



26 January, 2010 | version 1.0 - by registered mail

22 April, 2010 | version 1.2 - by email

**Attention:**

The Australian Building Codes Board (ABCB)

Mr Ivan Donaldson, CEO

GPO Box 9839, Canberra

ACT 2601, AUSTRALIA

c.c.

- ABCB Board Members

- All signatories to ABCB Inter-Government Agreement, April 2006<sup>2</sup>

- ABCB Legal counsel, Mallesons Stephen Jacques, Sydney, Australia

## Second Open Letter to the Australian Building Codes Board

**“Research shows that the application of smoke alarms . . . will not provide an adequate level of life safety in residential occupancies.<sup>1</sup>”**

Dear Mr Donaldson

Further to our letter dated 26 January, 2010, given the ABCB’s failure to respond, an updated version of the letter follows.

On 10 August, 2009 we received an email from Mike Balch, Deputy General Manager, Australian Building Codes Board in response to a request for information. Our request was denied.

The Australian Building Codes Board (ABCB) is bound by an Inter Government Agreement<sup>2</sup> titled, ‘Agreement between the Governments of the Commonwealth of Australia, the States and the Territories to continue in existence and provide for the operation of the Australian Building Codes Board’. This agreement states: *“the objectives of the Board (ABCB) will be to:*

E.i. ***develop building codes and standards that accord with strategic priorities established by Ministers from time to time, having regard to societal needs and expectations”***

Given that clause 2.1 of AS3786, Australia’s Smoke Alarms Standard<sup>3</sup> states,

***“The smoke alarm shall be designed to respond reliably to the presence of smoke.”***,

it is reasonable to assume that in regard to smoke alarms that societal needs and expectations dictate that smoke alarms will alarm in time for occupants to have sufficient time for safe egress. In our opinion: The ABCB is failing to meet its obligations in this regard and as a consequence are putting Australian residents at needless risk of injury and death.

E.iv. ***“ensure that BCA (Building Code of Australia) requirements are: performance-based; verifiable; based on appropriate international standards; and expressed in plain English.”***

It is reasonable to conclude from CSIRO scientific test data (AS2362.17) dating back to 1993, that ionization-type smoke alarms do not activate until more than double the maximum safe limit for smoke cited in Australia’s Smoke Alarm Standard called upon in the Building Code of Australia. It is also reasonable to conclude based on the preponderance of global evidence<sup>4</sup> that ionization-type smoke alarms have,

- *a significantly higher failure rate than photoelectric-type smoke alarms;*
- *a significantly higher nuisance alarm rate than photoelectric-type smoke alarms resulting in disabling and delayed response time by home occupants; and*
- *a significant, life-threatening, unacceptably slow<sup>4</sup> reaction time to fires in their smouldering, pre-flaming stage.*

In our opinion: The ABCB is failing Australian home-owners by adopting a policy of requiring a high level of protection for commercial premises where photoelectric-type smoke detectors/alarms are required in sleeping quarters and paths of egress, and another, unacceptably low level of protection for homes.

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Continued . . .

The Council of Australian Governments (COAG)<sup>5</sup> states: “It is an inflexible, indeed non negotiable, principle, that whatever processes are adopted by government departments and their agencies (such as the ABCB) in the carrying out of their duties, that **they do so in a manner that results in transparency and resultant accountability to the Australian community.**”

The ABCB has so far been unwilling to provide us with copies of information it has relied upon in the reaching of its decision to fail to adopt Standards Australia’s critical amendment to AS3786. In our opinion the ABCB and its Board is in breach of the Inter Government Agreement<sup>2</sup> which begs the question, “Who benefits from the ABCB’s decision and what is the ABCB hiding?”

The ABCB’s current stand in blocking the amendment to Australia’s Smoke Alarm Standard is at odds with numerous expert organisations and scientific data, and its own adoption of Australia’s installation standard mandating photoelectric-type smoke detectors be installed in new commercial buildings since April 2004 (AS1670.1). Given the ABCB is required to carry out its duties in a manner that results in transparency and resultant accountability to the Australian community, it is reasonable to expect the ABCB to provide copies of information it relied upon in arriving at its decision to block the amendment to AS3786.

As you are aware the Freedom of Information Act 1982 gives members of the public rights of access to official documents of the Government of the Commonwealth and its agencies. The ABCB has cited the Privacy Act as a reason for not providing this information. We believe this to be a red-herring and are prepared to seek a Public Interest Determination from the Privacy Commissioner should the ABCB continue to use the Act in a manner inappropriate to the public interest.

We hereby request copies of all information the ABCB reviewed and or relied upon, including meeting notes, and any correspondence, in reaching its decision that the amendment to AS3786 not be adopted into the BCA.

Sincerely  
**The World Fire Safety Foundation**  
Karl Westwell  
CEO, Co-Founder, Australia

#### References:

1. Independent research validating dangerously slow reaction time to ionization smoke alarms is available from Standards Australia’s report, ‘Preliminary Impact Assessment for BCA Volume 1 & 2’ (01 Feb, 2007). The following is an extract from the Report:

#### **Standard Australia’s Report to the Australian Building Codes Board to Correct Australia’s Flawed Smoke Alarm Standard**

##### **“Nature and Extent of the Problem:** (page 1)

Standards Australia on behalf of committee FP-002 *Fire Detection, Warning, Control and Intercom Systems*, proposes to revise AS 3786 because of **an identified anomaly in the current edition of the Standard.**

##### **Conclusion & Recommended Option** (page 6)

Standards Australia identified an anomaly in the current edition of AS 3786 Smoke alarms. The current edition allows two acceptance criteria for the same product (i.e. smoke alarms), resulting in different performance outcomes. Research shows that the application of smoke alarms where the acceptance criteria is not based upon the detection of obscuration levels, **will not provide an adequate level of life safety in residential occupancies and thereby does not meet the performance requirements set down in the BCA.**

The provision of smoke alarms typically follows the deemed to satisfy path. The lack of awareness of the general community to the performance limitations of smoke alarms requires that AS 3786 be revised, to ensure that consumers are automatically provided with a product that is fit-for-purpose and the most appropriate deemed to satisfy solution.”

An explanation about the report is [Here >>>](#)

Downloaded the full Report [Here >>>](#)

2. The Inter Government Agreement, including 9 Australian Government Minister signatories, is at: [www.TheWorldFireSafetyFoundation.org/abcbiga](http://www.TheWorldFireSafetyFoundation.org/abcbiga)
3. The latest draft amendment to Australia’s Smoke Alarm Standard, AS3786, is at: [www.theworldfiresafetyfoundation.org/sa](http://www.theworldfiresafetyfoundation.org/sa)
4. A listing of independent global evidence about ionization smoke alarms is at: [www.TheWorldFireSafetyFoundation.org/theevidence](http://www.TheWorldFireSafetyFoundation.org/theevidence)
5. Council of Australian Government’s website: [www.coag.gov.au](http://www.coag.gov.au)

#### Note:

For more information/all ABCB Open Letters, visit: [www.TheWorldFireSafetyFoundation.org/abcb](http://www.TheWorldFireSafetyFoundation.org/abcb)