppling furniture. Arrangements should always be made in writing.

Any landlord supplying furniture that could be unstable should ensure it is securely anchored before renting, whether or not a child will live at the premises.

Consumer Protection advises tenants that they are happy to intervene and discuss the issue with any owner who refuses a tenant permission to anchor furniture.

For more information visit Product Safety Australia's website on [Toppling Furniture: Anchor it and protect a child](#) and our webpage [Tipping hazards in the home](#).

Consumer Protection

Bulletin

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