



Tuesday 2 July 2019

NEW SMOKE ALARM RULES NEEDED TO KEEP RENTERS SAFE

Victorian Coroner Rosemary Carlin is calling for stronger rules for the installation and maintenance of smoke alarms in rental properties, following the tragic deaths of two children.

DQ, 2, and LQ, 1, whose names have been withheld to protect their identities, died from smoke inhalation when a heater set a soft toy alight in their family's rented East Geelong home on 13 September 2018.

Her Honour said the children's deaths could have been prevented if hardwired smoke alarms had been installed in the house and recommended the *Residential Tenancies Act* and *Building Regulations* be amended to make it an offence for landlords to lease properties without such devices.

While rental properties built after 1 August 1997 must have hardwired smoke alarms, older properties like the children's family home only require battery-powered smoke alarms, which are easily deactivated and removed.

In the finding, released publicly for the first time today, Coroner Carlin found that there was no smoke alarm in the property at the time of the fire. Her Honour noted that while there had been a battery-powered smoke alarm, albeit without a battery, in the house when the rental agreement was signed, the safety device had been removed some time before the fire.

The investigation also revealed legislative ambiguities surrounding landlord and tenant obligations for the maintenance of smoke alarms. While landlords are responsible for replacing alarms and tenants are required to report a faulty alarm, there is no clarity on who should regularly check the devices are in working order.

These issues were also the subject of a 2014 inquest into the deaths of three international students in a house fire in Footscray in January 2008.

The coroner in that case made several recommendations including calling for hardwired smoke alarms for all rental properties irrespective of when they were built and clear guidelines for who must check smoke alarms.

Her Honour said it was unfortunate that the previous recommendations had not been actioned, with the similarity in the cases showing how current legislation continues to put lives at risk.

Coroner Carlin also recommended expanded resources and education programs for tenants from non-English speaking backgrounds, noting that the tenants in both cases had recently arrived in Australia and may not have been aware of their rights and obligations regarding smoke detectors in their homes.

A copy of the finding can be found at:

https://www.coronerscourt.vic.gov.au/sites/default/files/2019-07/DQ_461418.pdf

A copy of the 2014 finding can be found at:

https://www.coronerscourt.vic.gov.au/sites/default/files/2018-12/sunilramanlalpatel_004108.pdf