



Queensland

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

Act No. 45 of 2016

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

[Assented to 8 September 2016]



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

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The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Fire and Emergency Services (Domestic Smoke Alarms) Amendment Act 2016*.

2 Commencement

This Act commences on 1 January 2017.

3 Act amended

This Act amends the *Fire and Emergency Services Act 1990*.

4 Amendment of s 104RA (Definitions for div 5A)

- (1) Section 104RA, definitions *chief executive (land)*, *class 1a building*, *class 2 building*, *form of assignment*, *home owner*, *manufactured home*, *property transfer information form*, *registrar*, *residential park*, *site*, *site agreement* and *sole-occupancy unit*—

omit.

- (2) Section 104RA—

insert—

class 1a building means a building classified as a class 1a building under the Building Code of Australia.

operates when tested, for a smoke alarm, see section 104RAA.

sole-occupancy unit in a class 2 building means a sole-occupancy unit, as defined under the Building Code of Australia, in a building classified as a class 2 building under that Code.

smoke alarm requirement provision means each of the following—

[s 5]

- (a) section 104RB;
- (b) section 104RBA.

tenancy means the right to occupy residential premises given under a residential tenancy agreement to which the *Residential Tenancies and Rooming Accommodation Act 2008* applies.

- (3) Section 104RA—

insert—

- (2) Subsection (1), definition *smoke alarm requirement provision*, paragraph (a) and this subsection expire on 31 December 2026.

5 Insertion of new s 104RAA

After section 104RA—

insert—

104RAA When smoke alarm *operates when tested*

- (1) A smoke alarm *operates when tested* if it operates when tested in a way required under subsection (3).
- (2) Also, a smoke alarm powered by a battery that is capable of being replaced *operates when tested* if—
 - (a) the battery in the smoke alarm is replaced; and
 - (b) after the battery is replaced, the smoke alarm operates when tested in the way required under subsection (3).
- (3) A smoke alarm installed in a domestic dwelling must be tested as follows—
 - (a) for an alarm that can be tested by pressing a button or other device to indicate whether the alarm is capable of detecting smoke—by pressing the button or other device;

(b) otherwise—

- (i) by being tested by the owner of the dwelling in the way stated in the manufacturer’s instructions; or
- (ii) by being tested by a tenant of the dwelling in the way stated in the information statement.

6 Amendment of s 104RB (Owner must install smoke alarm)

(1) Section 104RB, heading, after ‘alarm’—

insert—

—requirements being phased out by 31 December 2026

(1A) Section 104RB, before subsection (1)—

insert—

Note—

The requirements in this section will not apply after 31 December 2026. However, before this section expires, these requirements are replaced by the requirements in section 104RBA in particular circumstances.

(2) Section 104RB—

insert—

(1A) However, this section does not apply to a domestic dwelling if section 104RBA applies to the dwelling.

(3) Section 104RB(2), ‘AS 3786–1993’—

omit, insert—

AS 3786–2014 (Australian standard for smoke alarms using scattered light, transmitted light or ionization)

(4) Section 104RB(3) and (4)—

omit, insert—

- (3) This section expires on 31 December 2026.

7 Insertion of new ss 104RBA and 104RBB

After section 104RB—

insert—

104RBA Owner must install smoke alarm

- (1) This section applies to a domestic dwelling if—
- (a) an application for a building development approval is made after 31 December 2016; and
 - (b) the building work to which the application relates is a substantial renovation; and
 - (c) a final inspection certificate or certificate of classification is issued for the building work.
- (2) This section also applies to a domestic dwelling if, after 31 December 2021—
- (a) the owner of the residential land on which the dwelling is constructed enters into an agreement to transfer the land to another person; or
 - (b) a new tenancy for the dwelling starts or an existing tenancy for the dwelling is renewed.
- (3) The owner of a domestic dwelling must install smoke alarms in the dwelling in compliance with this section.
- Maximum penalty—5 penalty units.
- (4) A smoke alarm must be installed in each place in the domestic dwelling required by a regulation.
- (5) Each smoke alarm must—
- (a) be powered in a way prescribed by regulation; and

- (b) comply with other requirements prescribed by regulation; and
 - (c) have been manufactured less than 10 years before the smoke alarm is installed; and
 - (d) operate when tested; and
 - (e) be interconnected to every other smoke alarm installed in the domestic dwelling.
- (6) A smoke alarm (the *first smoke alarm*) is interconnected to another smoke alarm if—
- (a) the first smoke alarm sounds an alert if the other smoke alarm is activated because its sensor detects smoke; and
 - (b) the other smoke alarm sounds an alert if the first smoke alarm is activated because its sensor detects smoke.
- (7) Subsections (1) and (2) and this subsection expire on 31 December 2026.
- (8) Building work is a *substantial renovation* if—
- (a) the building work is carried out under a building development approval for alterations to an existing building or structure; and
 - (b) the alterations, and any previous structural alterations approved or completed in the previous 3 years, represent more than half of the volume of the existing building or structure, measured over its roof and external walls.
- (9) In this section—
- building development approval* see the *Building Act 1975*, schedule 2.
- building work* see the *Building Act 1975*, section 5.
- certificate of classification* see the *Building Act*

[s 8]

1975, schedule 2.

final inspection certificate see the *Building Act 1975*, section 10(d)(ii).

104RBB Alternative compliance with smoke alarm requirement provision

- (1) An owner of a sole-occupancy unit in a class 2 building is taken to comply with a smoke alarm requirement provision if a smoke detection system that complies with the Building Code of Australia, specification E2.2a, clause 4 is installed in the unit.
- (2) If it is impracticable for an owner of a domestic dwelling to put a smoke alarm at the location required under a smoke alarm requirement provision, the owner may put the alarm at another location that will provide a warning to occupants of the dwelling.

Example—

A smoke alarm that is regularly activated by steam from a bathroom or smoke or fumes from a kitchen may be moved to another appropriate location.

- (3) This section applies despite a smoke alarm requirement provision.

8 Replacement of s 104RC (Lessor must replace smoke alarm)

Section 104RC—

omit, insert—

104RC Owner must replace smoke alarm

- (1) The owner of a domestic dwelling must replace a smoke alarm in the dwelling under this section within 10 years after the day the smoke alarm was manufactured.

Maximum penalty—5 penalty units.

- (2) Also, if a smoke alarm in a domestic dwelling does not operate when tested, the owner of the dwelling must immediately replace the smoke alarm under this section.

Maximum penalty—5 penalty units.

- (3) If the smoke alarm being replaced was hardwired to the domestic dwelling's electricity supply, the replacement smoke alarm must be hardwired to the dwelling's electricity supply.
- (4) Also, the replacement smoke alarm must—
 - (a) if section 104RB applies to the domestic dwelling—comply with section 104RBA(5)(b) to (d); or
 - (b) if section 104RBA applies to the domestic dwelling—comply with section 104RBA(5).
- (5) Subsection (4)(a) and this subsection expire on 31 December 2026.

9 Amendment of s 104RD (Testing smoke alarms)

- (1) Section 104RD(1) and (2), 'this section'—
omit, insert—
section 104RAA(3)

- (2) Section 104RD(3)—
omit.

10 Amendment of s 104RI (Division applies for all alarms)

- (1) Section 104RI(1), 'section 104RB'—
omit, insert—
a smoke alarm requirement provision
- (2) Section 104RI(2)—
omit, insert—

[s 11]

- (2) However, nothing in this division stops the owner of a domestic dwelling—
 - (a) installing a smoke alarm in the dwelling, in addition to the smoke alarms required to be installed in the dwelling under a smoke alarm requirement provision, whether or not the additional smoke alarm complies with a smoke alarm requirement provision; or
 - (b) removing a smoke alarm that is not required to be installed under a smoke alarm requirement provision.

11 Amendment of s 104RL (Notice to commissioner about smoke alarms and other matters)

- (1) Section 104RL(1)(g) and (h), ‘section 104RB’—

omit, insert—

a smoke alarm requirement provision

- (2) Section 104RL—

insert—

- (5) In this section—

chief executive (land) means the chief executive of the department in which the *Land Act 1994* is administered.

property transfer information form means a form that—

- (a) gives smoke alarm information and information about a change of ownership required under other Acts; and
- (b) may be given to the chief executive (land) or the registrar.

registrar see the *Land Titles Act 1994*, schedule 2.

12 Amendment of s 104RM (Notice to buyer of manufactured home about smoke alarms)

Section 104RM—

insert—

(5) In this section—

form of assignment see the *Manufactured Homes (Residential Parks) Act 2003*, section 47(1).

home owner see the *Manufactured Homes (Residential Parks) Act 2003*, section 8.

manufactured home see the *Manufactured Homes (Residential Parks) Act 2003*, section 10.

residential park see the *Manufactured Homes (Residential Parks) Act 2003*, section 12.

site see the *Manufactured Homes (Residential Parks) Act 2003*, section 13.

site agreement see the *Manufactured Homes (Residential Parks) Act 2003*, section 14.

13 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

class 1a building, for chapter 3, part 9A, division 5A, see section 104RA.

date of possession, for residential land, for chapter 3, part 9A, division 5A, see section 104RA.

domestic dwelling, for chapter 3, part 9A, division 5A, see section 104RA.

information statement, in relation to a tenant, for chapter 3, part 9A, division 5A, see section 104RA.

lessor, for chapter 3, part 9A, division 5A, see section 104RA.

manufacturer's instructions, for a smoke alarm, for chapter 3, part 9A, division 5A, see section 104RA.

operates when tested, for a smoke alarm, see section 104RAA(1) and (2).

residential land, for chapter 3, part 9A, division 5A, see section 104RA.

sole-occupancy unit in a class 2 building, for chapter 3, part 9A, division 5A, see section 104RA.

tenant, for chapter 3, part 9A, division 5A, see section 104RA.

transfer date, for residential land, for chapter 3, part 9A, division 5A, see section 104RA.

transferee, for residential land, for chapter 3, part 9A, division 5A, see section 104RA.

transferor, for residential land, for chapter 3, part 9A, division 5A, see section 104RA.

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