

SmartHouse Australia Submission

Proposed Residential Tenancies Regulations 2020 – Draft For Consultation

We propose the following amendments to the Draft For Consultation (Proposed Residential Tenancies Regulations 2020). The amendments relate to provisions dealing with smoke alarms in rental properties in *Schedule 3, Safety related activities, no. 3. Smoke alarm safety activities* (page 144):

1. In Section (1), an additional point (**point d**) needs to be added (as below) to reflect the true ongoing working order of smoke alarms. This additional point is intended to reflect the expiry service life of smoke alarms which is 10 years MAXIMUM.

3 Smoke alarm Safety activities)

(1) The residential rental provider must ensure that—

- (a) each smoke alarm is correctly installed and in working condition; and*
- (b) each smoke alarm is tested according to the manufacturer's instructions at least once every 12 months; and*
- (c) the batteries in each smoke alarm are replaced as required.*
- (d) each smoke alarm to be checked and recorded for its expiry date and replaced on of before its service life has finished.***

If this issue is not addressed adequately, the safety optimization and protection of renters and property dramatically diminishes after the 10-year life expectancy of a smoke alarm. Whilst pushing the button on a smoke alarm after the 10-year expiry time frame may still execute a warning siren, it does not operate the sensing chamber within the unit, thus providing a false sense of security.

A key reason behind manufacturers giving a maximum 10-year life expectancy is solely due to the rapid depletion of the sensing chambers operational capabilities after this time frame.

2. Section (2) needs to be amended with the following additions:

(2) 'The residential rental provider must immediately arrange for a smoke alarm to be repaired or replaced as an urgent repair if they are notified by the renter that it is not in working order, or otherwise know of a smoke alarm is not in working order.

All work should be carried out by a suitably qualified person and appropriate records of the repair and maintenance activities should be kept'

The additional words in the first paragraph are intended to clarify and also assign responsibility to the rental provider and renter, thus reducing the number of rental providers who are reluctant to provide ongoing maintenance even when they are aware it is required and associated with a safety device.

The words '**all work should be carried out by a suitably qualified person**' have been added to create consistency across maintenance activities (electrical and gas safety checks) as per the preceding section. Further, smoke alarms increasingly require electrical connection into mains power thus requiring a licensed electrician and, in many instances, an intimate knowledge of:

- the building code for locational positioning, an intimate knowledge of
- manufacturer specifications to understand the correct testing procedures, and
- fire engineering to ascertain if alarms have connections into Fire indication Panels (FIP) which, if not changed over or updated correctly, can have an impact on (for instance) an apartment buildings fire protection system or engage the MFB to attend on site for false alarms.

Of course, a rental provider should be permitted to carry out the works themselves if they are keen to do so and have the necessary knowledge and understanding. However, as has been demonstrated, if this is not done correctly, the potential to impact both life and property can be huge.

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