

Building Fire Safety (Domestic Smoke Alarms) Amendment Regulation (No. X) 2016

Explanatory notes for SL 2016 No. XX

made under the

Fire and Emergency Services Act 1990
Building Act 1975

General Outline

Short title

Building Fire Safety (Domestic Smoke Alarms) Amendment Regulation (No. X) 2016.

Authorising law

Sections 108 and 154 of the *Fire and Emergency Services Act 1990* (the Act) and section 261 of the *Building Act 1975* provide the power to make regulations for the purposes of these Acts.

Policy objectives and the reasons for them

The objective of the *Building Fire Safety (Domestic Smoke Alarms) Amendment Regulation (No. X) 2016* (the Regulation) is to improve personal safety in domestic dwellings by requiring the installation of smoke alarms in all dwellings thereby reducing the loss of life or injury.

The reason for the Regulation is to support amendments to the Act which together expand on current requirements for smoke alarms in domestic dwellings to ensure that residents in a domestic dwelling are alerted to the presence of a fire. Effectively operating smoke alarms significantly increase the chance of escape in the case of fire.

The amendments have the effect of requiring domestic smoke alarms to be photoelectric, powered by an enduring power source, interconnected and installed in every bedroom in addition to current locations required under the National Construction Code (i.e. between areas containing bedrooms and the rest of the dwelling, in any hallway servicing a bedroom, and on any other storey).

These measures are supported by Queensland Fire and Emergency Services as providing best practice in the use of smoke alarms. Evidence exists to suggest that each component of these revised smoke alarm provisions will reduce the risk of harm to residents in a house fire.

Achievement of policy objectives

The Regulation achieves its objective of improving personal safety in domestic dwellings by requiring the installation of photoelectric smoke alarms in all dwellings thereby reducing the loss of life or injury. Photoelectric smoke alarms are less likely to produce false alarms and are, therefore, less likely to be interfered with by residents. They are, as such, more likely to remain operational. For this reason an alarm that combines an ionisation sensor with a photoelectric sensor is not permitted as the risk of false alarms from the device would still be present.

The Regulation also stipulates that smoke alarms will be placed in all bedrooms in addition to currently required locations. This, in combination with the Act amendments, will ensure that residents will be alerted to the presence of a fire even when asleep.

The Regulation will stipulate the permissible power sources referenced by an amendment to the Act stipulating how smoke alarms are powered. This will further support the policy aims by providing a greater assurance that home smoke alarms will remain functional with the maintenance of an ongoing power source.

Amending the Regulation maintains the potential for innovation and adaptation in smoke alarm technology provided it is at least as effective as photoelectric smoke alarms, as only a variation to the regulations will be needed to adopt new smoke alarm technology.

Consistency with policy objectives of authorising law

The Regulation is consistent with the main objectives of the *Fire and Emergency Services Act 1990* by providing for the prevention of, and responses to, fires and other emergency incidents.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendments will decrease the chance of harm to residents from house fires. It will represent best practice in the use of smoke alarms in homes.

Any costs that may be incurred by the Department of Housing and Public Works in implementing the legislative amendments for social housing and other government-owned properties will be met through the departmental budget.

Costs will also be incurred to homeowners in making houses compliant with the provisions. Extended timeframes for compliance will help in meeting these costs.

A public consumer protection and awareness campaign will be conducted in relation to the amendments of the Act. The cost of this campaign will be met from the budget of Queensland Fire and Emergency Services.

Consistency with fundamental legislative principles

The amendment Regulation has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

The use of subordinate legislation is required to allow for responsiveness to innovation in smoke alarm technology and best practice.

Consultation

Consultation regarding the amendments has been undertaken with the Department of the Premier and Cabinet, Queensland Treasury, Department of Communities, Child Safety and Disabilities Services, Department of Justice and Attorney-General and the Office of Best Practice Regulation.

CONSULTATION DRAFT

Part 1 Preliminary

Clause 1 provides citation of the Regulation.

Clause 2 provides that the Regulation commences on 1 January 2017.

Part 2 Amendment of the *Building and Fire Safety Regulation 2008*

Clause 3 provides that Part 2 amends the Building Fire Safety Regulation 2008.

Clause 4 inserts new part 5A for Smoke alarms in domestic dwellings under the Building Fire Safety Regulation 2008.

The clause inserts a new section 55C (Prescribed locations for installation of smoke alarms-Act, s 104RBA(4)) which prescribes locations of where smoke alarms are to be installed and applies to existing domestic dwellings of a Class 1a building and sole-occupancy unit of a Class 2 building.

The clause also inserts new section 55D (Prescribed ways of powering smoke alarms-Act, s 104RBA(5)(a)) which prescribes that the installation of smoke alarms in a domestic dwelling are to be powered by an enduring power source (hard-wired or 10 year lithium battery).

The clause also inserts new section 55E (Prescribed requirements for smoke alarms- Act, s 104RBA(5)(b)) which prescribes the type of smoke alarm to be installed in a domestic dwelling. That this smoke alarm be photoelectric in compliance with AS 3786-2014 and not contain an ionisation sensor.

Photoelectric smoke alarms trigger an alert when smoke restricts light reaching a sensor. This type of alarm reacts more quickly to smouldering fires and is less likely to produce false alarm activations, giving residents maximum time to evacuate safely. Aligned to this is the restriction to install a combination smoke alarm, which ensures that all domestic dwellings have a working smoke alarm.

Part 3 Amendment of *Building Regulation 2006*

Clause 5 provides that Part 3 amends the Building Regulation 2006.

Clause 6 inserts a new part 3A for Smoke alarms for domestic dwellings under the Building Regulation 2006.

The clause also inserts a new section 13AA to provide a definition for domestic dwellings that means either a Class 1a building or a sole-occupancy unit in a Class 2 building.

The new definition ensures consistency with amendments under the Fire and Emergency Services (Domestic Smoke Alarms) Amendment Bill 2016 and amendments to the Building and Fire Safety Regulation 2008. This definition also

provides consistency with the classification system for new buildings under the National Construction Code.

The new section 13AB inserted under this clause applies new smoke alarm provisions to a new domestic dwelling constructed under a building development approval, or a dwelling undergoing substantial renovation, and requires additional smoke alarms to be installed in all bedrooms of a Class 1a building and sole-occupancy unit of a Class 2 building.

The amendments make it clear that the new requirements for smoke alarm installation under the Building Regulation 2008 are in addition to those that are already specified under the Volume 2, Part 3.7.2 – Smoke Alarms, and Volume 1, Specification E2.2a of the National Construction Code.

The new section 13AB also ensures the regulation does not apply to a new domestic dwelling that installs a smoke detection system under Specification E2.2A, clause 4 of the National Construction Code.

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