



Compliance of Window Safety Devices

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Compliance of Window Safety Devices



Whilst this was a topic that was much discussed back in 2018, just because that was five years ago, doesn't take away that it is still a legislative requirement to ensure compliance of window safety devices in rented residential properties.

This is a topic that has been discussed in many of the previous editions of the College Chronicle in relation to window safety devices, particularly in strata properties. The devices are not just another "money grab" by the Government. The devices are designed to reduce the number of injuries and fatalities that occur in young children falling out of high windows.

In April 2018, a 5 year old boy fell out of a third storey window in a Parramatta building – this was one month after the installation deadline. The deadline for compliance has well and truly been and gone. The final date for compliance was 13th March 2018. So five and a half years later – are there properties that are not compliant? Well apparently the answer is "yes there are".

Are strata schemes subjected to inspections for compliance and if so are there penalties for non-compliance? NSW Fair Trading provide information on the window safety devices and the obligations of the Owners Corporation and have stated that should the devices not be installed by the cut-off date, the owners corporation may be fined and there is potential for the individual

owner to also be fined. However, there is an issue with the ongoing compliance of the safety legislation, as NSW Fair Trading have stated the following with regards to monitoring the devices:

"An owners corporation is not required to monitor or enforce the use of window safety devices".

The strata scheme management laws also do not require that the devices be used at all times by the occupant. Occupants are therefore free to open their windows fully if they wish to do so. While it is up to occupants to decide when to engage devices, NSW Fair Trading strongly recommends that people use window safety devices when children are present and on all common access areas, such as stair landings.

For Strata Managers, it is important that the Owners Corporation are able to satisfy the initial requirement of having the devices installed to ensure that they are not liable for fines should NSW Fair Trading wish to conduct audits of strata schemes. However it would be fair to state, after reading the information being provided by Fair Trading, that it is not incumbent upon the Owners Corporations to conduct yearly checks to ensure the safety devices are still installed.

For Property Managers, it has already been the case that the window safety devices have been on the ingoing and outgoing inspection reports. It is highly suggested that these are checked at each of those inspections to ensure they are still installed and should they be removed throughout a tenancy, there is a responsibility for the property manager to inform the landlord and have new safety devices installed, billing

the previous tenants for the reinstallation. While we do not want to be operating our businesses based on whether you will be audited or not - the Parramatta incident in April 2018 provides evidence to NSW Fair Trading that there are still buildings that have not yet complied or the devices are not necessarily being used properly.

No-one would want an accident to occur in a property/strata scheme that they manage – so from an agent perspective (property manager or strata manager), the checks should be in place on a regular basis. This is not one that should be forgotten.

Rosy Sullivan
Director | College Principal

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From the office

Firstly – remember that it's our birthday month and we have the 20 for 20 for 20 offer on until 30th November. 20% discount for 20 days to celebrate our 20 years as a training college. Make sure that you do your course bookings now and take advantage of the discount.

Most importantly.....forget where the trainers are this week, forget the fact that there have been a couple of cakes this past fortnight – stop the press and turn up the lights..... ACOP have a new team member. Charlie George GRAVAS joined the ACOP family on Sunday 19th November and is the newest addition to the family of Megan (our Quality Improvement Manager) and Matthew Gravas. Charlie's big brother Reuben was particularly excited to meet his new baby brother. Megan and Charlie are both healthy and happy to be home and getting themselves into something of a routine (and if you know Megan at all – you know that she just loves structure and routine – so Charlie will be organised in no time hmmmmmmmmmm).



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