Child Safety Window Devices

- On 13 March 2018, the window safety devices requirements of the *Strata Schemes Management Act 2015* come into force. Owners corporations which contain residential lots must ensure that, by that date, all prescribed windows in their buildings have a compliant safety device.

- Owners corporations must also ensure ongoing compliance with these requirements. This means ongoing procedures for inspection and maintenance are required.

- Owners corporations and their strata committees will want to know what they need to do to comply with these requirements. They will want to preserve the safety of children in their buildings. They will also have concerns about potential penalties and claims for compensation if they fail to comply with these requirements.

- Compliance with these requirements can be difficult and involves a number of technical issues. Which windows need a device? Is our proposed device compliant? Can our window frames safely support the proposed device? Is an installed device still complaint and safe? What if an inspection indicates other safety issues which require attention?

- In most cases, the best course of action will be to:

  - Convene a strata committee meeting to consider engaging a suitable consultant to do an inspection and provide a report; and

  - Convene a general meeting to consider a motion taking action in relation to the issue. It benefits all to deal with this properly.

- Issues which will need to be covered in the report and motion include:

  - Which windows need a device?

  - What would be an appropriate device for our building?

  - How often should the devices be inspected? This will depend on a number of factors, including the devices installed, the age and state of repair of the building and whether apartments are tenanted. Window frames will deteriorate, devices will break or be interfered with and occupiers will lose keys.

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- What maintenance procedures will be adopted? It may be appropriate to authorise the inspector to repair or replace devices as required.

Key takeaways

- Owners corporations must ensure all prescribed windows have compliant safety devices by 13 March 2018.
- Ongoing inspection and maintenance procedures are necessary for compliance.
- Strata committees should consider engaging consultants for inspections and reports.
- Regular inspections are crucial due to potential deterioration and safety issues.
- Decisions regarding window safety devices should be made in strata committee meetings.

****The information contained in this article is general information only and not legal advice. The currency, accuracy and completeness of this article (and its contents) should be checked by obtaining independent legal advice before you take any action or otherwise rely upon its contents in any way.*

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