



# RISK MANAGEMENT SERVICES

## Smoke Alarms Safety Switches Pool Safety

Compliance \*\*\* Testing \*\*\* Maintenance \*\*\* Installations

**Prior to the start of a tenancy**

“A Landlord/agent is to ensure a rental property is inspected within a 30 day period prior to the commencement of a tenancy regardless of whether the current tenant moves out”

### The Law and Your Landlord Responsibilities

The Queensland Governments legislation governing Smoke Alarm and Safety Switch laws in a residential rental dwelling imposes considerable obligations & responsibilities upon a Landlord/agent.

You can find out more by going to the following links:

[www.rta.qld.gov.au](http://www.rta.qld.gov.au) or [www.fire.qld.gov.au](http://www.fire.qld.gov.au)

### Some Important Rules Regarding Smoke Alarms & Safety Switches in QLD

- A Landlord must ensure their rental property/s are fitted with the required quantities of working Smoke Alarms that comply with the Smoke Alarm Australian Standards 3786—1993 and that they are correctly positioned in accordance with the Building Code of Australia as stated within State Government legislation.

- A Landlord must also ensure each Smoke Alarm is tested, cleaned and each battery that is spent or known to be almost spent is replaced within 30 days before the start of a tenancy which would include any New Tenancy & Tenancy Renewals.

- A Landlord must replace each Smoke Alarm on or before it reaches the end of its service life or if it becomes faulty.

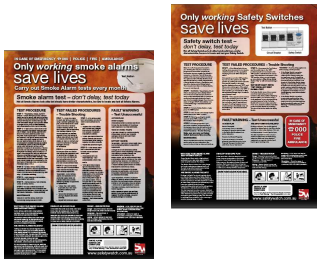
The legislation prohibits a Landlord from transferring these **ongoing** responsibilities (that must be carried out **prior** to the beginning of a Tenancy) to a tenant.

- Electrical Safety Regulations 2002 (Qld) imposes upon a Landlord the compulsory installation of electrical safety switches. Each rental property must as a minimum have an approved Safety Switch installed on all power outlets. The Electrical Safety Act 2002 (Qld) then Obligates a Landlord to ensure these devices remain electrically safe & **must** discharge this obligation. Thereby requiring the implementation of a regular maintenance program that would meet or exceed the current minimum Australian standard.

- Penalties and/or terms of imprisonment may be imposed for failure to comply with these legislative obligations.

“It is a Landlord's obligation to have installed in rental premises smoke alarms which comply with the Building Code of Australia and Australian Standard 3786”

### Instructional Safety Information Statement



**Section 185(3) of the Residential Tenancies and Rooming Accommodation Act provides that while the tenancy is continuing, the Landlord:**

(a) must maintain the premises in a way that the premises remain fit for the tenant to live in; and

(b) must maintain the premises and inclusions in good repair; and

(c) must ensure any law dealing with issues about the health or safety of persons using or entering the premises is complied with.



## FAILURE TO COMPLY

“Failure to comply with Qld state government legislative obligations and all relevant standards and codes and your Duty of Care may/would expose a landlord and/or their managing agent to significant liability exposure and compromise insurances”

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# Risk Management Services

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“SWA provide a Risk Management Service that is easy to implement; saves time, money and worry, and ensures a Landlord attains industry best practice.”

SWA records would assist the Landlord in defending any claim of negligence made against them by a tenant or injured person

Documentation from the Property Compliance Servicing and Tenancy Risk Maintenance Program (TRMP) have successfully been used to support Agent & Landlord during investigations where a fire / death have occurred in a rental property



"I can hear the smoke alarm. Is dinner ready?"

**Safety Watch Australia**  
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info@safetywatch.com.au

## GENERAL SUMMARY OF OBLIGATIONS

Meeting the new regulations is not as simple as installing or knowing that smoke alarms and safety switches are installed in your rental property/s. These are highly complex issues involving high degrees of understanding of State Government Legislation and all relevant standards and codes including health & safety and maintenance obligations under the Residential Tenancies & Rooming Accommodation Act [RTRA Section 185(3)] from which lease agreements are bound. If a rental dwelling is not smoke alarm and safety switch compliant; or you do not fulfil legislative compliance and ongoing servicing requirements, a Landlord would be in breach of his or her legislative obligations.

## INSURANCE

**Media Release: Ms Lyndell Fraser, Suncorp General Manager.**

“House fire can be devastating, potentially causing massive property damage, injury and even death. While home owners believe they are covered by their home and content insurance for legal liability, by not installing smoke alarms they are putting themselves at risk of being personally liable for any injuries. In some cases such law suits can cost millions of dollars in legal fees and damages. Even where the home owner has insurance, they may find that they do not have valid legal liability cover if they are found to not have complied with state or federal laws.

We would advise all home owners to not risk financial ruin for the minimal cost of smoke alarms and to regularly check and maintain their smoke alarms”.

## YOUR DUTY

Both Landlord and their appointed agent are the “Responsible Persons” for the rental property. The responsible persons must seek out and engage a suitably qualified or competent service provider. The responsible person is expected to be aware of the requirements of

**Remember; only working Smoke Alarms and Safety Switches save lives**

all obligations the service provider is to perform and appropriately supervise compliance codes and standards. An Australian court has set precedent in ruling against the Landlord & managing agent for failure to discharge this duty of Care. You must ensure the appointed service provider is “Fit For Purpose”!!!

## PROPERTY MANAGERS

Property Managers are not Smoke Alarm or Safety Switch Technicians Industry advisors have informed Property Management Agencies that their Professional Indemnity Insurers may not allow for this type of specialist advice or undertaking to be carried out by Property Managers and if a Landlord was to consider doing this themselves (this is not recommended given the complexity of compliance and liability risk) they too should check with their insurer. Legal commentators of the *Jones v Bartlett* High Court decision consider that good landlords and their advisors should seek to ensure they are beyond

any risk of liability by having the premises inspected by persons fully qualified to do so. **SWA** have the appropriate insurances & expertise to ensure your interests are protected.

Rest assured, if you are in receipt of this SWA Information Brochure from a managing agent, proper due diligence has been completed. SWA have supplied a signed the contractors appointment form detailing services provided and appropriate documentation relating to our PI and PL insurances.

## AUTHORITIES WILL UPHOLD THESE LAWS

Queensland Landlords have been charged and convicted under the smoke alarm laws as a result of fire occurring in their rental dwelling with the conviction being registered against their names. The outcomes of this case have been catastrophic for both landlord and tenant. The consequences can be far reaching in the event of fire or electrical hazards occurring and if a Landlord is found to be reckless; this would no doubt disentitle the Landlord to indemnity under their property and public liability insurance policies. In this scenario, the Landlords would not only be out of pocket for the damage caused to their investment property by a fire but also, would not be afforded indemnity protection for personal injury claims and tenant property damage claims which may be brought against them. A situation no one would want to face.

# Plan Options: The Choice is Yours

## SWA PROVIDES INDUSTRY BEST PRACTICE

SWA will complete prior to the beginning of a Tenancy in accordance with all legislative requirements:

Compliance & Property assessments, test, clean & carry out maintenance on all Smoke Alarms and Safety Switches. During our initial service a Smoke Alarm and Safety Switch Instructional Safety Information Statement (posters) are installed, issue a comprehensive compliance & service report and provide quarterly direct to your rental property the Tenancy Risk Maintenance Program (TRMP) ensuring Landlords are proactively managing their **lawful obligations** in relation to smoke alarms & safety switches during any period of tenancy. These services link directly to the “posters” reminding the tenant to test & clean smoke alarms and safety switches as detailed within the “posters” whilst at the same time implementing maintenance schedules that reflect manufacturers instructions and State Government recommendations.

## OPTION 1: SWA's Annual Smart Choice Plan

**\$86.36** per year + gst = **(\$95.00)**

*An option for a rental dwelling with tenancy durations of less than 12 months which may assist in limiting costs.*

- During the forthcoming year SWA will attend a Landlord's rental property as instructed by your managing agent prior to the beginning of a “**New Tenancy**” OR “**Tenancy Lease Renewal**” OR when a “**Fix Term Tenancy lapses to a Periodic**” as required by law **regardless** of how many times these Tenancies occur in that year. Whilst on site SWA will conduct an initial compliance report & ongoing tenancy servicing.
- **There is no additional charge to the Landlord above this annual fee** unless Smoke Alarms or Safety Switches are required to be installed. To keep your costs to a minimum under this plan SWA Technicians will complete **ONLY IF NECESSARY** any 9 volt battery operated Smoke Alarm installations/relocations whilst on site during our first visit or prior to a tenancy; your property manager will provide SWA with a **strict spend limit** to assist SWA technicians obtain and/or maintain compliance whilst on site. Should any necessary compliance works exceed this spend limit, the compliance assessment & service will be completed and a detailed report & quote supplied for a Property Manager/landlords further authorisation. The report & quote would always include all necessary 240v Smoke Alarm or Safety Switch work required to meet compliance standards ensuring your costs are further controlled.
- SWA's market leading Tenancy Risk Maintenance Program (TRMP) is also provided quarterly directly to your rental property throughout the forthcoming year to ensure your obligations are met during any period of tenancy.
- **Free**, 9v battery replacement (*does not include removable lithium long life batteries*).
- **Free**, SWA Safety Information Statement (posters) will be installed by SWA during our initial service which links directly with the TRMP.
- Provide a comprehensive Compliance and Service report of all undertakings relating to Smoke Alarm and Safety Switches.

## OPTION 2: SWA's Annual Pay-As-You-Go Plan

**\$60.00** per year + gst = **(\$66.00) \***

*An option for a rental dwelling with tenancy durations of 12 months or greater which may assist in limiting costs.*

- During the forthcoming year a Landlord's rental dwelling would receive one x SWA Compliance/ongoing tenancy servicing as instructed by your managing agent prior to the beginning of a “**New Tenancy**” OR “**Tenancy Lease Renewal**” OR when a “**Fix Term Tenancy lapses to a Periodic**” as required by law. SWA's market leading Tenancy Risk Management Program (TRMP) is also provided quarterly directly to your rental dwelling throughout the forthcoming year to ensure your obligations are met during any period of tenancy.
- The Landlord will **only** receive an extra invoice in the forthcoming year if there is a requirement to revisit a dwelling again as instructed / authorised by your managing agent. Standard service fee is \$41.80 including GST and free 9v battery replacement.
- **There is no additional charge to the Landlord at the time of service** unless Smoke Alarms or Safety Switches are required to be installed. To keep your costs to a minimum under this plan SWA Technicians will complete **ONLY IF NECESSARY** any 9 volt battery operated Smoke Alarm installations/relocations whilst on site during our first visit or prior to a tenancy; your property manager will provide SWA with a **strict spend limit** to assist SWA technicians obtain and/or maintain compliance whilst on site. Should any necessary compliance works exceed this spend limit, the compliance assessment & service will be completed and a detailed report & quote supplied for a Property Manager/landlords further authorisation. The report & quote would always include all necessary 240v Smoke Alarm or Safety Switch work required to meet compliance standards ensuring your costs are further controlled.
- **Free**, 9v battery replacement (*does not include removable lithium long life batteries*).
- \*SWA Safety Information Statement (posters) **will** be installed by SWA during our initial service which links directly with the TRMP. Under this plan the posters are an additional **onetime only** cost of **\$10.00 including GST** and a necessary step in managing your obligations.
- Provide a comprehensive Compliance and Service report of all undertakings relating to Smoke Alarm and Safety Switches.

Pool Safety Inspections are available through Safety Watch Australia. Ask your property manager as to the cost of this service.



# Now You Can Take Control

## How To Make Your Choice

To ensure **Safety Watch Australia** provide your rental property/s with our Smoke Alarm & Safety Switch Risk Management Services, please indicate your acceptance of **SWA Risk Management Services** by placing a tick in the appropriate box below, sign, date and return this authorisation page to your property manager.

**Note:** If you have more than 1 rental property that requires these services, please attach a list of all property addresses to this form or simply discuss this with your property manager.

**Option 1: SWA's Smart Choice Plan**

@ \$95.00 per year incl gst

**TICK ONE BOX ONLY**

**Option 2: SWA's Pay-As-You-Go Plan**

@ \$66.00 per year incl gst

- **Landlords declaration:** I/We authorise **SWA** to supply Risk Management Services for Smoke Alarms & Safety Switches under the terms of the plan indicated above to my rental property/s on an ongoing basis at my own expense. **Please Note:** Should SWA be instructed to return to a property just to complete "**9v Smoke Alarm installations ONLY**", a one off return service fee of \$41.80 incl GST **may** be included in a supplied quote. The property manager will always be provided a detailed quote if any further work needs to be completed to ensure a property is made compliant. SWA only install if required/authorised trade quality photoelectric Smoke Alarms with **5 year parts & labour warranty**. *[\$40.00 + \$10.00 installation labour].*

Print Landlord Name

Signature

Day / Month / Year

Property Address

Suburb

Post Code

**Safety Watch Australia also complete Pool Safety Inspections**

**Please discuss with your property management agency about this service and what is involved to have your pool inspected by a licenced SWA inspector**

SWA information DVD can be viewed at: <http://www.safetywatch.com.au/aboutus.asp>



Safety Watch Australia Pty Ltd

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