

1 April 2016

Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

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By email: lacsc@parliament.qld.gov.au

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Fire and Emergency Services (Domestic Smoke Alarms) Amendment Bill 2016 ("Bill")

The Real Estate Institute of Queensland ("REIQ") appreciates the opportunity to provide its comments in relation to the Bill.

Our background

The Real Estate Institute of Queensland is the peak professional association for the Queensland real estate profession. Our membership comprises approximately 5,800 agency offices and individual members. Collectively, we represent around 15,000 real estate practitioners.

REIQ members specialise in all facets of real estate including, property management, residential sales, commercial and industrial sales, auctions, business broking and buyers agency work. Our members are spread across the state in city, rural and regional areas.

The REIQ is recognised as the state's leading authority on real estate and property related issues.

Executive Summary

The REIQ supports a staged transition to photoelectric smoke alarms for all domestic dwellings as proposed in the Bill. The implementation of these new laws will provide the Queensland community with greater protection against fire and will improve safety in our homes.

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Whilst the REIQ supports the central objective of the Bill, the installation of photoelectric smoke alarms in all domestic dwellings, we do have objections in relation to some aspects of the Bill. In particular, we do not support the proposed interconnectivity of smoke alarms for established dwellings. We do however support this for new construction and where substantial renovations are to be made. Additionally, we do not support the proposed different treatment of dwellings that are to be sold or leased.

Requirement to install photoelectric same alarms

The Bill proposes a statutory requirement for owners to install photoelectric smoke alarms in all domestic dwellings over a time period.

There is a large volume of evidence that photoelectric smoke alarms offer the best detection across a range of fires. Our research also indicates they will enhance protection against fire and reduce the risk of injury and fatality in the event of fire.

In view of the above, the REIQ supports the mandating of these types of alarms in all domestic dwellings.

We understand there is a discernible difference in cost between photoelectric and ionisation smoke alarms. Although the former is more expensive, the proposed transition period allows owners sufficient time to budget for the cost.

Further, based on feedback from our Property Management Chapter Committee members, many smoke alarms suppliers are already replacing ionisation alarms with photoelectric ones when batteries fail or the alarm is due for replacement. In many cases this replacement is included in the standard fee for smoke alarm compliance programs.

Staged transition to photoelectric smoke alarms

The Bill proposes the following timeframes for the phase in of the new smoke alarm installation requirements:

- When a new dwelling is built or substantial renovations are made to an existing dwelling, compliance is required from 1 January 2017 (proposed section 104RBA(1);
- After 31 December 2021, dwellings that are sold or leased (including the renewal of an existing tenancy) are required to comply immediately (proposed section 104RBA(2); and
- After 31 December 2026, the requirements under current section 104RB and proposed sections 104RBA(1) and (2) expire and all domestic dwellings must comply with the new requirements.

The REIQ does support the proposed timeframes for the installation of photoelectric smoke alarms.

We propose a maximum 3 year transition period to photoelectric smoke alarms for *all* domestic dwellings.

In addition, the REIQ is also opposed to the proposed compliance requirements triggered by the sale or lease of property. There is no justification for imposing earlier obligations on sellers and lessors. Fire safety is important for the entire Queensland community and laws designed to administer this should be fairly and consistently applied.

All domestic dwellings in Queensland should have the benefit of a maximum three year compliance period *provided* that immediately prior to the commencement of the Bill, the dwelling complies with the existing smoke alarm requirements.

We also support the earlier replacement of alarms (to photoelectric alarms) when existing alarms stop operating or are at the end of their useful life. Based on our investigations, this is consistent with the current practice of most smoke alarm suppliers in Queensland.

We note that proposed section 104RBA(4) requires the placement of a smoke alarm in each place in the domestic dwelling as required by a regulation. It is therefore not clear how many additional smoke alarms may be required in a domestic dwelling and/or where they must be placed. We assume the proposed Regulation will be reasonable and no more onerous than the recommendations of the Coroner in the Slacks Creek inquiry ("**Inquiry**"). We look forward to further consultation on this particular issue in due course.

Interconnectivity of smoke alarms

The REIQ does not support the mandating of retrospective interconnectivity in relation to established domestic dwellings.

The REIQ acknowledges that interconnectivity has been recommended by the Coroner and the Queensland Fire and Emergency Services but we consider that this is something that should be encouraged, rather than mandated in relation to existing dwellings.

Retrospective interconnectivity (both hard-wired and wireless interconnectivity) for established dwellings would create a substantial cost burden for property owners. In particular, hard-wired interconnectivity would potentially involve significant work and expense depending on the age, structure and style of the dwelling. Similarly, wireless interconnectivity would require the installation of replacement wireless smoke alarms and radio frequency units (for each alarm).

The REIQ supports measures to encourage owners to consider interconnectivity but it should not be obligatory for all existing dwelling alarms to be interconnected as proposed. The cost burden and inconvenience factor is too high.

The REIQ does support an interconnectivity requirement for dwellings described in proposed section 104RBA namely, new dwellings or dwellings that are to be substantially renovated.

Testing

The REIQ welcomes consistent alarm testing and replacement requirements across all domestic dwellings in Queensland.

Replacement of smoke alarms

The current provisions for replacement of smoke alarms only apply to lessors (section 104RC of the *Fire and Emergency Services Act 1990*). We welcome the removal of this lessor specific requirement and the introduction of the proposed new section 104RC contained in the Bill. This will result in consistent replacement requirements across all domestic dwellings.

Testing of smoke alarms

Currently, the *Fire and Emergency Services Act 1990* ("the Act") deals only with the testing of smoke alarms in tenancy situations. As outlined above, the REIQ supports the adoption of consistent smoke alarm requirements across all owners of domestic dwellings, not just leased premises. Accordingly, we support the proposed shift from current lessor only testing to "owner" required testing as outlined in proposed section 104RAA(3).

We note that there are no minimum time requirements associated with testing alarms under the proposed section 104RAA(3). We recommend that testing (and cleaning) be required at least once every 12 months.

The REIQ is also seeking an amendment to section 104RD(1) of the Act. This section requires a smoke alarm to be tested within 30 days *before* the start of a tenancy.

It is impractical for an owner to predict the commencement of a tenancy. Similarly, section 104RG(1) requires a lessor to clean the alarms on the same basis (30 days before a tenancy commences).

In circumstances where a property smoke alarm is tested and remains vacant for greater than 30 days thereafter, it arguably creates a requirement to re-test (and clean) the alarm on a continual basis until such time as a tenancy is established within the relevant timeframe. Most property managers utilise smoke alarm suppliers to test smoke alarms within tenanted properties. Consequently, this can create additional financial and administrative burden.

It is our view that lessors, like all owners, be required to test alarms at least once per annum. Tenants would subsequently be required to comply with existing requirements under the Act relating to testing of smoke alarms and other associated requirements.

In the alternative, if tenanted properties are to be treated differently (which is not the REIQ's preferred position), we propose sub-section 1(b) of 104RD be amended to read:

...within 7 days from the start of any new tenancy, the lessor must test each smoke alarm in the dwelling in compliance with section 104RAA93 (proposed new section 104RAA93).

This amendment would allow a limited time period for testing smoke alarms in tenanted dwellings when *new* agreements were entered into. It would not apply to renewed tenancy agreements where the same tenant remains in place. In such cases, the lessor would still be required to test smoke alarms in the leased premises at least once per year.

Conclusion


The REIQ appreciates the opportunity to provide its feedback in relation to this important matter.

Subject to the comments made above, the REIQ supports the introduction of these legislative amendments aimed at enhancing protection against fire.

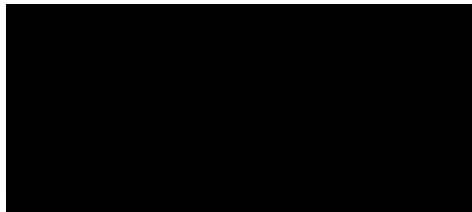
If and when these new laws are implemented, we are happy to provide support to educate the Queensland real estate community about these important changes.

The REIQ welcomes the opportunity to discuss any aspect of this submission in further detail.

We confirm that no aspect of this submission is confidential.

If you would like to discuss any aspect of this submission, please do not hesitate to contact the writer 

Yours faithfully



Antonia Mercorella

Chief Executive Officer