



Queensland

Fire and Rescue Service Amendment Bill 2006

Clause 36	Amendment of s 104R (Injunctions)	1
	Section 104R(1), after 'event of fire'—	2
	<i>insert</i> —	3
	' , or in the event of a hazardous materials emergency,'.	4
Clause 37	Insertion of new pt 9A, div 5A	5
	After part 9A, division 5—	6
	<i>insert</i> —	7
'Division 5A	Smoke alarms for domestic dwellings	8
		9
'104RA	Definitions for div 5A	10
	'In this division—	11
	<i>chief executive (land)</i> means the chief executive of the department in which the <i>Land Act 1994</i> is administered.	12 13
	<i>class 1a building</i> means a building that, under the 2005 edition of the Building Code of Australia, part A3.2, is classified as a class 1a building.	14 15 16
	<i>class 2 building</i> means a building that, under the 2005 edition of the Building Code of Australia, part A3.2, is classified as a class 2 building.	17 18 19
	<i>date of possession</i> , for residential land, means the date the transferee of the land enters into possession of the land.	20 21
	<i>domestic dwelling</i> means—	22
	(a) a class 1a building; or	23
	(b) a sole-occupancy unit in a class 2 building.	24
	<i>form of assignment</i> see the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 47(1).	25 26
	<i>home owner</i> see the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 8.	27 28

Fire and Rescue Service Amendment Bill 2006

information statement , in relation to a tenant, means the statement given to the tenant under the <i>Residential Tenancies Act 1994</i> , section 43.	1 2 3
lessor means a lessor within the meaning of the <i>Residential Tenancies Act 1994</i> , but does not include a tenant who has given, or is to give, the right to occupy residential premises to a subtenant.	4 5 6 7
manufactured home see the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 10.	8 9
manufacturer's instructions , for a smoke alarm, means the instructions from the manufacturer, packaged with the alarm, dealing with the operation, testing and maintenance of the alarm.	10 11 12 13
property transfer information form means a form that—	14
(a) gives smoke alarm information and information about a change of ownership required under other Acts; and	15 16
(b) may be given to the chief executive (land) or the registrar.	17 18
registrar see the <i>Land Title Act 1994</i> , schedule 2.	19
residential land means land on which a domestic dwelling is constructed.	20 21
residential park see the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 12.	22 23
site see the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 13.	24 25
site agreement see the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 14.	26 27
smoke alarm information see section 104RL.	28
sole-occupancy unit means a room or other part of a building that, under the 2005 edition of the Building Code of Australia, part A1.1, is defined as a sole-occupancy unit.	29 30 31
tenant means a person to whom the right to occupy residential premises is given under a residential tenancy agreement to which the <i>Residential Tenancies Act 1994</i> applies, and includes the subtenant of a tenant.	32 33 34 35

Fire and Rescue Service Amendment Bill 2006

<i>transfer date</i> , for residential land, means the date the transferee of the land is entitled to possession of the land.	1 2
<i>transferee</i> , of residential land, means the person who, on becoming entitled to possession of the land, may lodge an application for registration—	3 4 5
(a) under the <i>Land Act 1994</i> , as a lessee, or personal representative of a deceased lessee, of the land; or	6 7
(b) under the <i>Land Title Act 1994</i> , as an owner, or personal representative of a deceased owner, of the land.	8 9
<i>transferor</i> , of residential land, means—	10
(a) if, immediately before the transfer date for the residential land, a mortgagee in possession under the <i>Property Law Act 1974</i> is in possession of the land—the mortgagee in possession; or	11 12 13 14
(b) otherwise—the person registered, immediately before the transfer date for the land—	15 16
(i) under the <i>Land Act 1994</i> , as a lessee, or personal representative of a deceased lessee, of the land; or	17 18
(ii) under the <i>Land Title Act 1994</i> , as an owner, or the personal representative of a deceased owner, of the land.	19 20 21
'104RB Owner must install smoke alarm	22
'(1) The owner of a domestic dwelling must install smoke alarms in the dwelling in compliance with this section.	23 24
Maximum penalty—5 penalty units.	25
'(2) Each smoke alarm must comply with AS 3786-1993 and must be installed in accordance with—	26 27
(a) for a sole-occupancy unit in a class 2 building—specification E 2.2a, clause 3(c)(i) of the Building Code of Australia; or	28 29 30
(b) for a class 1a building—specification 3.7.2.3 of the Building Code of Australia.	31 32
'(3) An owner of a sole-occupancy unit complies with this section if the owner installs a heat alarm or an alarm	33 34

Fire and Rescue Service Amendment Bill 2006

acknowledgement facility in accordance with specification E 2.2a, clause 3(b) of the Building Code of Australia.	1 2
'(4) If it is impracticable for an owner of a domestic dwelling to put a smoke alarm at the location required under subsection (2), the owner may put the alarm at another location that will provide a warning to occupants of the dwelling.	3 4 5 6
<i>Example for subsection (4)—</i>	7
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.	8 9 10
'104RC Lessor must replace smoke alarm	11
'(1) This section applies during a tenancy in a domestic dwelling.	12
'(2) The lessor must replace a smoke alarm in the dwelling before it reaches the end of its service life.	13 14
Maximum penalty—5 penalty units.	15
'(3) If a smoke alarm in the dwelling reaches the end of its service life before it is replaced, the lessor must replace it immediately.	16 17 18
Maximum penalty—5 penalty units.	19
'104RD Testing smoke alarms	20
'(1) Within 30 days before the start of a tenancy in a domestic dwelling, the lessor must test each smoke alarm in the dwelling in compliance with this section.	21 22 23
Maximum penalty—5 penalty units.	24
'(2) During a tenancy in a domestic dwelling, the tenant must test each smoke alarm in the dwelling, in compliance with this section, at least once every 12 months.	25 26 27
Maximum penalty—5 penalty units.	28
'(3) An alarm must be tested as follows—	29
(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;	30 31 32 33

Fire and Rescue Service Amendment Bill 2006

(b) otherwise—	1
(i) for the lessor—by testing the alarm in the way stated in the manufacturer’s instructions; or	2 3
(ii) for the tenant—by testing the alarm in the way stated in the information statement.	4 5
‘104RE Replacing the batteries	6
‘(1) This section applies to batteries in smoke alarms installed in a domestic dwelling.	7 8
‘(2) Within 30 days before the start of a tenancy in the dwelling, the lessor must replace, in accordance with the manufacturer’s instructions, each battery that is spent or that the lessor is aware is almost spent.	9 10 11 12
Maximum penalty—5 penalty units.	13
‘(3) During a tenancy in the dwelling, the tenant must replace, in accordance with the information statement, each battery that is spent or that the tenant is aware is almost spent.	14 15 16
Maximum penalty—5 penalty units.	17
<i>Note—</i>	18
A smoke alarm may emit a warning signal (for example, a chirping sound) when its battery is almost spent.	19 20
‘104RF Tenant must advise lessor if smoke alarm needs replacing	21 22
‘(1) This section applies during a tenancy in a domestic dwelling.	23
‘(2) If the tenant is aware a smoke alarm in the dwelling has failed or is about to fail, other than because the battery is spent or almost spent, the tenant must advise the lessor as soon as practicable.	24 25 26 27
Maximum penalty—5 penalty units.	28

Fire and Rescue Service Amendment Bill 2006

‘104RG Cleaning smoke alarms	1
‘(1) Within 30 days before the start of a tenancy in a domestic dwelling, the lessor must clean each smoke alarm in the dwelling in the way stated in the manufacturer’s instructions.	2 3 4
Maximum penalty—5 penalty units.	5
‘(2) During a tenancy in a domestic dwelling, the tenant must clean each smoke alarm in the dwelling, in the way stated in the information statement, at least once every 12 months.	6 7 8
Maximum penalty—5 penalty units.	9
<i>Example—</i>	10
The manufacturer’s instructions or information statement may require cleaning with a vacuum cleaner to remove dust and other materials that may hinder smoke alarm performance.	11 12 13
‘104RH Person must not interfere with smoke alarm	14
‘(1) A person must not—	15
(a) remove a smoke alarm installed in a domestic dwelling;	16
or	17
(b) remove the battery from a smoke alarm installed in a domestic dwelling; or	18 19
(c) do anything that would reduce the effectiveness of the warning provided by a smoke alarm installed in a domestic dwelling.	20 21 22
Maximum penalty—5 penalty units.	23
‘(2) However, nothing in this section stops a person from doing any of the following—	24 25
(a) removing a smoke alarm to comply with section 104RC;	26
(b) removing a smoke alarm to put it in a location that complies with this division;	27 28
(c) removing the battery from a smoke alarm to comply with section 104RE.	29 30