




Speech By
Hon. Bill Byrne

MEMBER FOR ROCKHAMPTON

Record of Proceedings, 23 February 2016

FIRE AND EMERGENCY SERVICES (DOMESTIC SMOKE ALARMS) AMENDMENT BILL

Introduction

 **Hon. WS BYRNE** (Rockhampton—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (12.48 pm): I present a bill for an act to amend the Fire and Emergency Services Act 1990 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Fire and Emergency Services (Domestic Smoke Alarms) Amendment Bill 2016 [\[218\]](#).

Tabled paper: Fire and Emergency Services (Domestic Smoke Alarms) Amendment Bill 2016, explanatory notes [\[219\]](#).

Today, I rise to introduce the Fire and Emergency Services (Domestic Smoke Alarms) Amendment Bill 2016. On 23 August 2011, a fire started on the ground floor of a house occupied by two families in Slacks Creek. The first of twenty-three 000 emergency calls was made to emergency services at four minutes past midnight on 24 August. The Queensland Fire and Emergency Services crew at Woodridge station was notified of the fire at approximately 12.05 am and arrived at the scene six minutes later. By the time they arrived, police were already in attendance and the house was already fully engaged by the fire. This fire was to cause the greatest loss of life in a domestic house fire in Australian history. Eleven people lost their lives that night; eight were children. The fire devastated two families and has had a profound impact on not just the local community, but the whole of Queensland.

Just over four months after the tragic loss of life at Slacks Creek we learnt of another house fire in Tewantin at around 3.30 am on 26 December 2011. Queensland Fire and Emergency Services arrived at 3.41 am to find the house consumed by flames. Four people lost their lives in that fire—Rachel MacCracken and her three daughters, twins aged 12 and her youngest aged 10. Matt Golinski survived, but suffered major burns to his body, as many in the House would know.

The absolute tragedy of this is that in less than a five-month period in 2011, Queensland lost fifteen people, eleven of whom were children under 18 in such heartbreaking and traumatic circumstances. While we are unable to change these tragic events, we as a government can implement strategies for the future that can help prevent such tragedies from occurring again. We can pass laws that can increase the chances of families safely escaping their homes and surviving but, ultimately, it is the responsibility of each and every one of us to ensure our own safety and that of our loved ones.

Queensland is fortunate to have such committed and highly skilled Fire and Emergency Services officers who do an outstanding job keeping Queenslanders safe. They strongly advocate for working smoke alarms in homes to give people the best chance of being alerted to the presence of a fire. Evidence exists to indicate that the type, positioning and interconnectedness of smoke alarms are crucial to ensuring how effective a smoke alarm is in alerting people to the presence of a fire. The State Coroner supported this evidence when he handed down his findings into the Slacks Creek fire. He recommended changes to Queensland's smoke alarm legislation, making two broad recommendations:

firstly, that legislative amendments be made to mandate the installation of photoelectric and interconnected smoke alarms in every bedroom, between areas containing bedrooms, in any hallway servicing bedrooms and in any other storey of a residential dwelling. For new residences, the coroner recommended that the smoke alarms be hardwired, while in existing residences, smoke alarms may be hardwired or powered by a 10-year lithium battery. Secondly, he recommended that QFES conduct ongoing awareness campaigns to promote the development of practised escape plans.

Today, I stand here as a representative of the Palaszczuk government and can proudly announce that we are committed to fully implementing the coroner's recommendations. The opposition has, through its private member's bill, shown its support for changes of this type, too, and I am sure those sitting on the crossbenches agree how important it is to take action to safeguard lives whenever we can. This means amending the current smoke alarm requirements in homes to require: the installation of additional smoke alarms in every bedroom, between areas containing bedrooms, in any hallway servicing bedrooms and in any other storey of a residential dwelling; that all smoke alarms be interconnected and either hardwired or powered by a 10-year lithium battery; and that smoke alarms meet minimum performance standards, that is Australian standard, with photoelectric type smoke alarms acting as the performance baseline.

To incorporate the second of the coroner's recommendations, it is proposed that Queensland Fire and Emergency Services conduct a comprehensive consumer protection campaign to raise awareness of the proposed changes to the smoke alarm legislation. This campaign will include messaging to promote the development of practised escape plans. It is anticipated that the campaign would particularly target vulnerable members of the community, such as the elderly, people with a disability and people from culturally and linguistically diverse backgrounds. To reduce the risk of unscrupulous tradespeople operating in the marketplace, it is also proposed to include messaging about the importance of using a licensed electrician to hardwire and interconnect smoke alarms.

Why should we have photoelectric smoke alarms in our ceilings and not ionisation? Ionisation smoke alarms 'feel' the smoke by detecting invisible particles of combustion, such as when you burn your toast in the kitchen, and activate quickly for fast-flaming fires. Evidence suggests they are not as effective at detecting slow-smouldering fires, which are generally the fires that lead to deaths in homes. Photoelectric smoke alarms 'see' the smoke by detecting visible particles of combustion and react more quickly to smouldering fires. They are more reliable and less likely to produce false alarm activations. When photoelectric alarms activate, the smoke is still at the top layer of the ceiling, above head height and this gives residents more time to evacuate safely. This additional warning time is critical in allowing the safe escape of all persons. Queensland Fire and Emergency Services strongly support the installation and use of photoelectric smoke alarms. In fact, all Australian fire authorities support the use of photoelectric smoke alarms over ionisation, and the Northern Territory has already mandated their use.

In addition to the installation of photoelectric smoke alarms and to give families the best chance to escape their burning homes, smoke alarms need to be interconnected and either hardwired or powered by a 10-year lithium battery. Smoke alarms can be installed as independent, standalone units, or interconnected. Interconnection involves the connection of all alarms so that when one is triggered, all will be activated. Interconnection of smoke alarms ensures residents are alerted even when the fire has commenced in another area of the building. This ensures maximum time is provided for escape before the fire and smoke spread within the dwelling. Interconnection of smoke alarms may be achieved by hardwiring into the building's electrical system, or interconnected wirelessly through the use of battery operated, wireless devices.

A University of Victoria study of house fire fatalities between 1998 and 2006 found that it is possible to dramatically reduce fatalities in house fires by enhancing smoke alarm provisions. It was found that installing smoke alarms in every room would reduce the fatality rate by 17 to 30 per cent. However, this rate would increase to 50 per cent if the smoke alarms were interconnected. This is particularly important if people are sleeping with doors shut or for the elderly or children who may sleep through an alarm sounding at a different location in the residence. Interconnection involves the connection of all alarms to each other so that when one is triggered, all will sound the alert. That means that if a fire occurs in one part of the home, no matter what the family is doing at the time, these measures will give families a greater chance of escaping their burning home. A continuous power source, such as hardwiring or a 10-year lithium battery, reduces the risk of a smoke alarm being made useless by flat batteries that have not been replaced.

Proper positioning of smoke alarms is crucial if all residents are to be alerted to the presence of a fire, particularly if rousing them from sleep at night. Evidence exists to suggest that to receive adequate alert of a fire, a smoke alarm must be fitted in every room. Without this, the sound level is unlikely to be sufficient to alert occupants, particularly if they are sleeping. An Australasian Fire and

Emergency Service Authorities Council analysis of deaths from house fires across Australia reveals that the major cause of death was smoke inhalation/poisoning. The analysis found a sleeping person may become unconscious from inhaling smoke and subsequently die without ever being aware of the presence of a fire.

In order to wake sleeping residents, smoke alarms must produce at least 75 decibels of sound at the bedhead. The current Australian Standard—AS 3786—states that smoke alarms must produce at least 85 decibels three metres from the alarm. If an alarm positioned in the hallway activates, the sound level at the bedhead could be as low as 36 decibels if the person sleeps with the door closed. This would not provide the necessary warning. The installation of interconnected smoke alarms in every bedroom of a residence ensures sufficient early warning is provided to alert residents to the presence of a fire. The installation of smoke alarms in bedrooms provides the sleeping occupant the earliest possible warning of smoke in any part of the house and additional time to evacuate to a place of safety.

The proposed changes in this bill are designed to improve the rate of working smoke alarms in Queensland homes and ultimately save lives. This is the key focus for the Queensland Fire and Emergency Services: having as many working smoke alarms as possible in Queensland. The changes will commence on 1 January 2017.

Sitting suspended from 1.01 pm to 2.30 pm.



Mr BYRNE: The changes will commence on 1 January 2017. It is estimated that up to 1.98 million private dwellings would be impacted for the better by the changes. From that time if an existing smoke alarm is damaged, defective or has reached the end of its working life and needs to be replaced during the phase-in period, it will need to be replaced by a photoelectric smoke alarm. The remaining requirements—that is, smoke alarms in bedrooms, interconnection and certain power sources—will be phased in over time.

How will the phase-in work? On 1 January 2017 all smoke alarm installations will need to be fully compliant for new buildings or when significant renovations occur. All private dwellings are proposed to be required to comply with the full new smoke alarm requirements within 10 years from commencement. This reflects the requirements under Australian Standard 3786-2014 for smoke alarms to have a life span of at least 10 years and the recommendation of all Australian fire authorities that smoke alarms be replaced after 10 years. Additionally, after five years from commencement all dwellings that are sold or leased will need to comply at the time an accommodation agreement or contract or sale is entered into.

For existing buildings the government will lead the way by rolling out changes in its approximately 72,000 social housing and government employee housing properties within five years. The Department of Housing and Public Works has been phasing in photoelectric smoke alarms as part of its housing maintenance program, and as a result it is estimated that approximately 80 per cent of dwellings are currently fitted with hardwired photoelectric smoke alarms. I thank my ministerial colleague, the Minister for Housing and Public Works, for his assistance in the development of this bill. The Department of Housing and Public Works will be leading the way in implementing important changes to Queensland's social housing properties.

This means that within 10 years all domestic dwellings in Queensland will need to comply. Currently various manufacturers supply both ionisation and photoelectric smoke alarms to the Queensland market. For retailers to remain competitive it is in their best interests to stock alarms which meet the legislative standards of the day. Market forces also encourage manufacturers, suppliers and retailers to ensure that their products conform and are safe. Mandating the use of a particular type of smoke alarm such as photoelectric as a baseline is expected to impact the range of smoke alarms available and will significantly reduce sales of ionisation alarms.

Queensland Fire and Emergency Services considers that there is a sufficient supply of photoelectric or similar type smoke alarms in the market to meet the increased demand for these devices which will occur under this proposal. The government will lead the market in installing photoelectric and similar type smoke alarms in private dwellings. As a result, when private dwelling owners come to comply with the proposed changes it is expected that the cost per unit will be reduced as the government would have absorbed the 'early adopter' costs. The awareness campaign will also focus on protective measures to safeguard households from unscrupulous operators in the marketplace.

As members would be aware, there is a private member's bill before the House in relation to smoke alarms. The Senate Legal and Constitutional Affairs Reference Committee is also conducting an inquiry into the use of smoke alarms to prevent smoke and fire related deaths; therefore, it would be helpful for this bill and the private member's bill to be considered together along with input from the Senate committee's inquiry. That way, members of this parliament will be best placed to make fully

informed decisions so that together we can progress this important issue which is crucial to public safety. A fulsome and considered approach is firmly in line with the fundamental principles that underpin this parliament. Members will be better informed about the outcome of the Senate inquiry along with feedback from important stakeholders and the community, all of whom have a vested interest in fire safety.

To allow for ongoing innovation, some details of these requirements are to be contained in regulation rather than the act. I table the bill and explanatory notes for the information of the House and members to consider after passage of the bill.

Tabled paper. Building Fire Safety (Domestic Smoke Alarms) Legislation Amendment Regulation (No. 1) 2016: Tabling draft [\[220\]](#).

Tabled paper. Building Fire Safety (Domestic Smoke Alarms) Legislation Amendment Regulation (No. X) 2016: Tabling draft, explanatory notes [\[221\]](#).

The Palaszczuk government remains committed to the safety of all Queenslanders, and these new smoke alarm provisions recommended by the State Coroner have been specifically designed to reduce the risk of death from fires in the home and to keep Queenslanders safe. I commend the bill to the House.

First Reading

Hon. WS BYRNE (Rockhampton—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (2.36 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Mr Elmes): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.