



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2024 001661

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 63(2)

Section 67 of the Coroners Act 2008

Findings of:	Coroner Dimitra Dubrow
Deceased:	QRB ¹
Date of birth:	1991
Date of death:	22 March 2024
Cause of death:	1(a) Effects of fire
Place of death:	Conrad Street, St Albans Victoria 3021
Keywords:	House fire, smoke alarms, rental properties

¹ This Finding has been de-identified by order of Coroner Dimitra Dubrow which includes an order to replace the name of the deceased, and the names of other persons related to or associated with the deceased, with a pseudonym of a randomly generated letter sequence for the purposes of publication.

INTRODUCTION

1. On 22 March 2024, QRB was 32 years old when she died in a house fire at her home in St Albans. QRB was renting the property directly from the owners. She is survived by her parents, JIB and NBB.

THE CORONIAL INVESTIGATION

2. QRB's death was reported to the coroner as it fell within the definition of a reportable death in the *Coroners Act 2008 (the Act)*. Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury.
3. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
4. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
5. Judicial Registrar Katherine Lorenz, then coroner, initially held carriage of this investigation. I took carriage of this matter upon my appointment in September 2024 and following Judicial Registrar Lorenz's departure.
6. Victoria Police assigned an officer to be the Coronial Investigator for the investigation of QRB's death. The Coronial Investigator conducted initial enquiries on the Court's behalf, including taking statements from witnesses and submitted a coronial brief of evidence.
7. This finding draws on the totality of the coronial investigation into the death of QRB. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.²

² Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the

MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE

Circumstances in which the death occurred

8. On 22 March 2024, at 6:12am, a neighbour reported a fire at QRB's address to Triple Zero.
9. At 6:17am, members from Fire Rescue Victoria (**FRV**) attended the scene.
10. On arrival, members described the fire inside the property as intense with extremely limited vision owing to smoke.
11. A search of the property was conducted using a thermal imaging camera.
12. QRB was found in the bathroom covered with a shower curtain. She was unconscious and not breathing.
13. FRV members removed QRB from the property and commenced CPR on the nature strip until the arrival of paramedics from Ambulance Victoria.
14. Paramedics took over resuscitative efforts. Unfortunately, QRB was deceased and could not be revived.

Identity of the deceased

15. On 27 March 2024, QRB, born 1991, was visually identified by her father, who completed a statement of identification.
16. Identity is not in dispute and requires no further investigation.

Medical cause of death

17. On 26 March 2024, Forensic Pathologist Dr Heinrich Bouwer from the Victorian Institute of Forensic Medicine conducted an autopsy and provided a written report of his findings.
18. The autopsy showed effects of fire including partial thickness burns to 30% of the body and soot deposition in the airways.
19. There were bilateral anterior rib fractures which are an artefact of resuscitation.

evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

20. Toxicological analysis of post-mortem samples detected inhalation of products of combustion: carboxyhaemoglobin at 57% saturation and cyanide. Dr Boucher explained that carbon monoxide and hydrogen cyanide are gases produced from the combustion of organic fuels and plastic products. In addition, methylamphetamine, amphetamine, clonazepam, quetiapine, pericyazine, clomipramine, and cannabis were detected.
21. Dr Boucher provided an opinion that the medical cause of death was 1(a) Effects of fire.
22. I accept Dr Boucher's opinion.

FURTHER INVESTIGATIONS

23. Forensic Officers at the Victoria Police Forensic Services Centre attended the scene later the same day. A Forensic Officer provided a report of the findings. Other investigators from FRV also attended the same examination and produced a fatal fire investigation report. All reports noted that there were no smoke detectors located inside the house and that no smoke alarms were heard by witnesses and first responders.
24. The Coronial Investigator, a Detective Senior Constable who also examined the scene, provided an opinion that it was unlikely that any other person was involved in the fire. It was also considered unlikely that QRB intentionally lit the fire herself.

Forensic Officer Report

25. The Forensic Officer noted that the pattern of damage in the lounge room indicated that the fire originated in the northwestern corner at single point of origin, around the northern end of the entertainment unit. The Forensic Officer was unable to determine whether any of the appliances on the unit were connected to power or in use at the time of fire owing to the fire damage.
26. The Forensic Officer provided an opinion that because there was no smoke detector inside the house, QRB was most likely alerted to the fire once it was well established and took shelter in the shower where she had been overcome by smoke.
27. The Forensic Officer determined the cause of the fire as the ignition of combustible materials in the northwestern corner of the lounge room, including the electrical appliances, timber furniture, and carpet. However, the Forensic Officer was not able to determine the source of ignition.

28. The following sources of ignition were considered: direct ignition, a carelessly discarded cigarette butt, a burning incense stick or tea light candle, and an electrical fault. The latter was considered the most likely.
29. The power point was burnt, but to a lesser extent than the appliances. The wall cavity surrounding the power point was in good condition. The Forensic Officer considered a fault within the house wiring to be unlikely.
30. While there were many cigarette butts located in the main bedroom, there were none in the lounge room. Further, the materials in the area were not particularly conducive to ignition via this means.
31. There was no evidence of flammable liquid or direct ignition. There was also no evidence of forced entry or other third-party involvement.
32. Ignition by an incense stick or tea light candle was thought to be a possibility. Both were found in the main bedroom. While neither were found in the lounge room, they may not have survived or been recognisable if they were the source of the fire.
33. Overall, the Forensic Officer considered a fault or overheating of an appliance to be the most likely source of ignition.

Fire Rescue Victoria Investigation Report

34. The report identified many additional fire safety issues including:
 - a) No smoke alarms installed (no smoke alarms were located in the debris and no alarm was heard).
 - b) Smoking indoors and discarded smoking materials observed in the master bedroom.
 - c) Multiple tealight candles and incense sticks observed in the bedroom along with lighters.
 - d) Drug use, with a bong located on the bedside table and a bowl of what appeared to be vegetable like matter that resembled marijuana on the bed.
 - e) Poor housekeeping, including multiple electrical hazards evident within the bedroom such as extension leads across the floor and multiple power boards.
 - f) Mental health issues
35. FRV classified this fatal fire as a preventable fatality.

At-Risk Groups Report

36. The matter was referred to the At-Risk Groups, a unit within the Community Resilience Department at FRV which focusses on residential fire prevention and risk reduction for groups most at-risk from fire in the home. The unit provided a supplementary report to the FRV report.
37. The report referred to the requirement that all residential properties must have working smoke alarms complying with Australian Standard *AS 3786:2014 Smoke alarms using scattered light, transmitted light or ionisation*.³
38. The report recommended review and strengthening of existing smoke detector legislation in Victoria with specific comparison to Queensland legislation.
39. The report explained that following the Slacks Creek disaster in 2011, a house fire in Queensland which killed eleven people, the Queensland Government strengthened its smoke alarm legislation by mandating that by 2027, all smoke alarms in all homes regardless of when built must either be hardwired or powered by a non-removable 10-year battery, located in each bedroom and hallway on every level of a dwelling, be interconnected, and be less than 10 years old.
40. In comparison, the report explained that the requirements in Victoria for homes constructed after 1 August 1997, or homes which have undergone a major renovation, must have smoke alarms connected to mains power with battery backup.⁴ Homes constructed before 1 August 1997, such as the dwelling in this case, may have battery-operated smoke alarms.⁵
41. While not a legislated requirement in Victoria, FRV nonetheless recommends the additional requirements as contained the Queensland legislation.

³ An updated Australian Standard 3786:2023 has been published but there is no current requirement for smoke alarms already in place and compliant with Australian Standard 3786:2014 to be replaced to accord with the new standard.

⁴ Australian Building Codes Board Housing Provisions, Part 9.5.1(c). Similar provisions exist in the relevant National Construction Code in force at the time of construction after 1 August 1997.

⁵ *Building Regulations 2018*, r 145.

Rental Provider Response

42. In a statement to the Court, QRB's father, JIB, reported the difficulties in getting things fixed around the house and the overall poor condition of the premises. The FRV report also noted that the power had been disconnected, with the smart meter removed by the power company.
43. The rental provider was asked to provide a statement through the Coronial Investigator about property maintenance, including specific reference to smoke alarms.
44. The rental provider acknowledged that he was the individual solely responsible for maintenance of the property and that this property was not managed through an agent. The rental provider said that he personally performed annual alarm testing, cleaning of the alarms, and replacing of the batteries.
45. The rental provider also confirmed that most property maintenance requests were made in person, via phone, or SMS, and outlined some of the maintenance requests and actions taken. Gas and electrical checks were reportedly last performed in 2022 with no issues reported.
46. Given the contrary findings in the various forensic reports which found no evidence of smoke alarms nor that any smoke alarms sounded, the rental provider was afforded an opportunity, through the Coronial Investigator to respond, as well as to the concerns of QRB's family.
47. On 31 October 2025, the rental provider provided a response to the Court and outlined that two smoke detectors were installed and fully operational prior to the fire incident. These included one in the hallway ceiling near the kitchen and another near the bathroom/bedroom area. The rental provider further stated, '*At no time between when I last checked them and the time of the fire was I notified of any malfunction, low-battery alert or removal of these devices.*'
48. The rental provider noted that during a routine inspection at the property, '*it was observed that the smoke detector batteries had been disconnected and the tenant admitted to doing so, to silence nuisance activations caused from smoking and candles/incense use.*' The rental provider considered that it was plausible that '*one or both smoke detectors were removed or disabled by the tenant prior to the incident.*'
49. Regarding the electrical circuit breakers/safety switches, the rental provider understood that circuit breakers had been placed in the switchboard in the usual way. The rental provider was

not aware *'of whether the tenant used any other circuit-breaking or surge resistant devices on her power boards or appliances.'*

50. The rental provider noted that the internal cleanliness of the property was cluttered and messy. Inspections by the rental provider showed that QRB *'smoked indoors, seemingly burning incense and scented candles.'*
51. In response to the submissions of the rental provider, QRB's family noted the following on 18 December 2025:
- a) That QRB's father, JIB, had discussed the lack of smoke detectors and circuit breakers/safety switches with the rental provider on at least 4 or 5 occasions, possibly more, over the course of QRB's residency.
 - b) Most recently, JIB discussed the lack of smoke detectors and circuit breakers with the rental provider in the year leading up to the fire.
 - c) In relation to the smoke detectors, the rental provider advised JIB that these were not compulsory.
 - d) In relation to the circuit breakers/safety switches, the rental provider asked JIB if he could go to Bunnings to buy some, which he declined.
 - e) JIB believes the circuit breakers were subsequently purchased and installed by the rental provider himself.
 - f) A photograph was provided dated 26 September 2022 that depicted the absence of any circuit breakers/safety switches.

52. Given the disparity in the evidence, I am unable to reconcile many of the issues relating to the condition of the property and maintenance. While unsatisfactory, ultimately these issues do not appear to be causally related to the fire and subsequent death and so I consider that I can make the required findings without resolving these factual disputes.

53. However, regarding the presence of smoke alarms, I consider it unlikely that smoke alarms were installed or maintained at the property based on the findings of FRV and the Forensic Officer that no smoke alarms sounded, and no smoke alarms were found.

FINDINGS AND CONCLUSION

54. Pursuant to section 67(1) of the Act I make the following findings:

- a) the identity of the deceased was QRB, born 1991;

- b) the death occurred on 22 March 2024 at Conrad Street, St Albans Victoria 3021 from effects of fire; and,
- c) the death occurred in the circumstances described above.

COMMENTS

Pursuant to section 67(3) of the Act, I make the following comments connected with the death.

- 1. The Coroners Court investigates multiple house fire related deaths each year. Many of these involve smoke detectors and alarms that have been inadequately maintained or otherwise rendered nonfunctional. I emphasise the message that *“only working smoke alarms save lives”*.

Previous Smoke Alarm Requirements in Rental Properties

- 2. As noted in the At-Risk Groups report, all residential properties must have working smoke alarms. This obligation resides with the property owner.
- 3. The requirement for working smoke alarms was not contained in the minimum rental standards. Instead, it was found in the Standard Form – the form that must be used where there is a written rental agreement.⁶
- 4. Clause 16 of the Standard Form reads:

16. *Smoke alarm safety activities*

(a) The rental provider must ensure that—

(i) any smoke alarm is correctly installed and in working condition; and

(ii) any smoke alarm is tested according to the manufacturer's instructions at least once every 12 months; and

(iii) the batteries in each smoke alarm are replaced as required.

(b) The rental provider must immediately arrange for a smoke alarm to be repaired or replaced as an urgent repair if they are notified by the renter that it is not in working order.

⁶ *Residential Tenancies Act 1997* (Vic), s 26(1).

Note: Repair or replacement of a hard-wired smoke alarm must be undertaken by a suitably qualified person.

(c) The rental provider, on or before the commencement of the agreement, must provide the renter with the following information in writing—

(i) information about how each smoke alarm in the rented premises operates;

(ii) information about how to test each smoke alarm in the rented premises;

(iii) information about the renter's obligations to not tamper with any smoke alarms and to report if a smoke alarm in the rented premises is not in working order.

(d) The renter must give written notice to the rental provider as soon as practicable after becoming aware that a smoke alarm in the rented premises is not in working order.

Note: Regulations made under the Building Act 1993 require smoke alarms to be installed in all residential buildings.

5. This made smoke alarm requirements a written contractual agreement between the rental provider and the renter, rather than an independent legal duty. In this case, the written rental agreement was made using an outdated form which did not include the required smoke alarm safety activities.
6. A non-functioning smoke detector would nonetheless be classified as an urgent repair. A renter could also apply to VCAT to correct the rental agreement if an outdated standard form was used.⁷

Strengthened Smoke Alarm Requirements in Rental Properties

7. Somewhat relatedly, the absence of smoke alarm safety activities in older agreements was identified in the coronial investigation into the death of Simon Scarff.⁸
8. His Honour Coroner Paul Lawrie noted that the smoke alarm safety clauses in the Standard Form did not apply retrospectively to existing rental agreements entered before 29 March 2021, or any fixed term agreement of less than 5 years that rolled over to a periodic agreement on or after 29 March 2021.

⁷ *Residential Tenancies Act 1997* (Vic), s 452(1)(b).

⁸ [COR 2022 00829](#).

9. Simon Scarff's death fell into this category of leases which were not captured by these changes, and it was found that had they applied, the death may have been prevented. Coroner Lawrie recommended that the smoke alarm safety clauses apply retrospectively.
10. This recommendation was accepted, and the subsequent legislative changes now impose a duty on all residential rental providers irrespective of when the residential rental agreement was entered into. In particular, residential rental providers are responsible for ensuring smoke alarms are correctly installed and in working condition, are fitted with batteries or replacement batteries and tested annually.⁹
11. This clearer requirement for all rental providers, together with the presumed public awareness campaign, will go some way to ensure that renters are afforded appropriate early warning of fires through smoke detectors and alarms.
12. Taking this a step further, a stronger protection would be afforded by smoke detection and alarm systems which do not require battery changes or yearly maintenance such as hardwired systems. The recommendation I have made below echoes the suggestions by Fire Rescue Victoria to strengthen smoke detector and alarm system requirements in Victoria in this way. A copy of this finding will be provided to the Minister for Housing and Building with this recommendation.

Further Strengthening Smoke Alarm Requirements

13. While smoke alarms allow for early warning, they do not prevent nor extinguish fires. Therefore, in addition to reviewing and updating smoke alarm legislation in relation to existing residences, this case also highlights the need for continued safety in the construction of new dwellings, such as the inclusion of sprinkler systems in all new residential buildings, regardless of height,¹⁰ as supported by Fire & Rescue New South Wales.
14. In their Fire Research Report, it was noted that sprinkler systems and smoke alarms in combination markedly improve the safety of occupants in the event of a fire.¹¹

⁹ *Residential Tenancies Act 1997* (Vic), s 68AA (in force from 25 November 2025).

¹⁰ Sprinkler systems are currently required in all buildings over 25 metres or 4 storeys or more, Specification 17, National Construction Code 2022, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/e-services-and-equipment/17-fire-sprinkler-systems>

¹¹ Fire & Rescue New South Wales, 'Fire research report – Residential Sprinkler Research', <https://www.fire.nsw.gov.au/gallery/files/pdf/research/FRNSW%20Residential%20Sprinkler%20Research%20Report.pdf>

15. I note that consultation in relation to amending the National Construction Code to provide for sprinkler systems has been previously recommended to the responsible body, the Australian Building Codes Board, including by my colleague Coroner Olle in 2023¹² and more recently referred to by my colleague Coroner Giles in 2025.¹³
16. The presence of a sprinkler system in conjunction with a working smoke alarm would afford occupants, including vulnerable members of our community, greater opportunity to escape and survive fires, lending weight to the call to consider:
 - a) Strengthening smoke alarm requirements including mandating smoke alarms in every bedroom; and
 - b) Mandating sprinkler fire systems in all new residences.
17. While only new residences would provide this kind of ‘double protection’, in time, more people would benefit from such protection.

Improving Enforcement of Smoke Alarm Requirements

18. The remedies for non-compliance with smoke alarm safety activities sits squarely with renters. They must either request an urgent repair or apply to VCAT to compel compliance. The inherent power imbalance between rental providers and renters presents a significant barrier to reporting, particularly for vulnerable people in precarious housing situations who are at risk of, or perceive a risk of, eviction or not wanting to ‘rock the boat’. Renters must also be aware of the requirements and available protections.
19. The At-Risk Groups Unit report also noted that

“FRV has anecdotal evidence that, due to the housing crisis, the tight rental market, or other factors, some renters are reluctant to request repairs or to notify their rental provider when a smoke alarm malfunctions, for fear of a rental increase or eviction. In this context, the provisions around smoke alarms in the Residential Tenancies Act may be less effective.”

¹² COR 2020 003017.

¹³ COR 2022 006787 and COR 2022 006788.

20. I sought a statement from Consumer Affairs Victoria (CAV) who confirmed that the smoke alarm safety requirements are not conduct obligations. This means that while CAV provides information and education to renters and rental providers, and that while CAV is relevant regulator of the *Residential Tenancies Act 1997* and *Residential Tenancies Regulations 2021*, it has no formal powers to inspect, investigate, or enforce compliance with smoke alarm safety requirements.
21. I note that the Queensland legislation requires owners of domestic dwellings to both install smoke alarms and test them yearly if the dwelling is rented.¹⁴ When selling or otherwise transferring residential land, the transferor must give written notice of whether compliant smoke alarms are installed in the domestic dwelling.¹⁵ Breach of any of these provisions carries a maximum penalty of 5 penalty units.
22. Similarly, local councils do not have enforcement powers under the *Residential Tenancies Act 1997*. I also sought a statement from Brimbank City Council who stated that councils do not have any power, role, or function in relation to the obligation to have working smoke alarms as required by the Building Regulations.
23. However, Brimbank City Council clarified that they owe a duty of care where a property within its municipality likely poses a danger to the life, safety, or health of any person and the council is aware of the facts and has power to act.
24. Accordingly, when Brimbank City Council is aware of a danger, it takes steps to mitigate this danger, most commonly through the enforcement powers in Part 8 of the Building Act and the issuing of Emergency Orders or other orders for compliance with the Building Act and Regulations.
25. This includes the requirement to have working smoke alarms in residential buildings.
26. Brimbank City Council noted that non-compliant smoke detection and alarm systems are most commonly observed in relation to boarding houses. They take a more active management approach to these dwellings including collection and storage of enforcement data as well as purchasing and installing temporary smoke alarms.

¹⁴ *Fire Services Act 1990* (Qld), s 147Z and 148B.

¹⁵ *Ibid*, s 148I.

27. Auditing and enforcement of smoke alarms in rental properties by council or CAV may impose a disproportionate administrative burden. This finding will also be distributed to other stakeholders to consider how external bodies such as CAV and local councils can assist in achieving compliance for smoke alarm safety activities and reducing the onus on renters to have to advocate for themselves.

RECOMMENDATIONS

Pursuant to section 72(2) of the Act, I make the following recommendations:

- i. That the Minister for Housing and Building consider and assess Fire Rescue Victoria's recommendation to strengthen smoke detector and alarm system requirements in Victoria along the lines of the reforms introduced in Queensland, including mandating that smoke alarms in all homes, regardless of when built, be either hardwired or powered by a non-removable 10-year battery, be interconnected and less than 10 years old and to consult with Fire Rescue Victoria, the Country Fire Authority, the Victorian Building Authority and the responsible Queensland Minister in relation to the implementation of the legislative changes in that state. It is acknowledged that any mandatory changes to smoke alarm requirements may cause financial and other hardship to Victorian homeowners such that it is recommended that the Minister consider an appropriate lead time and support by way of rebates or discounts akin to that provided as part of the Victorian Energy Upgrades.

I have elected to publish this finding to contribute to the community's awareness of the risk and sometimes fatal and devastating impact of residential fires. A copy of the finding will be provided to a number of organisations involved in the continued discussions around residential fire risk, safety improvements and public information campaigns.

I convey my sincere condolences to QRB's family. I acknowledge the important role and brave efforts of the first responders to this incident.

Pursuant to section 73(1A) of the Act, I order that a de-identified version of this finding be published on the Coroners Court of Victoria website in accordance with the rules.

I direct that a copy of this finding be provided to the following:

JIB & NBB, Senior Next of Kin (C/- Zaparas Lawyers)

Detective Senior Constable James Occhietti, Coroner's Investigator

The Hon. Nick Staikos, Minister for Housing and Building

Fire Rescue Victoria
Country Fire Authority
Australian Building Codes Board
Home Sprinkler Coalition Australia
Brimbank City Council
Consumer Affairs Victoria

Signature:



Coroner Dimitra Dubrow

Date: 19 May 2026

NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an investigation. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
