

SECOND READING SPEECH

Residential Tenancy Amendment (Smoke Alarms) Bill 2012

Mr Speaker, I move that the *Residential Tenancy Amendment (Smoke Alarms) Bill 2012* be read a second time.

The Residential Tenancy Amendment Smoke Alarms Bill requires owners of residential rental premises to ensure that smoke alarms are in place in those premises during the period of a residential tenancy agreement.

Mr Speaker, there is a compelling case for requiring smoke alarms in all residential rental properties and I am therefore very pleased to introduce this Bill into the House.

Research shows that smoke alarms significantly reduce the risk of death, serious injury and property damage caused by house fires. Where a house fire occurs and there is no working smoke alarm, evidence shows that occupants are 26 per cent more likely to suffer serious injury and 57 per cent more likely to suffer property damage or loss. Around 80 per cent of fatal house fires have been in homes that did not have a working smoke alarm.

A small fire can take 2-3 minutes to engulf an entire room and smoke alarms provide critical seconds for occupants to evacuate safely.

Under current residential tenancy laws, tenants must obtain the consent of the property owner to install a smoke alarm. The mandatory installation of smoke alarms in residential rental properties will benefit all tenants and property owners by saving lives and property. The Northern Territory recently legislated to require smoke alarms in all residential properties leaving Tasmania as the only State that does not require smoke alarms in residential rental properties.

Mr Speaker, the Bill enables requirements to be prescribed regarding the class of tenanted premises in which smoke alarms are required, the type of smoke alarms which must be in place, any standards or codes with which alarms are to comply and where in the premises alarms are to be located.

These requirements are contained in the Residential Tenancy (Smoke Alarms) Regulations 2012 which I intend to table in the House once the Bill has been approved by the Parliament.

Broadly, the regulations will require that alarms be installed in all properties tenanted under a residential tenancy agreement. These include houses, town houses, villa units, guest houses, apartments, blocks of flats and caretaker residences.

Alarms will be required to comply with the Australian Standard for smoke alarms and must be replaced as soon as they reach their expiry date or no longer function. Alarms that are already in place when the legislation commences will not require replacement as long as they meet these criteria.

This means that any type of smoke alarm, including removable battery alarms costing less than \$10 will comply with the requirements provided that they meet these criteria.

However, after three years from commencement of the regulations, all alarms will need to be mains powered or ten year battery powered alarms. These alarms are safer and more reliable than removable battery alarms and they are less prone to interference or tampering by tenants or other persons. This means that removable battery powered alarms will need to be replaced after three years.

I am advised that mains powered alarms cost approximately \$350 to supply and install, while prices for ten year non-removable battery alarms, which can be self-installed, start at around \$130.

The location and number of alarms required in each property will be determined in accordance with the relevant provisions

of the Building Code of Australia. In most instances only one alarm will be required, although in some cases the configuration of the building may mean that more are needed.

Some owners may choose to install mains powered or ten year non-removable battery alarms at the outset, while others may prefer to wait until they are required after three years. In any event, owners will have up to three years to budget for the cost of these alarms.

Mr Speaker, the regulations will also include smoke alarm maintenance, testing and cleaning obligations for owners and tenants.

To summarise, at the beginning of a tenancy, owners will be responsible for ensuring that removable battery alarms function and have not reached their expiry date; that batteries are installed in the alarms and have not reached their expiry date; and that alarms are free from dust and debris.

For mains powered alarms, owners will be responsible for ensuring that alarms are connected to mains power; that back-up batteries are installed, functioning and have not reached their expiry date; that alarms function effectively and have not reached their expiry date; and that alarms are free from dust and debris.

For ten year non-removable battery alarms, at the beginning of a tenancy, owners will be responsible for ensuring that alarms are free from dust and debris, function effectively and have not reached their expiry date.

Owners will also be responsible for ensuring that alarms are repaired or replaced as soon as practicable after becoming aware that the alarm no longer functions or has reached its expiry date.

During a tenancy, tenants will be responsible for replacing batteries in removable battery alarms only. This includes replacing batteries where they have not been replaced for 12

months or more since the tenancy commenced and where the batteries no longer function effectively or have reached their expiry date.

Tenants will also be responsible for testing and cleaning alarms every six months from commencement of the tenancy and notifying owners as soon as practicable where an alarm fails or malfunctions.

Mr Speaker, these requirements are contained in the regulations and can be debated when they are tabled, however I outline them now so that the House has some indication of what is proposed.

The Bill makes it an offence to remove or interfere with the operation of a smoke alarm. However, the Bill does include a defence to enable alarms to be removed for repair or replacement purposes. The Bill also includes penalties for failure to comply with its provisions.

Under the Bill, the Residential Tenancy Commissioner may make an order requiring a party to a residential tenancy agreement to comply with a provision of the Bill.

Finally, I would like to take this opportunity to thank the Tasmanian Fire Service and Workplace Standards Tasmania for their advice and technical support in developing the Bill and the *Residential Tenancy (Smoke Alarms) Regulations 2012*. I would also like to acknowledge and thank those stakeholders, including the Real Estate Institute of Tasmania, who have lobbied for smoke alarms to be mandatory in residential rental properties.

Mr Speaker, this legislation will protect lives and property. I commend the Bill to the House.