

legislative compliance

RECOMMENDATIONS TO PREPARE YOUR PROPERTY TO LET

Agency: Jensen Property

Address: Shop 1/ 419 Fairfield Road, Yeronga QLD 4104

Contact: (07) 3426 9884

Email: rentals@jensenproperty.com.au

Legislative requirements and other steps to be attended to prior to a tenancy

The premises and inclusions are to be clean and are to comply with local and state authority building regulations with it being safe and fit to live in

A Safety Switch is to be installed for the Power Circuit. Owners of leased domestic residences must have had a safety switch installed for the power circuit of the residence after a residential tenancy agreement has been entered into.

All windows and doors including cupboard doors open and close easily

All locks are secure and operate effectively with keys

Full set of keys to be provided – one set for the managing Agent and one full set and access keys if applicable for each Tenant/s named as the lease holder/s under the lease agreement.

The Property provides adequate security to enable Tenant/s to obtain contents insurance for personal items

All corded internal window coverings comply with Trade Practices (Consumer Product Safety Standard - Corded Internal Window Coverings) Regulations 2010

Carpets are professionally steam cleaned

Pest control is current – annual service is a requirement

All houses and units in QLD must have installed at least one nine volt battery-powered smoke alarm as a minimum legal requirement. A smoke alarm must be installed on or near the ceiling on any storey: Between any area containing bedrooms and the rest of the house or unit eg hallways and on a storey not containing bedrooms on the most likely evacuation route from the storey. Recommendations are hard wired or 10 year lithium battery smoke alarms for cost effectiveness and reliability. (Fact Sheet available upon request)

All buildings that are not stand alone houses or townhouses are to comply with Building Fire Safety Regulations. Compliance is the Owner's responsibility. Unit Owners are to check with the Body Corporate to confirm compliancy and annual requirements have been met or, if no Body Corporate is appointed, then Owners are required to arrange a qualified Company to ensure compliancy is met as per the Regulations.

Telephone line installation approval has been given. (Tenant is responsible for the connection)

I/We understand that if a telephone connection is not currently installed in the Property then I/We authorise the Agent to give permission to the Tenant to have one installed and further authorise the Agent to reimburse the Tenant installation costs applicable at time of commencement of tenancy.

If a unit or a townhouse – 2 copies of the By Laws are to be provided to the Managing Agent – one for the Agent's file and one for the Tenant

If it is your own home being rented out, then we suggest the following:

Re-direct mail via Australia Post

Notify the Council of your forwarding address for Rates Notices if you have not instructed our Agency to pay the rates on your behalf

Notify Energex, gas, phone and other utility companies to finalize accounts if applicable, and provide your forwarding address details



Notify your Insurance Company and Mortgagee Holder of the change of occupancy status

If water consumption costs are to be passed onto the Tenant ALL the minimum criteria is to be met as legislation requires. (Fact sheets available upon request on How to be Water Wise and Water Wise Rebates)

If your Property has a pool, ensure it meets current Government Regulations in regards to fencing, CPR signage and water consumption/use. The Pool Owner must hold a current Pool Safety Certificate.

If the Property is under a Builder's Maintenance Warranty, the Agent will endeavour to have the Builder attend to any defects/repairs required during the period. However it will remain the Owner's responsibility to ensure items are followed up and rectified. Should the Builder not attend to urgent/required items under the Tenant's Lease Agreement, then the Owner authorises the Agent to employ qualified Tradespeople to attend to the requirement and the Owner will seek reimbursement from the Builder for payment.

Landlord Protection Insurance. Whilst rental reference checks are completed as thoroughly as lawfully allowed, we can not predict or know how a Tenant's future ability to meet their tenancy obligations can be affected eg in event of death or long illness, loss of job, relationship split etc. We recommend all Lessors arrange an insurance policy to protect their investment. Brochures are available upon request

Other recommendations

Fully furnish the property to attract Tenants due to current demand for this type of property

Remove all furniture and equipment left at the property due to current demand for this type of property

Contents Insurance for your Property's fittings and fixtures – may be included with your Property insurances or incorporated in a Landlord Protection policy. As your Managing Agent we require that you have Public Liability Insurance for your Property. If your Property is a unit the cover must include the internal unit space. NOTE: Public Liability under the Building Insurance, taken out by the Body Corporate, only covers the common areas. It does not cover events inside your unit.

Provide Agent copies of operating instructions or manuals for appliances or other items which Tenants require instructions to use.

Provide Agent with Warranty details for any applicable item or building works, if applicable.

Exchange or arrange for the normal light bulbs to be exchanged for Energy Efficient Light Bulbs.

Pre-place picture hooks on walls in best locations – this helps control placement and number of picture hooks allowed and protects walls.

Leave specific cleaning instructions for specific items eg solid stove hotplates - we strongly recommend you supply a set of covers for the plates as inventory items, as well as a tube of the element cleaner.

Arrange for lawns and gardens to be trimmed and maintained regularly until Tenant commences lease. Untidy lawns / gardens do not attract Tenants.

Weed and mulch the gardens.

Consider installing water saving devices to meet requirements of Local Council Water Restrictions. Optional: Installation of Rain Water Tank (rebate may be applicable from Local Council and State Government).

Consider including lawn/garden or pool maintenance in the rent. We can arrange quotes for regular services and adjust the recommended rent accordingly.

Consider installing lawn and garden sprinklers with timers. Installation will assist in the maintenance of the garden and lawn, subject to local council water restrictions which may be applicable from time to time.



Queensland Fire and Rescue Service

Your Questions Answered

What do the new smoke alarm laws require?

New laws require owners of all homes and units (Class 1 and sole occupancy units in class 2 buildings) to install and maintain smoke alarms in all older (pre 1997) homes by **1 July 2007**.

The new laws only require homes and units that do not already have working smoke alarms installed to install smoke alarms.

To ensure that everyone complies with the laws, a person selling a property will be required to lodge a form with the Queensland Land Registry stating that operational smoke alarms are installed in the property. Compliance will be monitored via an audit of these forms.

Why make smoke alarms compulsory?

Requiring all homes and units in Queensland to have smoke alarms will increase the number of people who escape fires, and provide greater protection for their property.

This has already resulted in more lives being saved in other states where smoke alarms are compulsory. Queenslanders can have more confidence that, no matter where they live, they will have greater protection from the dangers of fire, at a relatively low cost.

How will the smoke alarm laws be policed?

On the sale of a property from 1 July 2007, the vendor will have to lodge a Form 24 with the Queensland Land Registry, stating that smoke alarms are installed in the property and the purchaser has been informed alarms are installed.

This will mean that the checking of smoke alarms installed will be a part of buying and selling residences in Queensland.

Fire Officers will also investigate complaints received about residential non-compliance. There will be a maximum fine of \$375 for failing to install alarms by 1 July 2007.

How many Queensland homes are not fitted with smoke alarms?

Approximately 13% (estimated 200 000 homes) of all Queensland homes do not have smoke alarms installed.

What is the estimated impact of this new smoke alarm legislation?

By extending alarm coverage to homes currently without alarms there is potential to save 106 lives over the next 20 years and also **save** about \$70M. The savings come from potential reductions in property loss and injuries as a result of smoke alarms.

How does the option compare with arrangements in other states?

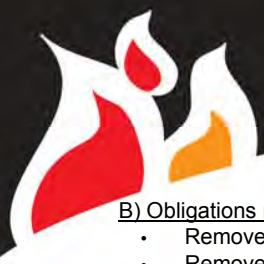
Smoke alarms are compulsory in South Australia, Victoria and New South Wales. The new laws are similar to arrangements in New South Wales and Victoria, which allow householders to install any smoke alarm that complies with Australian Standards.

What do the new smoke alarm laws mean for tenants?

The new laws place the following obligations on tenants

A) Obligations to do something

- **Test** each smoke alarm every **12 months** by
 - Pressing a button or other device to check that the alarm is capable of detecting smoke. This is the most common way of testing to see if a smoke alarm will detect smoke. There are some alarms that can be tested in other ways- for instance by shining a torch on the alarm
 - Otherwise as stated in the Rental Rules booklet (RTA Information Statement, Form 17a), - currently the booklet refers to the QFRS website that has a section dealing with the maintenance of smoke alarms.
- **Clean** each smoke alarm in the way stated in the information statement every **12 months**. This usually requires cleaning with a vacuum cleaner or broom to remove debris (e.g. dust and cobwebs) that would restrict smoke entering the alarm
- **Replace** each battery that is spent or that the tenant is aware is almost spent. The Australian Standard that regulates smoke alarms requires that an alarm produce a distinctive fault signal at least once every minute over 7 days to warn that the battery is about to fail. Often this is a chirping sound.
- **Advise** the lessor as soon as practicable if the alarm fails or is about to fail other than by reason of the failure of the battery. If the lessor is advised that an alarm has failed or is about to fail than the lessor must replace it.



B) Obligations **not to do** something

- Remove a smoke alarm;
- Remove the battery (otherwise than to replace it);
- Do anything to reduce the effectiveness of the alarm (e.g. paint it).

The smoke alarm maintenance obligations on tenants to test and clean must be done every 12 months. What does this mean for shorter tenancies?

There are two types of tenancy agreements in Queensland. Fixed term and periodic. Fixed term agreements have a definite start and a definite end date, whereby periodic agreements have a definite start and no ending date.

Tenant obligations to clean and test smoke alarms in the rental home only apply to tenancies of 12 months or longer or periodic tenancies that are 12 months or longer in duration.

Tenants who have tenancies of less than 12 months or hold a periodic tenancy of less than 12 months will not be required to clean and test the alarms.

Please note that for public housing tenants the Government has already installed hard-wired smoke alarms in all public housing dwellings.

What do owners/lessors have to do?

- **Install** smoke alarms by 1 July 2007;
- **Test and clean** the alarm in accordance with the manufacturers instructions within 30 days preceding the start of the tenancy (this obligation includes renewals) ;
- **Replace** each battery that is spent or which the lessor is aware is almost spent within 30 days before the start of the tenancy;
- **Replace** the alarm before the end of its service life or if it reaches the end of its service life replace it immediately. Under the Australian Standard a smoke alarm should have a service life of 10 years. However cheaper alarms often only offer warranties of 2 or 3 years. The warranty is a good practical guide to the service life of an alarm. In order to reduce the maintenance burden the QFRS recommends that:
 - Higher quality alarms with longer warranties (e.g. 10 years) be purchased;
 - Hardwired alarms with long lasting back up battery supply or 10 year battery alarms are installed.
 - Alarms that include a "tamperproof" feature that makes the battery difficult to remove be purchased.

A table with some cost comparisons is included below.

Hardwired alarms are the standard for new houses and provide a more reliable level of protection but are more expensive. 10 year Lithium battery alarms are cheaper over the long term and provide an increased level of reliability than a 1 year alarm, especially if they include a tamperproof feature.

1 year battery alarms	10 year Lithium Battery Tamperproof Battery Alarms	Hardwired Alarms
Single Household - Initial Cost for 2 alarms = \$20-\$60 Batteries = \$10 per annum Individual householder cost over 10 years- \$120-\$160 NB cheaper alarms may need to be replaced within 10 years.	Single Household - Initial Cost for 2 alarms @\$35-\$75 ea = \$70 - \$150 Batteries = NIL per annum Individual householder cost over 10 years @\$35- \$75 per alarm= \$70-\$150 NB- A tamperproof alarm is recommended as reduces the risk of removal of the battery.	Single Household - Initial Cost for 2 alarms = \$325-\$420 (includes installation) Batteries = \$10 per annum Individual householder cost over 10 years \$425 -\$520 (if one year back up batteries)

Notes

- Prices vary and the above are indicative only
- The prices for the 1 year battery and 10 year lithium alarms do not include contractor installation or maintenance costs as these alarms are usually DIY installed. Some persons/agents may choose to arrange this commercially;
- "Tamperproof" features vary in effectiveness- for commercial level alarms the battery cannot be removed with destroying the alarm. Others include features that hinder rather than make impossible battery removal.
- Commercial level tamperproof alarms may not be readily available in usual retail outlets.

Does the lessor have to clean and test the alarm, and replace the battery if they become aware that the battery is flat or almost flat at the time of cleaning and testing?

Yes. The lessor obligations include tenancy renewals. For example; if the tenant starts a 6 month tenancy, the lessor would have to clean and test the alarm within 30 days before the start of that tenancy. If at the end of the 6 month tenancy, the lessor offers a new tenancy agreement to the tenant, and the tenant accepts a new lease offer, the lessor must clean and test the alarm within 30 days before the start of the renewal tenancy agreement. The start of a new tenancy agreement includes renewing existing agreements.

What happens if the fixed term agreement rolls over to a periodic agreement?

If a fixed term agreement is not renewed, the Residential Tenancies Act allows for the agreement to rollover to a periodic agreement. Because this agreement is rolled over as opposed to a new agreement, the lessor obligations to clean and test the alarm are not required to be met.

If the periodic agreement is renegotiated and a new fixed term agreement is offered to the tenant, the lessor obligations would again have to be met. If there is not an offer of a new agreement, and the tenant remains on a periodic term, the tenant obligations would have to be met if the agreement lasts 12 months or more.

How many smoke alarms will be required per property?

The location requirements for smoke alarms mirror the location requirements for smoke alarms contained in the Building Code of Australia for new homes. This requires that there be one alarm outside sleeping areas and one alarm on each level of the home. It is estimated that the laws will require the typical home to install one or two alarms.

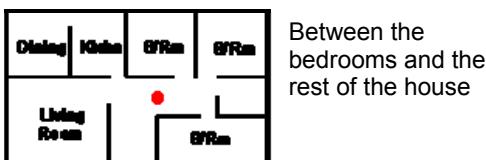
The laws allow some flexibility about location where it is not practicable to locate alarms as stated above (e.g. because of nuisance alarms caused by cooking). In this case the alarm can be located where it will provide a warning to occupants.

The owner of a unit can install a heat alarm in lieu of a smoke alarm where installation of the alarm in that location is likely to result in spurious alarms (e.g. near a kitchen or bathroom). Heat alarms activate at a certain temperature and will operate more slowly than smoke alarms. The risk with heat alarms is that it may be too late to evacuate by the time a heat alarm activates. For this reason there should always be at least one smoke alarm in a unit.

Details of where to locate smoke alarms and how to test, clean and generally maintain smoke alarms is contained in instructions pre-packaged with the alarms. Information on these matters is also available on the Queensland Fire and Rescue Service website. (www.fire.qld.gov.au).

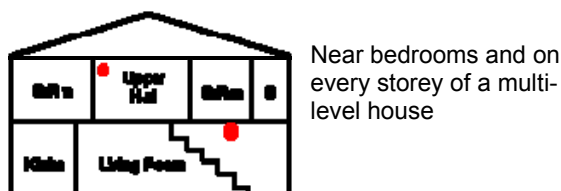
The QFRS recommends that for better protection more alarms than the minimum be installed. A house plan showing the location of legally required and recommended alarms is set out below;

Figure 1:



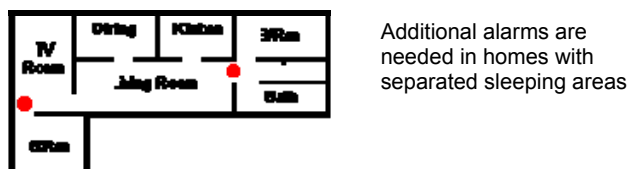
**** Minimum by law**

Figure 2:



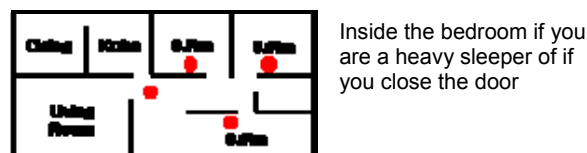
**** Minimum by law**

Figure 3:



**** Minimum by law**

Figure 4:



Additional recommendation for added safety (not law)

How will tenants know about these obligations?

The obligations are referred to on the QFRS website (www.fire.qld.gov.au), the RTA website ([RTA: Achieving fair rental outcomes in Queensland](#)) and will be included in the rental rules.

It is a matter for owners/ agents how they might help tenants to beware of their obligations. Some agents will provide additional best practice statements to the tenant when they are signing a new agreement. They will also provide awareness and compliance information to tenants during the tenancy at the renewal of agreements and when conducting inspections of the property. To assist Agents and owners to accurately advise tenants about their obligations the QFRS has prepared a checklist that can be given to tenants advising of their obligations.

If an agent becomes aware that the tenant is not meeting their obligations under the new laws post 1 July 2007 what should they do?

Strictly speaking there is no obligation to do anything. A person is not generally obliged to either stop someone else breaking the law or, indeed, to report it.

However this approach is not very helpful or practical. Suggested approaches include:

- a) advise the tenant of their obligations, perhaps using the QFRS developed checklist;
- b) If the breach includes damage to the smoke alarm (e.g. smashing the alarm) a notice to remedy process may be available;
- c) Report the suspected breach to the QFRS. The QFRS can investigate suspected breaches though its powers in this respect are limited in that the QFRS has no right to enter a dwelling.

When reporting a matter to the QFRS please provide as much information as possible (e.g. photo of a smoke alarm with the battery removed or of a smoke alarm that is taken down). The QFRS can issue infringement notices for breaches but would only do so where there was sufficient evidence of a breach.

The laws are new and the QFRS will be adopting an enforcement approach that places a significant emphasis on education and awareness, especially in the initial period following 1 July 2007.

The REIQ recommend that special terms are added to the tenancy agreement to outline smoke alarm obligations. The suggested terms are:

The tenant must :

(a) test each smoke alarm in the premises:

- (i) At least once every 12 months; or
- (ii) if a fixed term tenancy is of less than 12 months duration, but is held over under a periodic tenancy of 12 months or more, at least once in the 12 month period:

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, by testing the alarm in the way stated in the Information Statement provided to him/her at the commencement of the Tenancy.

(b) Replace each battery that is spent, or that he/she is aware is almost spent, in accordance with the Information Statement provided to him/her at the commencement of the Tenancy;

(c) Advise the Lessor as soon as practicable if he/she becomes aware that a smoke alarm in the premises has failed or is about to fail (other than because the battery is spent or almost spent); and

(d) Clean each smoke alarm in the premises in the way stated in the Information Statement provided to him/her at the commencement of the Tenancy:

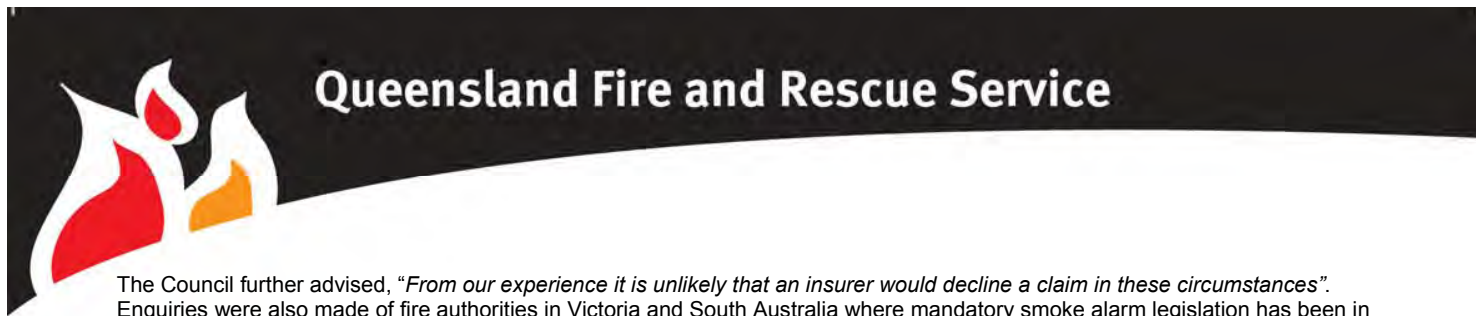
- (i) At least once every 12 months; or
- (ii) If a fixed term tenancy is of less than 12 months duration, but is held over under a periodic tenancy of 12 months or more, at least once in the 12 month period.

In the event that the tenant engages a contractor/tradesperson (as listed in Item 17) to meet his/her obligations listed in (a) to (d) herein, such engagement shall be at his/her own cost and expense."

What effect will making smoke alarms compulsory have on domestic household insurance?

The Insurance Council of Australia was consulted concerning the impact that failure to comply with mandatory smoke alarm requirements might have on home insurance cover.

The Insurance Council of Australia advised that it was a matter for individual insurers to determine what attitude they would take in the event of a fire claim where no smoke alarm had been fitted in contravention of a mandatory smoke alarm requirement.



Queensland Fire and Rescue Service

The Council further advised, *"From our experience it is unlikely that an insurer would decline a claim in these circumstances"*. Enquiries were also made of fire authorities in Victoria and South Australia where mandatory smoke alarm legislation has been in force for seven and six years respectively.

Neither jurisdiction was aware of any instance where an insurance fire claim had been declined as a result of a failure to install a mandatory alarm.

Persons who are concerned about this should check the matter with their insurer.

Do smoke alarms provide property protection?

The early warning provided by a smoke alarm can allow action to be taken that puts out a fire in the early stages, thereby minimising property loss. QFRS statistics support the position that smoke alarms do result in some measure of property protection.

However the main purpose of a smoke alarm is to alert occupants so that they can take action to avoid loss of life and injury.

What does the community think about the Smoke Alarm proposals?

The QFRS retained an independent research firm to conduct focus group research on community attitudes to smoke alarms. The research showed strong community appreciation of the value of smoke alarms

Why are smoke alarms important?

Smoke alarms are very important domestic safety devices. The risk of death from fire in a home is up to three times higher in homes without smoke alarms when compared to homes with smoke alarms.

In Queensland, 78.1% of all home fire deaths occur in homes without smoke alarms and 47.7% of deaths occur between 12am-8am when people are sleeping.

In Queensland since June 2004 19 people have died in house fires in homes that either did not have smoke alarms or had smoke alarms that did not work usually because batteries were removed or dead. In just over a fortnight in late May early June last year 13 people, including 7 children, died in home fires in New South Wales.

Further, recent research conducted in the United States has also indicated that the available escape time for modern homes is less than was available in the 1950s and 1960s. Smoke alarm research in the 1950s and 1960s indicated that there was an escape window of about 17 minutes. More recent research indicates that the current escape window is about 3 minutes. A leading researcher has stated that the research;

Confirms what fire scientists have recognised for some time: fires today seem to burn faster and kill quicker because the contents of modern homes (such as furnishing) can burn faster and more intensely"

Modern conditions and the tragic fire death statistics emphasize the serious risks presented by house fires and the necessity for the government to act to address this risk.

How are new homes affected?

Since July 1997, mains wired smoke alarms have been required in all new and significantly renovated homes and units. Owner occupied homes will not be affected by these changes.

The smoke maintenance obligations will apply to all rented houses and units whether built before or after 1 July 1997.

Homes and units built before 1997 that have not undergone significant renovations are not required to have smoke alarms installed. These older homes will be required to install alarms if they do not already have them.

Why have we chosen to allow any smoke alarm rather than specify the more reliable 10-year battery alarm or mains wired alarm?

The law makes smoke alarms compulsory but leaves it to the householder to select what type of alarm to install. The minimum acceptable alarm will be a one-year battery alarm that meets the applicable Australian Standard.

This type of alarm provides a reasonable level of protection provided that batteries are replaced regularly and the alarm is tested and cleaned in accordance with the alarm manufacturer's instructions. The Queensland Fire and Rescue Service promotes the necessity to change smoke alarm batteries regularly.

Focus group research indicated that there was considerable community resistance to retrofitting hardwired alarms in pre existing homes. These alarms are connected to the homes electricity system and have to be installed by an electrician. The total installed cost can range from \$350 to over \$ 1000. Many people may have trouble meeting this cost.

The Council further advised, *"From our experience it is unlikely that an insurer would decline a claim in these circumstances"*. Enquiries were also made of fire authorities in Victoria and South Australia where mandatory smoke alarm legislation has been in force for seven and six years respectively.

Neither jurisdiction was aware of any instance where an insurance fire claim had been declined as a result of a failure to install a mandatory alarm.

Persons who are concerned about this should check the matter with their insurer.

Do smoke alarms provide property protection?

The early warning provided by a smoke alarm can allow action to be taken that puts out a fire in the early stages, thereby minimising property loss. QFRS statistics support the position that smoke alarms do result in some measure of property protection.

However the main purpose of a smoke alarm is to alert occupants so that they can take action to avoid loss of life and injury.

What does the community think about the Smoke Alarm proposals?

The QFRS retained an independent research firm to conduct focus group research on community attitudes to smoke alarms. The research showed strong community appreciation of the value of smoke alarms

Why are smoke alarms important?

Smoke alarms are very important domestic safety devices. The risk of death from fire in a home is up to three times higher in homes without smoke alarms when compared to homes with smoke alarms.

In Queensland, 78.1% of all home fire deaths occur in homes without smoke alarms and 47.7% of deaths occur between 12am-8am when people are sleeping.

In Queensland since June 2004 19 people have died in house fires in homes that either did not have smoke alarms or had smoke alarms that did not work usually because batteries were removed or dead. In just over a fortnight in late May early June last year 13 people, including 7 children, died in home fires in New South Wales.

Further, recent research conducted in the United States has also indicated that the available escape time for modern homes is less than was available in the 1950s and 1960s. Smoke alarm research in the 1950s and 1960s indicated that there was an escape window of about 17 minutes. More recent research indicates that the current escape window is about 3 minutes. A leading researcher has stated that the research;

Confirms what fire scientists have recognised for some time: fires today seem to burn faster and kill quicker because the contents of modern homes (such as furnishing) can burn faster and more intensely"

Modern conditions and the tragic fire death statistics emphasize the serious risks presented by house fires and the necessity for the government to act to address this risk.

How are new homes affected?

Since July 1997, mains wired smoke alarms have been required in all new and significantly renovated homes and units. Owner occupied homes will not be affected by these changes.

The smoke maintenance obligations will apply to all rented houses and units whether built before or after 1 July 1997.

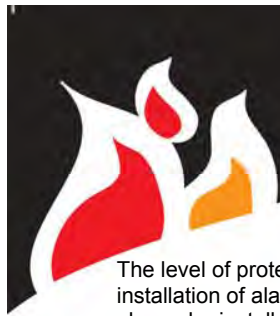
Homes and units built before 1997 that have not undergone significant renovations are not required to have smoke alarms installed. These older homes will be required to install alarms if they do not already have them.

Why have we chosen to allow any smoke alarm rather than specify the more reliable 10-year battery alarm or mains wired alarm?

The law makes smoke alarms compulsory but leaves it to the householder to select what type of alarm to install. The minimum acceptable alarm will be a one-year battery alarm that meets the applicable Australian Standard.

This type of alarm provides a reasonable level of protection provided that batteries are replaced regularly and the alarm is tested and cleaned in accordance with the alarm manufacturer's instructions. The Queensland Fire and Rescue Service promotes the necessity to change smoke alarm batteries regularly.

Focus group research indicated that there was considerable community resistance to retrofitting hardwired alarms in pre existing homes. These alarms are connected to the homes electricity system and have to be installed by an electrician. The total installed cost can range from \$350 to over \$ 1000. Many people may have trouble meeting this cost.



Queensland Fire and Rescue Service

The level of protection increases with number, quality and type of smoke alarm installed. The fire service encourages the installation of alarms above the minimum standard. For instance it is recommended that hardwired alarms be installed, that alarms be installed in bedrooms and that photoelectric rather than ionization alarms be installed. However these are recommendations not legal requirements.

For those householders or lessors that want to install a better alarm the fire service would certainly recommend this course and information about different types of alarms that are available and other information about the new laws is available on the Queensland Fire and Rescue Service website. (www.fire.qld.gov.au).

The fire service runs campaigns to encourage householders to check the batteries in their alarms and change them once a year.

What is the difference between ionisation smoke alarms and photoelectric smoke alarms?

There are 2 main types of smoke alarms. Ionisation smoke alarms and photoelectric smoke alarms. These alarms differ in the way they detect smoke and other products of fire.

Ionisation smoke alarms

They 'feel' the smoke. This type detects **invisible** particles of combustion e.g. from cooking toast. They activate more quickly for fast, flaming fires and little visible smoke. These are the most common type of alarm.

Photoelectric (Optical) smoke alarms

These 'see' the smoke (optical). This type detects **visible** particles of combustion e.g. smouldering cigarette smoke. They respond to a wide range of fires, but they are particularly responsive to smouldering fires and the dense smoke given off by foam filled furnishings or overheated PVC wiring.

Recent Australian research indicates that photoelectric smoke alarms are the better technology and the Queensland Fire and Rescue Service recommends that the purchase of this type of alarm.

How does the legislation compare with arrangements in other states?

Smoke Alarms are compulsory in South Australia, Victoria and New South Wales.

The proposals are similar to the arrangement in New South Wales and Victoria which both allow householders to install any smoke alarm that complies with Australian Standards.

What if the smoke alarm is still operating at the end of its service life, do I still need to replace it?

The Australian Standard requires that smoke alarms have a minimum service life of 10 years. A smoke alarm, especially a good quality alarm, may well last longer than the 10 year minimum service life.

It is not necessary to replace an alarm that is still working. Some owners may choose to replace alarms at the end of a specified period as a risk management issue.

As a real estate agent, managing properties I have been advised by the lessor that they will check smoke alarms. How do I monitor that?

As a best practice recommendation, agents should confirm the instruction in writing with the lessor. Ask the lessor to advise your agency in writing each time the alarm is cleaned and tested, and the battery is replaced. Agents should ensure that systems are in place to ensure that confirmation from the lessor is received accordingly.

Who is licensed to install a smoke alarm? Do you need a licence to install smoke alarms?

No licence is required to install a battery operated smoke alarm.

A licensed electrician is required to install an alarm that is connected to mains power.

I have purchased smoke alarms and they seem to be malfunctioning, what do I do?

If within any warranty period return to the place of purchase or the supplier.

Who should purchase smoke alarms before they are law, the tenant or lessor?

Either party could purchase the smoke alarm prior to the law coming into place. The tenant should make a written request to the lessor if they wish for a smoke alarms to be installed, or if they wish to install the smoke alarms themselves. Agents should recommend to the lessor that they install the alarm, as the tenant may take the alarm when they vacate if they have purchased and installed the alarm themselves.

What happens if a rental property has signed a lease agreement prior to 1 July 2007, what is required?

The laws will take effect as of July 1 2007. The obligations of all parties must be met as of July 1 2007. The lessor should ensure that they have a compliant working smoke alarm installed in their property as of the start date of the new laws. Obligations for



Queensland Fire and Rescue Service

What if my property is a holiday rental?

By virtue of the definition of "tenant" in the legislation, tenants of short holiday tenancies (6 weeks or less) are not caught by the smoke alarm maintenance provisions of the new Act. So the landlord of such a premises is not required to test, change spent batteries and clean within 30 days of a tenancy that is 6 week or less. The landlord as an owner is still required to install the alarm/s.

Landlords of holiday rentals that are 6 weeks are best advised to make sure generally that the alarms are maintained as there may well be a general civil duty of care to maintain such alarms. Further information about this general duty is a matter for the landlord to take up with his own legal advisers.

Fact sheet

Water charging

Lessors (landlords) are allowed to pass on the full water consumption costs to tenants provided all the minimum criteria have been met.

What are the minimum criteria for water charging?

Lessors are able to pass on the full water consumption costs to tenants if:

- the rental premises are individually metered (or water is delivered by vehicle), and
- the rental premises are water efficient, and
- the tenancy agreement states the tenant must pay for water consumption.

What is a water efficient rental premises?

A rental premises is considered water efficient if certain water fixtures meet the standards listed in the table below.

Water efficient devices	Minimum water efficient standard required
Internal cold water taps and single mixer taps (excluding bathtub taps and taps for appliances)	A maximum flow rate of nine litres per minute.
Showerheads	A maximum flow rate of nine litres per minute.
Toilets	A dual flush function not exceeding six point five (6.5) litres on full flush and three point five (3.5) litres on half flush and a maximum average flush volume of four litres (based on the average of one full flush and four half flushes).

The requirement for taps applies only to internal cold water taps that are installed over a hand basin, kitchen sink or laundry trough (including single mixer taps). The requirement does not apply to other taps in the premises such as bath tub taps, outside taps for the garden, or taps which supply washing machines or dishwashers. These taps are not required to be water efficient.

How can the lessor/agent prove the premises are water efficient?

At the start of the tenancy agreement, the lessor/agent and tenant should negotiate arrangements for water charging. The presence of water efficient devices should be noted on the Entry Condition Report (Form 1a).

Lessors/agents should be able to demonstrate the presence of water efficient devices where it may be unclear, such as by providing copies of:

- plumbing reports
- receipts
- packaging
- warranties or instruction manuals for taps and showerheads, etc.

For any water fixtures produced from 2005 onwards, the easiest way to check if they meet the required efficiency standard is to look for products with a WELS rating of three stars or higher. WELS is Australia's water efficiency labelling scheme which rates fixtures including taps, showerheads and

toilets according to water efficiency – the more stars the better. To find out more about the scheme or search the registered product database, visit www.waterrating.gov.au.

Important points to note:

tenants and lessors/agents should negotiate obligations at the start of the tenancy and put these in the tenancy agreement, for example, if the lessor is to contribute to water costs.
it may be helpful to contact your local water provider about average local water consumption. You can find the correct contact details on your latest water bill.
water billing periods are unlikely to align with tenancy agreements. It's important that both the tenant and the lessor/agent make note of the water meter readings on the condition reports at the start and end of the tenancy to calculate water consumption.
lessors will receive the water bill, pay the full amount and provide their tenants with a copy of any water bills or evidence of water consumption to verify the amount to be charged. Tenants will not be billed directly by water supply authorities.
tenants have one month to pay the agreed amount for water consumption after the lessor provides evidence of the costs to the tenant. The lessor/agent can not require the tenant to pay more than the billable amount, or charge tenants late fees.
if the tenant and lessor/agent cannot agree about water charges, the RTA's Dispute Resolution Service may be able to assist.

Who pays for water in a rental premises?

1. Are the premises individually metered for water, or is water delivered by vehicle?	If NO	Lessor must pay for all water charges
If YES		
2. Does the agreement state the tenant must pay for water?	If NO	Lessor must pay for all water charges
If YES		
3. Are all water efficient devices in place for the entire period full water consumption is to be charged?	If NO	Lessor must pay for a reasonable* amount of water for the period premises is not water efficient, and any costs if water efficient devices are to be installed.
If YES at 1-3		
Tenant may be asked to pay for all water consumption charges for the period. Lessor must pay all fixed charges for water supply.		* Reasonable amount of water: The lessor and the tenant should agree upon what is a reasonable amount at the start of the tenancy and include the amount as a special term in the tenancy agreement. The tenant is liable for any consumption above the agreed amount.

Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

Accessing RTA forms

The RTA's forms can be obtained electronically or in person by:

rt.a.qld.gov.au
1300 366 311
Level 23, 179 Turbot St Brisbane

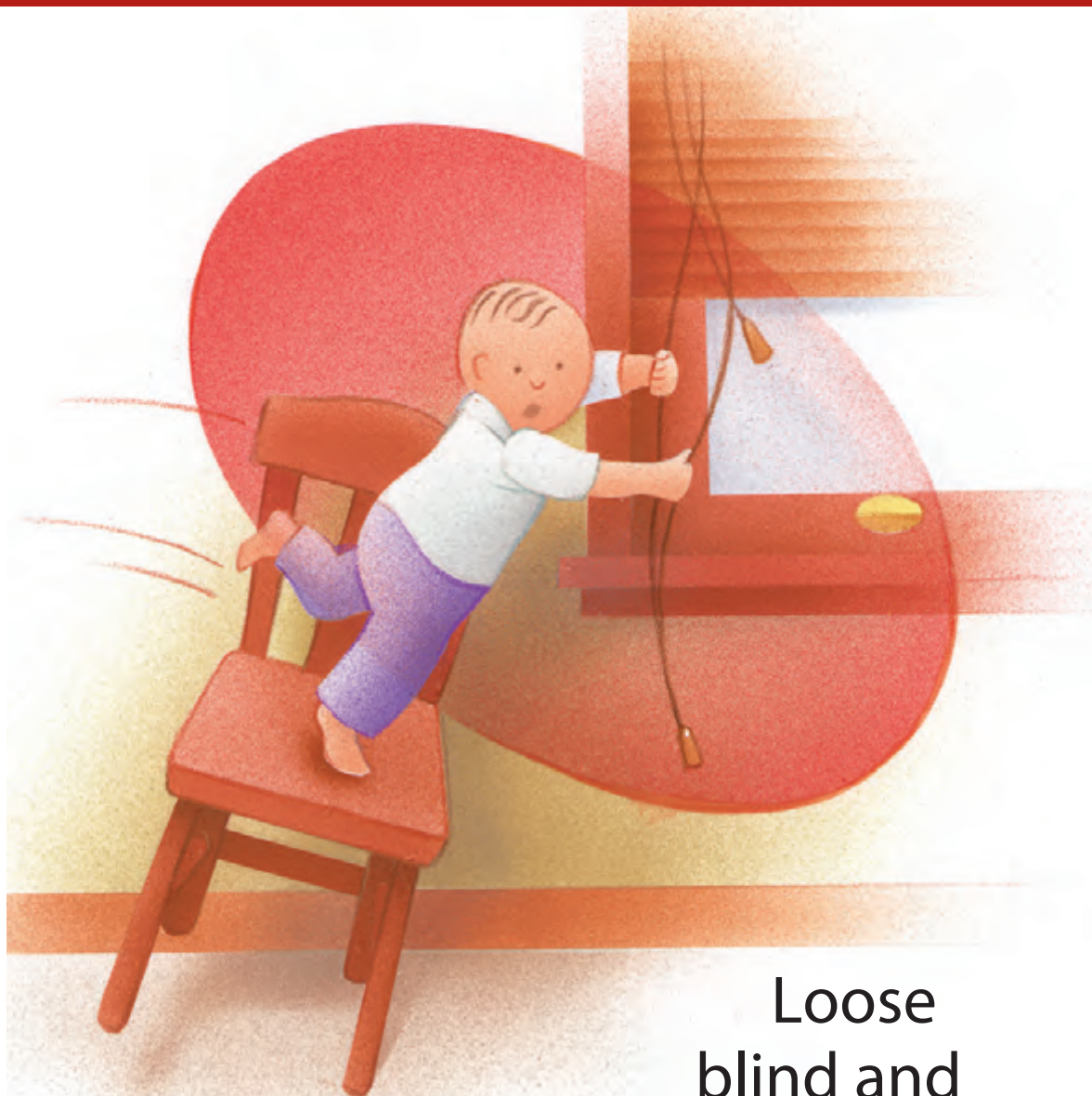
A selection of the most commonly used forms are also available at Australia Post outlets around Queensland.



Australian
Competition &
Consumer
Commission

SAFETY ALERT

Blind and curtain cords



Loose
blind and
curtain cords
can kill

Fix them out of reach so kids
are out of danger

Blind and curtain cord hazards

Loose blind and curtain cords/chains—particularly those with loops—are dangerous.

Children have died when the loop went over their head or they got tangled in loose cords while:

- sleeping in a cot or bed where cords are hanging
- playing near cords
- standing on a chair, sofa or bed to look out a window.

Children do not understand that a cord/chain wrapped around their neck can tighten and strangle them in just a few minutes if they sit down, roll around or climb down to the floor.

Between 2001 and 2008 at least 11 children have died in this way. Nine of these were children under three years of age. In the US, a child aged between seven months and 10 years dies each month after being strangled on curtain and blind cords.



Steps for protecting children

Take these four simple steps to ensure that blind and curtain cords/chains are out of reach of children, particularly from children under six.

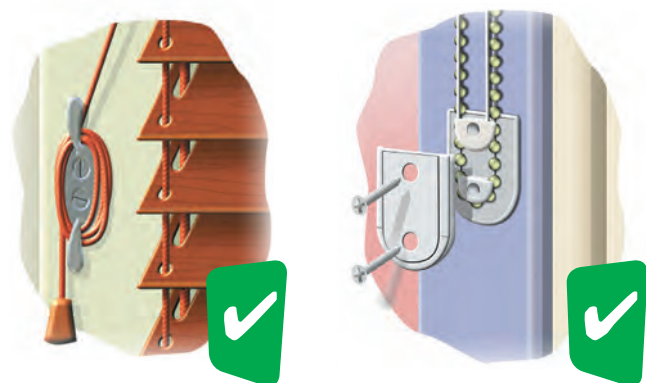
1. Check your blind and curtain cords

- ✓ Check for loose or looped cords that your child can reach from the floor or by climbing on furniture.
- ✓ Immediately tie cords out of reach and move away any furniture children might climb on to reach them.

Do this anywhere you are staying, including on holiday.

2. Secure your cords out of reach

- ✓ Buy cleats or tensioning devices for securing cords from a hardware store or curtain and blind shop.
- ✓ Use screws to fix each cleat or tensioning device in a place that is out of reach of children.
- ✗ Never secure these devices with materials that may fail when a load is placed on them, such as double-sided tape or glue.



If you cannot fix your unsafe cords and chains out of reach yourself, get a reliable tradesperson to do it for you. If you are renting your home, seek help from your landlord or agent.

3. Choose safe blinds and curtains

Buy new curtains and blinds which:

- ✓ comply with the national mandatory standard
- ✓ have warning labels to remind you of dangers to children
- ✓ provide a way to secure cords/chains so there are no loops or strands that children can reach, or
- ✓ operate without exposed cords/chains.



4. Keep children away from all cords/chains

- ☒ Move anything a young child can sit in, stand or climb on (like cots, highchairs, beds, sofas, tables, chairs and bookshelves) away from cords/chains—even those tied around a cleat, as your child may be able to untie them.
- ☒ Do not let children play near cords/chains they can reach.
- ☒ Never leave children alone in a room with cords/chains they can reach.



Further information

For more information about mandatory standards, bans, recalls and emerging issues—and to subscribe to email alerts and RSS feeds—visit our websites:

www.productsafety.gov.au

www.recalls.gov.au

ACCC Infocentre: 1300 302 502

Callers who are deaf or have a hearing or speech impairment can contact the ACCC through the National Relay Service:

www.relayservice.com.au

Voice-only (speak and listen) users phone: 1300 555 727 and ask for 1300 302 502.

Stay in touch with product safety

Join us via social media



Follow us on Twitter @ProductSafetyAU



Watch our safety videos on the ACCC Product Safety YouTube channel



Like our Facebook page ACCC Product Safety



Download our Recalls Australia iPhone app



Download our Keeping baby safe eBook from the iTunes store

Australian Competition and Consumer Commission
23 Marcus Clarke Street, Canberra, Australian Capital Territory 2601

First published in 2009

© Commonwealth of Australia 2012

Important notice

The information in this publication is for general guidance only. It does not constitute legal or other professional advice, and should not be relied on as a statement of the law in any jurisdiction. Because it is intended only as a general guide, it may contain generalisations. You should obtain professional advice if you have any specific concern.

The ACCC has made every reasonable effort to provide current and accurate information, but it does not make any guarantees regarding the accuracy, currency or completeness of that information.

ISBN 978 1 921973 09 3

ACCC 06/12_42859_566