

Building and Plumbing Newsflash 556

Changes to smoke alarm laws—effective 1 January 2017

Purpose

To advise that new laws for smoke alarms in domestic dwellings will take effect from 1 January 2017.

Background

The Queensland Government has committed to implementing Coronial recommendations relating to the tragic Slack's Creek house fire in 2011.

The *Fire and Emergency Services (Domestic Smoke Alarms) Amendment Act 2016* was passed on 31 August 2016 and makes a number of changes to the *Fire and Emergency Services Act 1990* from 1 January 2017. Amendments to the *Building Fire Safety Regulation 2008* and *Building Regulation 2006* will also take effect from 1 January 2017 to support the new laws.

Key resources for the new laws are as follows:

- [Fire and Emergency Services \(Domestic Smoke Alarms\) Amendment Act 2016](#)
- Explanatory notes:
 - [Fire and Emergency Services \(Domestic Smoke Alarms\) Amendment Bill 2016](#)
 - Amendments considered in detail for the [Fire and Emergency Services \(Domestic Smoke Alarms\) Amendment Bill 2016](#)
- [Building Fire Safety \(Domestic Smoke Alarms\) Legislation Amendment Regulation 2016](#)
- [Explanatory notes](#) to the Amendment Regulation
- [Key information](#) from the Queensland Fire and Emergency Services (QFES).

What is changing?

The new requirements apply to domestic dwellings (class 1a and 2 buildings) and mandate the installation of photoelectric smoke alarms in all bedrooms, as well as hallways servicing bedrooms, between areas containing bedrooms, and on any other storey of the dwelling.

Smoke alarms must be positioned in accordance with the relevant provisions of *Australian Standard (AS) 1670.6 – 1997: Fire detection, warning, control and intercom systems—System design, installation and commissioning – smoke alarms* (AS1670.6). The devices must also be interconnected and either hard-wired or powered by a 10 year battery (existing dwellings only) that cannot be removed from the device.

Detailed requirements for existing buildings are outlined within the *Building Fire Safety Regulation 2008*. Detailed requirements for new building work are outlined within the *Building Regulation 2006* (BR).

A summary of the requirements

Smoke alarm devices must be installed:

- if practicable, on the ceiling—if the ceiling slopes, it must be in an area of the ceiling that is between 500 millimetres and 1500 millimetres from the apex of the ceiling
- if installing on the ceiling is not practicable, on an exposed joist or beam that when measured from the ceiling does not have a depth of more than 300 millimetres when measured from the ceiling
- if these two placements are not practicable, the device can be installed on a wall in an area that is between 100 millimetres and 300 millimetres from the ceiling and more than 300mm from the corner of 2 walls.

Smoke alarm devices must not be:

- within 300 millimetres of a light fitting
- if installed on a ceiling, within 300 millimetres of a corner of the ceiling and a wall
- if installed in a stairwell, out of reach of smoke because of an obstruction
- within 400 millimetres of an opening from which air is supplied from an air conditioner or force air ventilation within 400 millimetres of the blades of a ceiling fan.

The new Queensland requirements are in addition to the existing requirements of the National Construction Code (NCC) for smoke alarm devices.

Frequently asked questions around the changes to the smoke alarm laws

What are the timeframes for achieving compliance?

The laws will be phased in over a 10 year period and there are a number of triggers for compliance including:

- Any smoke alarm being replaced after 1 January 2017 because it no longer operates or has reached the end of its 10 year lifespan must be replaced with a photoelectric alarm.
- Dwellings approved to be built or significantly renovated after 1 January 2017 will need to comply with the new smoke alarm laws.
- Dwellings leased or sold after five years (i.e. from 1 January 2022) will need to comply with the new smoke alarm laws when the rental agreement is entered into or the property is transferred.
- All private dwellings will need to comply with the new smoke alarm laws within 10 years (i.e. by 1 January 2027).

The government has also committed to upgrading all government-owned housing within five years of the new smoke alarm laws commencing (i.e. by 1 January 2022).

What are the technical requirements for new building work?

Changes to the BR prescribe that smoke alarm devices must meet the requirements of Australian Standard (AS) 3786 - 2014: Smoke alarms using scattered light, transmitted light or ionisation - to ensure that they are fit for purpose. The BR will also require smoke alarm devices to be placed in locations that align with the relevant provisions of AS1670.6.

What is defined as a substantial renovation?

From 1 January 2017, the *Fire and Emergency Services Act 1990* (FESA) will contain a definition relating to substantial renovations. New building work being undertaken that is considered a 'substantial renovation' will require the entire dwelling to comply with the new requirements for smoke alarms that are contained in the BR.

New building work is considered to be a 'substantial renovation' if the building work is carried out under a building development approval for alterations to an existing building or structure and the alterations and any previous structural alterations approved or completed in the previous three years, represent more than half of the volume of the existing building or structure, measured over its roof and external walls.

New building work that is not considered to be a 'substantial renovation' is also required to comply with the new requirements but does not trigger any upgrades to the unaffected areas of the dwelling.

What about building work that has already been approved and/or is currently under construction?

The new requirements will not apply to building work that is the subject of building development approvals issued prior to 1 January 2017. From 1 January 2017, building certifiers will need to consider the new requirements when assessing relevant building development applications.

Building certifiers will also need to consider the new requirements in relation to any current building development applications that have been submitted to them but not yet approved prior to 1 January 2017. Sections 37 and 81 of the *Building Act 1975* may also be relevant for building certifiers in these instances.

What if one device in the dwelling reaches the end of its design life before the end of the compliance period?

Smoke alarm devices have a 10 year design life. Any devices required to be replaced during the phase-in period must be replaced with a photoelectric device. There is no requirement to upgrade the entire dwelling unless selling, leasing or undertaking a substantial renovation earlier than 2027 (refer above for key timeframes for compliance).

Contact for more information

Queensland Fire and Emergency Services (QFES)

Online enquiries:

www.qfes.qld.gov.au/community-safety/smokealarms/Pages/new-legislation.aspx

Email: SmokeAlarms@qfes.qld.gov.au

Note: QFES is the key contact for enquiries relating to the new smoke alarm laws

Safehome program

QFES' free Safehome program provides Queenslanders with the opportunity to request a visit from local firefighters who will provide advice on the best locations for smoke alarms and suggest other fire safety initiatives around the home.

Phone: 13 QGOV

Online enquiries: www.qfes.qld.gov.au/community-safety/freeprograms/Pages/safehome.aspx

Building Industry and Policy, Department of Housing and Public Works

Website: www.hpw.qld.gov.au

Email: buildingcodes@qld.gov.au

Note: Building Industry and Policy representatives are available to respond to inquiries from heads of industry bodies.

If you have not received this Newsflash directly from Building Industry and Policy you can subscribe via bcqnewsflash@qld.gov.au.

DISCLAIMER: The information contained in this Newsflash is provided by the State of Queensland in good faith. The material is general in nature and before relying on the material in any important matter, users should carefully evaluate its accuracy, currency, completeness and relevance for their purpose. It is not intended as a substitute for consulting the relevant legislation or for obtaining appropriate professional advice relevant to your particular circumstances. The State of Queensland cannot accept responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance on information contained in this Newsflash. It is not intended to be, and should not be relied upon as the ultimate and/or complete source of information.