

# Fire and Emergency Services (Smoke Alarms) Amendment Bill 2015

## Explanatory Notes

### **Short title**

The short title of the Bill is the *Fire and Emergency Services (Smoke Alarms) Amendment Bill 2015*.

### **Policy objectives and the reasons for them**

*The objective of the Bill is to:*

Implement recommendations from the Coronial Inquest into the Slacks Creek house fire that occurred in August 2011. The fire caused the greatest loss of life in a domestic house fire in Australian history, claiming the life of 11 people, including 8 children under the age of 18. The findings from the Coronial Inquest were published on 28 November 2014.

### **Achievement of policy objectives**

To achieve this objective, the Bill will amend the *Fire and Emergency Services Act 1990*.

The Bill provides for a staged transition process to the implementation of photoelectric smoke alarms in residential premises in Queensland. It stipulates that only photoelectric, as opposed to ionised smoke alarms are the approved smoke alarms to be used and also provides for the locations of where these alarms should be installed.

Each smoke alarm must be a photoelectric smoke alarm and needs to comply with AS 3786-1993. The specifications for the alarm are that it must be a 240 volt smoke alarm that is hard wired to the domestic dwelling's electricity supply or that the alarm is powered by a 9 volt lithium battery that is manufactured to have a battery life of a minimum 10 years.

A staged transition process has been determined, in accordance with the recommendations from the Coroner. The commencement date for the Bill is 1 July 2016.

Penalties for non-compliance with the Bill are the same as the existing Act.

While interconnectivity of alarms is something that has been recommended by the Coroner, it is considered that the first priority is to transfer all existing domestic dwellings in Queensland to photoelectric smoke alarms. Houses approved for construction on or after 1 May 2014 already have the requirement of having interconnected smoke alarms. Queensland Fire and Emergency Services recommend that alarms should be interconnected on their departmental website and for existing premises, this is something that should be encouraged, rather than mandated.

### **Alternative ways of achieving policy objectives**

There are no known alternate ways of achieving the same policy objectives. The Coroner recommended legislative amendment.

### **Estimated cost for government implementation**

The costs for implementation of the legislation is borne by individual house owners who already have obligations to comply with the Act.

### **Consistency with fundamental legislative principles**

The Bill is consistent with fundamental legislative principles.

## **Consultation**

There has been no formal public consultation undertaken on the Bill, there has been discussion with the Logan House Fire Support Network. Furthermore, the Coroner undertook significant consultation with Queensland Fire and Emergency Services officials as part of his Inquest and the development of recommendations.

## **Consistency with legislation of other jurisdictions**

Each state and territory have varied arrangements regarding smoke alarms. In New South Wales, the legislation provides for a minimum level of protection however Fire and Rescue NSW (FRNSW) recommends that a higher level of protection be considered such as a hard wired, interconnected smoke alarm system containing a combination of photoelectric and ionisation type detectors. FRNSW recommends where possible that photoelectric smoke alarms are installed in paths of travel between sleeping areas and exits to the open air or to common corridors.

In Victoria, since 1 August 1997, the legislation stipulates that smoke alarms (complying with AS 3786) must be installed in all homes, units, flats and townhouses. Residential homes constructed before 1 August 1997 require a 9 volt battery powered smoke alarm. Residential homes constructed after 1 August 1997 must have smoke alarms connected to 240 volt mains power. In addition a backup battery must be installed in the smoke alarm.

The Metropolitan Fire Brigade (Victoria) website provides the following advice:

*All fire services in Australia recommend photoelectric smoke alarms when installing or replacing existing smoke alarms. Smoke alarms need to be maintained in accordance with the manufacturers specifications.*

The Northern Territory is the only jurisdiction to specify the use of only photoelectric smoke alarms in their legislation, as the required type of alarm for an existing residential building. No jurisdictions specify ionised smoke alarms, while other jurisdictions do not specify a preference.

## **Notes on provisions**

Clause 1 refers to the short title of the Bill.

Clause 2 refers to the date on which this Bill would commence, which is 1 July 2016.

Clause 3 stipulates that this Bill amends the *Fire and Emergency Services Act 1990*.

Clause 4 amends s104RA which provides for the definition of a domestic dwelling for the purposes of the Bill, as is stipulated under part A3 of the 2015 edition of the Building Code of Australia.

Clause 5 outlines the requirements of where a smoke alarm must be installed in a domestic dwelling and the type of alarm that must be installed. It also provides that each smoke alarm must be either hard wired to the domestic dwelling's electricity supply or powered by a 9 volt lithium battery with a minimum 10 year battery life.

Clause 6 amends s104RD of the Act regarding the process for how a smoke alarm is to be tested, in conjunction with Clause 7 which inserts a new s104RDA and s104RDB. The existing section was only applicable for tenancy situations, rather than owners of domestic dwellings as well.

Clause 7 outlines the process in place for when a smoke alarm needs to be replaced.

Clause 8 is a consequential amendment to Clause 7 which stipulates the process for replacing a smoke alarm in a domestic dwelling.

Clause 9 provides for the transitional provisions in the Bill, including the staged approach as was recommended by the Coroner. That process includes, any transfer date for a domestic dwelling, existing or new residential tenancy agreements or rooming accommodation agreements. If an owner of a domestic dwelling complies with the existing arrangements, the owner has 3 years from the commencement date of this Bill to comply with the new arrangements in Clause 5 of the Bill.