

5 August 2015

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Senate Legal and Constitutional Affairs Committee  
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Dear Committee Secretary

### **Inquiry into the use of smoke alarms to prevent smoke and fire related deaths**

National Seniors is pleased to provide comments to the *Inquiry into the use of smoke alarms to prevent smoke and fire related deaths*.

In the event of a fire, National Seniors holds concerns over the welfare of older Australians who reside in aged care facilities that are not fitted with automatic fire sprinklers.

With 200,000 individual fee-paying members, National Seniors is by far the country's largest organisation for the over-50s. For 35 years it has had a strong record in representing older Australians in a broad range of community, business and government environments.

Legislation in all Australian states and territories requires that smoke alarms, which comply with Australian Standards (AS3786), be fitted and in working order in retirement villages, residential parks and residential tenancies.

However, in most states and territories, fire safety systems such as automatic fire sprinklers are not currently legislated.

National Seniors has previously raised our concerns with state and territory governments regarding the lack of fire sprinkler systems in aged care facilities.

The restricted mobility of residents in aged care facilities who require assistance to move around and to carry out daily tasks who would experience difficulties when trying to evacuate a building in an emergency is our principal concern.

Queensland, New South Wales and Victoria are the only Australian states that legislate for automatic fire sprinkler systems to be fitted in both new and pre-existing residential aged care facilities.

In Queensland, Residential Care Buildings (RCBs) constructed after June 2007 are obligated to comply with the Queensland Development Code which requires the installation of safety sprinklers and building-wide smoke detection systems. Following this requirement, in 2011 pre-existing RCBs (approved or built before June 2007) were also instructed to comply with new fire safety standards over a period of 3 to 5 years.

Similar laws took effect in New South Wales from January 2013 which requires automatic fire sprinklers to be installed in residential aged care facilities. This requirement followed a tragic fire at a Quakers Hill nursing home in November 2011 and the respective 2014 Coronial Inquest into the incident.

Under the changes to legislation made in January 2013 in NSW, all pre-existing aged care facilities in the state are required to have sprinklers installed by or before March 2016.

When the legislation was implemented in 2013 it was reported that less than half of the 885 facilities in NSW had sprinklers fitted.

NSW State government reports show that there are now 593 facilities with sprinklers installed and over 90 percent of those aged care facilities required to install sprinklers under the program have either completed or started work with 26 facilities still to commence installation<sup>1</sup>. These facilities have until March 2016 to complete the work.

Similar practices have been legislated internationally with Norway and Vancouver City regulating for the installation of fire sprinkler systems in hospitals and care institutions. In Vancouver City, the number of fire related deaths has dramatically reduced as a result. In 1973 there were nine deaths per 100,000 and this fell to less than one death per 100,000 in the 1990s<sup>2</sup>.

Legislation regulating the installation of automatic fire sprinklers in new aged care facilities complies with the Building Code of Australia national standards for sprinklers in new aged care facilities.

However, the Performance Requirements for Fire Resistance in the BCA do not provide a mandate for fire sprinklers to be installed within pre-existing aged care

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<sup>1</sup> Fire Safety in Aged Care Facilities Fire Sprinkler Systems Implementation Committee Annual Report March 2014 – February 2015. Available at [http://www.planning.nsw.gov.au/Portals/0/BuildingInNSW/SafetyCampaigns/FireSafety/fire\\_sprinkler\\_systems\\_ic\\_annual\\_report\\_2015.pdf](http://www.planning.nsw.gov.au/Portals/0/BuildingInNSW/SafetyCampaigns/FireSafety/fire_sprinkler_systems_ic_annual_report_2015.pdf)

<sup>2</sup> *Fire Sprinklers In Residential Premises (Scotland) Bill* Policy Memorandum. Available at [http://www.scottish.parliament.uk/S2\\_Bills/Fire%20Sprinklers%20in%20Residential%20Premises%20\(Scotland\)%20Bill/b13s2-introd-pm.pdf](http://www.scottish.parliament.uk/S2_Bills/Fire%20Sprinklers%20in%20Residential%20Premises%20(Scotland)%20Bill/b13s2-introd-pm.pdf)

facilities. It is therefore at the discretion of each jurisdiction to apply an alternative provision in state or territory legislation.

***To ensure consistency of fire safety standards across Australia, National Seniors calls for the Building Code of Australia to be amended to include a mandate for all aged care facilities (new and pre-existing) to be retrofitted with automatic fire sprinklers.***

Automatic sprinkler systems are widely recognised as one of the most effective defences against the threat of a fire and can be the difference between a minor and major fire event. The installation of both automatic sprinkler systems and smoke alarms within a residence increases a person's chance of surviving a fire to over ninety-seven percent.

Automatic fire sprinklers control the spread of a fire, allowing for additional time to evacuate during an emergency. The mandatory installation of sprinklers within all Australian aged care facilities would allow those people who are most vulnerable additional time to reach safety and further reduce the costs and physical impacts of a fire.

***National Seniors recommends that low interest loans be made available to pre-existing aged care facilities to assist with the costs of retrofitting automatic fire sprinkler systems.***

Yours faithfully

**Michael O'Neill**  
**Chief Executive**