

Additional Comments from Government Senators

1.1 Government Senators were not involved in the conduct of the Committee's inquiry into the Use of Smoke Alarms to Prevent Smoke and Fire Related Death ('the inquiry') as Senators were engaged on other Senate work and were unable to attend hearings. We note however the Hansard evidence of witnesses at hearings and have the benefit of written submissions. We have also reviewed the Committee Chair's Inquiry report ('the Chair's report').

1.2 The Chair's report is focused on legislative and regulatory instruments that relate to fire-detection. Government members of the committee note that almost without exception these instruments operate in state and territory jurisdictions and are not within the remit of the Commonwealth Government.

1.3 State and territory mechanisms relating to building codes do, however, intersect with the commonwealth oversight function of the Australian Building Codes Board ('the ABCB') through the application of the National Construction Code ('the NCC'). The Government members of the Committee note that the preservation of the life and safety of building occupants is a core objective of the NCC.

1.4 The Commonwealth does not have a position in relation to smoke alarms as it is a state and territory issue. Advice received by Government members of the Committee indicates that the ABCB is not currently considering any amendments to the NCC in relation to smoke alarms.

1.5 Government members remain uncertain as to why the inquiry was conducted by the Legal and Constitutional Affairs Legislation Committee when, were the issue a matter for the federal as opposed to state parliaments, this issue would have been better investigated by the Senate Economics Committee which covers the Industry portfolio.

1.6 The Chair's report offers a number of recommendations, some of which address the scope and operation of the NCC, to which Government members of the Committee offer the following remarks.

1.7 Recommendation One and Recommendation Two call for the creation of a national database of residential fire incidents and a national scheme for the reporting of fire incidents. Government Senators do not disagree with the principle of collecting and collating national data and statistics around residential fire incidents however would note that the architecture of this scheme remains unclear, in particular how this scheme would be administered and funded. Government members of the Committee would caution against proposals that create superfluous regulatory entities that detract resources from the development of fire-prevention practices, and the actual management of fire incidents.

1.8 Recommendation Three calls for the NCC to be amended to require installation of interconnected photoelectric smoke alarms, and specify the locations and types of smoke alarms, in residential premises. It is the view of Government members that the costs in time and money of developing and deploying such a scheme, and of retro-fitting individual properties, could be prohibitive. The agreement

of all states and territories would also be necessary for the effective creation of any such national scheme.

1.9 Recommendation Four calls for state and territory governments to adopt the NCC in order to give effect to Recommendation Three. Government members suspect that each state and territory government will have its own views about the scope of building code regulation. Government members are not convinced that state and territory governments would be easily persuaded to accept an additional layer of Commonwealth oversight as a desirable outcome.

1.10 Recommendation Five calls for the introduction of mandatory compliance checks for smoke alarms. Government members would again note that the law relating to residential tenancy and residential property transfer falls within state and territory jurisdictions.

1.11 Recommendation Six calls for the creation of a website, and other stakeholder resources, to promote awareness and education around residential fire-prevention. Government members of the committee support the spirit of this recommendation.

1.12 Recommendation Seven calls for a nationwide smoke alarm consultation scheme to be implemented. Government members note that this recommendation is vague and ambiguous: the recommendation identifies the participants in the scheme but offers little regarding the operation or, indeed, the purpose of the scheme. The Commonwealth does not currently operate a website on this subject due to smoke alarms and building codes being principally a matter for state and territory governments.

Senator the Hon Ian Macdonald
Deputy Chair

Senator Dean Smith
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