



Application for Documents  
from the  
**Australian Building Codes Board**  
under the

# **Commonwealth Freedom of Information Act 1982**



## APPLICATION FOR DOCUMENTS UNDER THE COMMONWEALTH FREEDOM OF INFORMATION ACT 1982

29 April, 2010 (sent by Email)

Ms Peta Dixon  
FOI Coordinator, Legislation Liaison and Privacy  
Corporate Strategy Branch  
Department of Innovation, Industry, Science and Research  
GPO Box 9839, Canberra ACT 2601, Australia  
c.c

*The Hon Senator Kim Carr; The Hon Greg Hunt; Mr Ivan Donaldson, GM, ABCB; et al*

**Agency:**

Australian Building Codes Board (hereinafter referred to as "ABCB")

**Applicant:**

Mr Karl A Westwell, Co-Founder, CEO, The World Fire Safety Foundation

**Address in Australia to which notices under the Act should be sent:**

23 Ocean Grove, Currumbin, Gold Coast, Queensland 4223, Australia

**Applicant Phone Number:**

Landline: +61 7 5641 1914 Mobile: +61 (0) 411 716 286

Dear Ms Dixon

Further to correspondence with the ABCB<sup>1</sup> and The Hon Senator Kim Carr<sup>2</sup>, I am applying for copies of information including but not limited to files, reports, computer printouts, tapes or disks, maps, plans, photographs, microfiche, tape recordings, films or videotapes reviewed, relied upon, or in any way pertaining to the decision made by the ABCB to not incorporate a critical amendment to AS3786<sup>3</sup> into The Building Code of Australia (hereinafter referred to as "the BCA"), and

Confirmation as to whether or not the ABCB met with Mr Richard Bukowski from the United States' National Institute of Standards and Technology (NIST) and whether or not the ABCB relied upon information supplied to the ABCB by Mr Bukowski, and if so, what information was provided to the ABCB by Mr Bukowski.

I am applying for remission of the application fee on the following grounds:

Public Interest:

(A) In that the ABCB's decision is at odds with:

- (i) The Australasian Fire and Emergency Service Authorities Council, 'Position on Smoke Alarms in Residential Accommodation' of 01 June, 2006 that recommends that ALL residential accommodation be fitted with PHOTOELECTRIC smoke alarms, and
- (ii) Standards Australia's Fire Protection Committee (FP-002), which amended AS3786 removing the MIC-X test that previously allowed ionisation smoke alarms to be certified as safe despite the fact that according to Commonwealth Scientific and Industrial Research Organisation (CSIRO) data, ionisation smoke alarms fail to activate to visible smoke until over twice the maximum safe limit set out in AS3786 for photoelectric smoke alarms, and this despite clause 2.1 of AS3786 which requires that,  
**"The smoke alarm shall be designed to respond reliably to the presence of smoke."**

(B) In that, based upon evidence previously provided to the ABCB<sup>1,2,4</sup>, the decision made by the ABCB to not adopt the critical amendment to AS3786 into the BCA imperils the life or well-being of most Australian residents.

Thank you.

**The World Fire Safety Foundation**

Karl Westwell, *Co-Founder, CEO*

**References:**

1. The three 'Open Letters' to the ABCB are at: [www.TheWorldFireSafetyFoundation.org/abcbo1](http://www.TheWorldFireSafetyFoundation.org/abcbo1)
2. The Hon Senator Kim Carr and The Hon Greg Hunt's letters are at: [www.TheWorldFireSafetyFoundation.org/abcbo3](http://www.TheWorldFireSafetyFoundation.org/abcbo3)
3. Information about the critical amendment to AS3786 is at: [www.TheWorldFireSafetyFoundation.org/sa](http://www.TheWorldFireSafetyFoundation.org/sa)
4. Evidence provided to the ABCB is at:  
[www.TheWorldFireSafetyFoundation.org/abcbo](http://www.TheWorldFireSafetyFoundation.org/abcbo) and [www.TheWorldFireSafetyFoundation.org/sa](http://www.TheWorldFireSafetyFoundation.org/sa)

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