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# 600k landlords on notice after woman charged in fire tragedy

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6 minutes

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Queensland's more than 600,000 landlords have been warned they could face criminal charges if they ignore tough smoke alarm laws after the owner of a home in which six people died was charged. **SEE THE RULES**

Queensland's more than 600,000 landlords have been warned they could face criminal charges if they ignore tough smoke alarm laws after the owner of the Russell Island home that burnt to the ground, killing six people, [was charged](#).

In a rare move by the Queensland Police Service, Donna Rose Beadel, 61, was issued a notice to appear on one count of owners must install smoke alarms on Tuesday following the August 6, 2023 fire.

The revelation comes as real estate industry leaders call for tougher penalties and for the state to be brought into line with NSW and Victoria by appointing a rental commissioner to protect tenants and introducing greater regulation of smoke alarm laws to prevent a similar tragedy.

In 2017 the state government introduced the laws that required any home being sold, or where a new tenancy starts or an existing tenancy is renewed, smoke alarms be photoelectric, with a maximum penalty of about \$700 for failing to do so – which The Courier-Mail understands is less than the cost to install the system.

The charge is one of the first to be brought to a courtroom and among just 44 fines issued since the strict legislation change in 2017.

Australian Housing and Urban Research Institute managing director Michael Fotheringham said a commissioner to oversee the regulation and safety of rental accommodation should be appointed in Queensland – and across the country – in light of the Russell Island incident.



*Wayne Godinet and his five sons perished in the Russell Island fire.*

“The charges being laid in relation to this case indicate the responsibility of landlords and agents to ensure properties are safe when renting out is clear,” he said.

“It is a relatively unregulated market and if people aren’t meeting the current regulations, that’s clearly problematic and suggests the need for more strident regulation to be implemented.”

Queensland’s housing minister Meaghan Scanlon on Thursday came out in support of a new rental commissioner, saying the state also needed a real estate industry code of conduct.

Ms Scanlon was speaking at the launch of the \$15m Lucas Drive east-west arterial road in the Stockland Providence community in Ipswich on Thursday morning.

“We’re certainly very open to looking at that sort of role,” she said.

“What we do need in Queensland is a code of conduct, and we’re the only state that doesn’t have one because that was torn up by a previous government.

“So that’s something that we’ll be continuing with, but (we) always welcome any feedback.”

Queensland is the only state without a code for the sector.

The last one was repealed in 2014.

The drive for a new rental code of conduct was announced earlier this month in a joint statement by Premier Steven Miles and Ms Scanlon.

The new rental sector Code of Conduct was expected to “crack down on dodgy and unprofessional practices and ensure better protections for renters”.

Among the fresh moves to protect renters, rental bidding will also be banned with penalties enforced against agents who engage in such practices.

Legal changes were also expected to boost renter’s rights including rules around privacy, modifications to property, and limits on reletting costs.

Fire alarm safety advocate Louie Naumovski – who helped campaign to mandate photoelectric smoke alarms in Queensland – hoped the charge against Ms Beadel would be a reminder for landlords.

“It’s terrible what happened, it’s not going to bring the children and dad back ... but I hope this is a lesson to all landlords out there,” Mr Naumovski said. “If smoke alarms were in that property, there could have been enough warning for some of the kids to get out.”





*The gutted remains of the house on Todman St, Russell Island*

Real Estate Institute of Queensland CEO Antonia Mercorella said the consequences of failing to meet the smoke alarm laws should be tougher.

She said it was reasonable for property owners to expect consequences if they did not abide by safety regulations.

Mr Fotheringham said he also believed the maximum penalty for a landlord not installing a working smoke alarm in a property (\$774) was not strict enough.

“When you consider the potential consequences of not installing a working smoke alarm, you could certainly say that was a pretty low threshold,” he said.

Tenant advocates say renters are scared to report safety issues such as faulty smoke alarms for fear of being evicted, making it easier for investors not to comply, in the wake of a landlord being charged with not having a compliant smoke alarm in the home.

Better Renting executive director Joel Dignam said a rental commissioner would be welcome as long as reforms were also considered to make tenants feel safe to report safety issues without being punished by landlords.

Mr Dignam said it was not the first time a tragedy had happened in a rental property because a landlord had allegedly failed to comply with the relevant legislation.

“We do have a real problem in tenancy law of under-enforcement,” Mr Dignam said.

“These risks were always there. It really is too late.

“I’m sure there are plenty of landlords out there who do respond to laws like this ... but I think that it would be really easy to get away with not complying, particularly because renters are the only ones who can make an issue of it.

“Their willingness to say anything is minimal because they know they can be evicted at the end of their fixed tenancy.” Landlords are responsible for the installation of smoke alarms in Queensland rental properties under legislation introduced in 2017 and rolled out over five years.

Mr Dignam said the rollout was unnecessarily long.

MCG Quantity Surveyors managing director Mike Mortlock said the charge laid against Ms Beadel was a “wake-up call” for all landlords.

“I expect anyone in breach of this legislation will be very quickly moving to ensure they’re on the right side of things,” he said.

Ms Mercorella said the REIQ had been committed to educating and training property managers about smoke alarm compliance.

“The majority of rental properties in Queensland are managed by property managers who recognise the importance of complying with the legislation and engage expert services to give lessors and tenants peace of mind.

“We strongly recommend that lessors seek a professional smoke alarm installer who understands the intricacies of the legislation to ensure their smoke alarm upgrade and maintenance is indeed compliant.”



*The intensity of the blaze was caught on camera.*

## **THE LAWS EXPLAINED FOR LANDLORDS**

- Landlords are responsible for the installation of smoke alarms.
- Smoke alarms manufactured more than 10 years ago, as well as any that do not operate when tested, must be replaced with photoelectric smoke alarms that comply with Australian Standard 3786-2014.

**From January 1, 2022:** At the commencement of a new lease or lease renewal, you must ensure dwelling meets the requirements of the domestic smoke alarm legislation. This may involve installing interconnected photoelectric smoke alarms in the bedrooms in addition to required alarms.

## **FOR LANDLORDS & TENANTS**

- Within 30 days before the start of a tenancy, the landlord must test and clean each smoke alarm in the dwelling.
- During a tenancy, the tenant must test and clean each smoke alarm at least once a year.
- To test a smoke alarm, press the “test” button. Cleaning should be done according to the manufacturer’s instructions.
- You do not need to be qualified or licensed to clean or test a domestic smoke alarm.
- Some real estate agents may outsource alarm maintenance to another company with associated fees paid by the landlord.

## **FOR OWNER-OCCUPIERS**

- Smoke alarms made more than 10 years ago must be replaced with photoelectric smoke alarms that comply with Australian Standards (AS) 3786-2014. (The date should be stamped on the back.)
- Smoke alarms that do not operate when tested must be replaced immediately.
- Hardwired smoke alarms that need replacement must be replaced with a hardwired photoelectric smoke alarm.
- Smoke alarms that do not operate when tested must be replaced immediately.

## **FROM JANUARY 1, 2027:**

### **More Coverage**

- All existing private homes, townhouses and units will require photoelectric interconnected smoke alarms. These must be either a hardwired (eg 240v) or non-removable 10-year battery-powered type alarm.
- The legislation requires smoke alarms must be installed on each storey, in each bedroom, in hallways connecting bedrooms and the rest of the dwelling, if there is no hallway, between the bedroom and other parts of the storey, and if there are no bedrooms on a storey, at least one smoke alarm must be installed in the most likely path of travel to exit the dwelling.

*Source: QFES*