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A Q&A with the Queensland Fire and Emergency Services

Three years ago, on 1 January 2017, Queensland's new smoke alarm legislation came into effect.

The legislation specified that all Queensland dwellings are required to have interconnected photoelectric smoke alarms in all bedrooms, in hallways that connect bedrooms with the rest of the dwelling and on every level.

As more and more questions arise from the insufficient legislation, SCA (Qld) reached out to the Commissioner of the Queensland Fire and Emergency Services (QFES) to clarify responsibilities and obligations. Further issues are being addressed in a meeting with the Manager of the Compliance and Prosecution Unit of QFES in 2 weeks time. [Email us](#) your concerns and questions.

Overview

The 10-year phased rollout of interconnected photoelectric smoke alarms in Queensland will happen over three specific periods.

To comply with legislation, interconnected photoelectric smoke alarms are required:

- From 1 January 2017: in all new dwellings and substantially renovated dwellings (this applies to building applications submitted from 1 January 2017).
- From 1 January 2022: in all domestic dwellings leased and sold.
- From 1 January 2027: in all other domestic dwellings.

Q & A with QFES

1. Bodies corporate are not mentioned in the Fire and Emergency Services Act. In which way does the Act lay any responsibility onto schemes i.e. bodies corporate?

Responsibility for complying with domestic smoke alarm legislation is the responsibility of the owner of a dwelling, not a body corporate.

2. 'Dwellings' in the Act are houses, townhouses (Class 1A) and units (Class 2)?

This is correct. The new smoke alarm legislation refers to all private homes, including Class 1A (houses) and Class 2 (units).

3. The Act refers to 'owner' or 'landlord' as the person who is responsible for meeting the smoke alarm obligations. Is this correct?

This is correct. The owner or landlord of a dwelling is the responsible identity.

4. The interconnection requirement in the Act means that each of the smoke alarms have to be interconnected within the same house/unit. This would place the responsibility on the owner of the individual dwelling/unit. Is this correct?

This is correct. The owner or landlord of a dwelling is the responsible identity.

5. Are the lots intended to be interconnected given there are multiple owners in a strata scheme?

Smoke alarms are only required to be interconnected within individual dwellings.

6. If the body corporate designs a system where all of the smoke alarms were interconnected through common property and the body corporate exercised control over that system, then it is likely that the body corporate would be responsible for maintenance of the smoke alarms in the individual lots. Is that the intention of the Act?

There is no provision in the act regarding a body corporate electing to design a system. As such the body corporate would be making that decision outside of the requirement of the smoke alarm legislation.

7. There are two basic types of early warning fire systems available.

a. "Stand-alone detectors" – are confined to warning the occupants of the residential unit only. These do not alert other units of report to a central building monitoring board or alert QFES. Does the Act place responsibility on the unit owner for the installation/upgrading of

The owner of a sole occupancy unit is responsible for the installation of smoke alarms, not smoke detectors as part of an addressable smoke detection system.

QFES may have advised to some bodies corporate that the body corporate should manage the installation, collecting the funds etc. to achieve a consistent complaint result at the best possible cost. This has not been publicly advised, hence there is some confusion in the sector.

A body corporate may elect to manage the upgrading of smoke alarms within a strata complex to achieve consistency, however, this would be achieved via the bodies corporate normal business processes.

b. "Hard-wired addressable detectors" – in certain buildings these are installed throughout the common property and may also be installed within the residential unit and report to a central monitoring board and in most cases to QFES. Provided these comply with the applicable standard they do not require additional works but are required to be correctly maintained. These systems are the responsibility of the body corporate to maintain correctly and in entirety. Part of this maintenance is the periodic testing and possible replacement of detectors within the residential units. Issues often arise where the contractor cannot gain access to some units in order to conduct this maintenance. Who is the party responsible to gain access? Is it the fire contractor, the lot owner or the body corporate?

The body corporate is responsible for the maintenance of fire detection systems required by the Building Codes Australia (BCA). There should be no change to the current arrangements that a body corporate has in place to gain entry.

If this testing does not occur, is the body corporate or the lot owner in breach of the Act?

The body corporate is the responsible identity and would be in breach.

8. On that topic, the same issue has been found with the requirements for sprinklers and even more so for servicing of fire-rated entry doors where the requirement is 100% of fire doors every year in residential buildings. Who is the party responsible to gain access to service the sprinklers? Is it the fire contractor, the lot owner or the body corporate? If the sprinklers are not serviced as required is the body corporate or the lot owner in breach of the Act?

The body corporate as the managing agent would be responsible for the maintenance and testing of a prescribed fire safety system such as a sprinkler system.

Are the fire doors, if within an individually owned lot, and where the lot owner does not give access, the liability of the body corporate or the lot owner?

The body corporate as the managing agent would be responsible for the maintenance and testing of a prescribed fire safety system such as a fire door. The body corporate is given regulatory powers to manage and maintain the common property. Fire doors to sole occupancy units are considered to be part of the common property and as such the body corporate is responsible for their maintenance and testing.

