



Queensland

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





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

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**2015**

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**A Bill**

for

**An Act to amend the *Fire and Emergency Services Act 1990* for particular purposes**

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<b>The Parliament of Queensland enacts—</b>	1
<b>Clause 1      Short title</b>	2
This Act may be cited as the <i>Fire and Emergency Services</i>	3
( <i>Smoke Alarms</i> ) Amendment Act 2015.	4
<b>Clause 2      Commencement</b>	5
This Act commences on 1 July 2016.	6
<b>Clause 3      Act amended</b>	7
This Act amends the <i>Fire and Emergency Services Act 1990</i> .	8
<b>Clause 4      Amendment of s 104RA (Definitions for div 5A)</b>	9
(1) Section 104RA, definitions <i>class 1a building</i> , <i>class 2 building</i>	10
and <i>domestic dwelling</i> —	11
<i>omit</i> .	12
(2) Section 104RA—	13
<i>insert—</i>	14
<i>building classification</i> means a building	15
classification under part A3 of the 2015 edition	16
of the Building Code of Australia.	17
<i>domestic dwelling</i> means—	18
(a) a single dwelling mentioned in paragraph	19
(a) of the class 1 building classification; or	20
(b) a building mentioned in paragraph (b)(i) of	21
the class 1 building classification; or	22
(c) a single dwelling mentioned in paragraph	23
(b)(ii) of the class 1 building classification;	24
or	25
(d) a sole occupancy unit.	26

- |                 |  |    |
|-----------------|--|----|
| <b>Clause 5</b> | <b>Amendment of s 104RB (Owner must install smoke alarm)</b>   | 4  |
|                 |  | 5  |
| (1)             | Section 104RB(2)—  | 6  |
|                 | <i>omit, insert—</i>   | 7  |
| (2)             | A smoke alarm must be installed on or near the ceiling—  | 8  |
|                 |  | 9  |
| (a)             | for each storey of the domestic dwelling containing a bedroom—   | 10 |
|                 |  | 11 |
| (i)             | between each part of the dwelling containing a bedroom and the rest of the dwelling; and                 | 12 |
|                 |  | 13 |
| (ii)            | in each hallway that has an entrance to a bedroom; and   | 14 |
|                 |  | 15 |
| (b)             | for each storey of the domestic dwelling that does not contain a bedroom—in an exit path for the storey. | 16 |
|                 |  | 17 |
|                 |  | 18 |
|                 |  | 19 |
| (2A)            | Each smoke alarm must—   | 20 |
| (a)             | be a photoelectric smoke alarm; and  | 21 |
| (b)             | comply with AS 3786-1993; and  | 22 |
| (c)             | have been manufactured less than 10 years before the smoke alarm is installed; and                       | 23 |
|                 |  | 24 |
| (d)             | operate when tested.   | 25 |
| (2B)            | Also, each smoke alarm must be—  | 26 |
| (a)             | a 240V smoke alarm that is hard-wired to the domestic dwelling's electricity supply; or                  | 27 |
|                 |  | 28 |
|                 |  | 29 |
| (b)             | powered by a battery that is—  | 30 |
| (i)             | a 9V lithium battery; and  | 31 |

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	(ii) manufactured to have a battery life of at least 10 years.	1 2
(2)	Section 104RB—	3
	<i>insert—</i>	4
	(5) In this section—	5
	<b><i>exit</i></b> , for a storey of a domestic dwelling, means any of the following that have direct access to a road or an open area—	6 7 8
	(a) a corridor or hallway;	9
	(b) a doorway;	10
	(c) a ramp;	11
	(d) a stairway.	12
	<b><i>exit path</i></b> , for a storey of a domestic dwelling, means an area that has direct access to an exit for the storey.	13 14 15
	<b><i>open area</i></b> means an area that is open to the sky and has direct access to a road.	16 17
<b>Clause 6</b>	<b>Amendment of s 104RD (Testing smoke alarms)</b>	18
(1)	Section 104RD(1)—	19
	<i>omit, insert—</i>	20
	(1) The owner of a domestic dwelling must test each smoke alarm in the dwelling in compliance with this section—	21 22 23
	(a) at least once every 1 year; and	24
	(b) within 30 days before the start of a tenancy in the dwelling.	25 26
	Maximum penalty—5 penalty units.	27
(2)	Section 104RD(3)(b)(i), ‘lessor’—	28
	<i>omit, insert—</i>	29
	owner of the domestic dwelling	30



- (3) Section 104RD(3)(b)(ii), ‘the tenant’— 1  
*omit, insert—* 2  
 a tenant 3

**Clause 7 Insertion of new ss 104RDA and 104RDB** 4

After section 104RD— 5

*insert—* 6

**104RDA Replacing battery-powered smoke alarms** 7

- (1) This section applies to a smoke alarm in a 8  
 domestic dwelling that is— 9
- (a) powered by a battery (the *installed battery*); 10  
 and 11
  - (b) not hard-wired to the dwelling’s electricity 12  
 supply. 13
- (2) If the smoke alarm does not operate when tested 14  
 in accordance with section 104RD and the 15  
 battery is capable of being replaced, the owner of 16  
 the domestic dwelling must immediately replace 17  
 the installed battery with a battery that complies 18  
 with section 104RB(2B)(b). 19
- (3) If the installed battery is not capable of being 20  
 replaced, or the smoke alarm still does not 21  
 operate when tested after the owner of the 22  
 domestic dwelling complies with subsection (2), 23  
 the owner must immediately replace the smoke 24  
 alarm with a smoke alarm that complies with 25  
 section 104RB. 26
- (4) Despite subsection (2), the owner of the domestic 27  
 dwelling must, if the installed battery is capable 28  
 of being replaced, replace the installed battery 29  
 with a battery that complies with section 30  
 104RB(2B)(b) within 10 years after the day the 31  
 installed battery was manufactured. 32

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	<b>104RDB Replacing hard-wired smoke alarms</b>	1
(1)	This section applies to a smoke alarm in a domestic dwelling that is hard-wired to the dwelling's electricity supply.	2 3 4
(2)	If the smoke alarm does not operate when tested in accordance with section 104RD, the owner must immediately replace the smoke alarm with a smoke alarm that complies with section 104RB.	5 6 7 8
(3)	Despite subsection (2), the owner of the domestic dwelling must replace the smoke alarm within 10 years after the day the smoke alarm was manufactured.	9 10 11 12

<b>Clause 8</b>	<b>Amendment of s 104RH (Person must not interfere with smoke alarm)</b>	13 14
	Section 104RH(2), before paragraph (a)—	15
	<i>insert—</i>	16
	(aa) replacing a smoke alarm to comply with section 104RDA or 104RDB;	17 18

<b>Clause 9</b>	<b>Insertion of new ch 5, pt 5, div 8</b>	19
	After section 205—	20
	<i>insert—</i>	21

<b>Division 8</b>	<b>Transitional provision for Fire and Emergency Services (Smoke Alarms) Amendment Act 2015</b>	22 23 24 25
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	<b>206 Replacing existing smoke alarms</b>	26
(1)	This section applies if, immediately before the commencement, smoke alarms were installed in a domestic dwelling in compliance with this Act as in force immediately before the commencement.	27 28 29 30

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- (2) The owner of the domestic dwelling must replace the smoke alarms with smoke alarms that comply with section 104RB, within 3 years after the commencement.

## 207 Installing smoke alarms

- (1) This section applies if, on the commencement, no smoke alarms are installed in a domestic dwelling in compliance with section 104RB.
- (2) The owner of the domestic dwelling must install smoke alarms in the dwelling in compliance with section 104RB before the first of the following happens—
- (a) any transfer date for the dwelling;
  - (b) the day any existing residential tenancy agreement or rooming accommodation agreement for all or part of the dwelling ends;
  - (c) the day any new residential tenancy agreement or rooming accommodation agreement for all or part of the dwelling starts;
  - (d) the day that is 1 year after the commencement.
- Maximum penalty—5 penalty units.
- (3) In this section—
- residential tenancy agreement*** see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 12.
- rooming accommodation agreement*** see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 16.
- transfer date***, for a domestic dwelling, means the date a person is entitled to possession of the

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dwelling under any agreement to transfer	1
possession of the dwelling.	2

Authorised by the Parliamentary Counsel