Changes to Queensland's smoke alarm requirements in residential properties

By Tracey Rundle / 01 September 2016
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Last night the Queensland Government passed the Fire and Emergency Services (Domestic Smoke Alarms) Amendment Act 2016. The amendments were introduced by the Queensland Government in response to the Coronial inquest into the devastating house fire at Slacks Creek in August 2011, which tragically took the lives of 11 people, including eight children. The Government committed to fully implement the changes to Queensland’s smoke alarm regulation regime recommended by the inquest, and has stated that Queensland now has the most effective and comprehensive smoke alarm legislation in Australia.

In this article, Partner Tracey Rundle and Law Clerk Elliott Baldwin consider what these amendments mean for sellers and landlords of residential properties.

The Fire and Emergency Services (Domestic Smoke Alarms) Amendment Act 2016

These new provisions will apply to domestic dwellings where an application for a building approval is made after 31 December 2016 and the building work is a substantial renovation.

Building work will be a substantial renovation where work is carried out under a building approval for alterations to an existing building or structure; and the alterations, and any previous structural alterations approved or completed in the previous 3 years, account for more than half of the volume of the existing building or structure.

From 31 December 2021, these new requirements will apply to existing residential properties where a contract of sale is entered into or a tenancy is entered into or renewed. Failure to comply may result in a fine of up to $609.50.

These amendments also require that owners of residential properties, including landlords, replace smoke alarms under the amended requirements within 10 years after the manufacture date or if they fail when routinely tested. Failure to comply may result in a fine of up to $609.50.

Photoelectric alarms and compliance with Australian standards

The Parliament’s Legal Affairs and Community Safety Committee considered the Bill and made two recommendations which were accepted by the Government.

The first recommendation gave support to the installation of photoelectric alarms. Photoelectric smoke alarms are said to respond faster to smoke than other types of smoke alarms in house fires. From 1 January 2017, a photoelectric alarm will need to be installed whenever a smoke alarm is replaced or a new one installed.

The committee’s second recommendation was that smoke alarms comply with two Australian standards: AS 3786-2014 (S1) and AS 1670.6-1997 (S2). Existing legislation requires compliance with S1 but not S2. The government intends to incorporate the second standard into the Building Fire Safety (Domestic Smoke Alarms) Legislation Amendment Regulation (No. 1) 2016, which provides
specific guidance for the positioning of smoke alarms, in relation to structural features of a home to
ensure the best functionality. It also supports the interconnection of smoke alarms, their installation in
bedrooms and the provision of continuous power to them. By using regulation to govern the technical
aspects of smoke alarm policy, the Government hopes to keep legislation reactive to technological
change and developments in best practice in smoke alarm placement. This also means that these
requirements may change at short notice and without public consultation.

**Interconnection**

The requirement for the interconnection of alarms, derived from S2, is said to be critical in ensuring
residents have sufficient time to escape from a house fire. Interconnection involves linking all alarms
so that when one alarm is triggered, all are activated. This will mean all residents are alerted, and are
provided maximum time for escape before the fire and smoke spread, even when the fire starts in
another area of the house. The Government says these wireless devices do not require an electrician
to install them and can be readily installed by the home owner.

**Continuous power source**

The Government suggests a continuous power source (such as hardwiring or a 10 year battery)
reduces the risk of a smoke alarm being rendered useless due to flat batteries. These amendments
will see new homes continue to be required to have hardwired smoke alarms installed and will
introduce the requirement that all other homes have their smoke alarms either hardwired or powered
by a non-removable battery with a 10 year life.

**Positioning of smoke alarms**

The incorporation of S2 also affects the positioning of smoke alarms within the house. This standard
generally requires alarms be located on or near the ceiling. On levels containing bedrooms, a smoke
alarm is to be located between each area containing bedrooms and the remainder of the dwelling. In
multi-level dwellings, at least one smoke alarm shall be located on each level so that the exit path
from each level is protected.

**Conclusion**

These changes commence on 1 January 2017 and are to be phased in over a 10 year period. From
commencement, if an existing smoke alarm needs to be replaced, it is to be replaced by a
photoelectric smoke alarm.

New or substantially renovated homes will need to be compliant with the new smoke alarm
provisions.

After five years from commencement, all dwellings that are sold or leased will need to be in
compliance at the time an accommodation agreement, contract or sale is entered into.

All other homes will be required to be in compliance within 10 years of commencement.

For any further information or discussion, please contact HopgoodGanim Lawyers' Property team.

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