

CHILD WINDOW SAFETY IS YOUR COMPLIANCE UP TO SCRATCH?

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As the market leader in window safety compliance, we believe in the importance of continued education

With warmer weather only a few short months away, NSW is about to enter its most high-risk season for child window falls.

While most buildings have had window safety devices installed in line with NSW Child Window Safety Legislation, many have not maintained a regular inspection schedule to ensure the ongoing integrity of their devices. The frightening reality is that many windows would fail to pass a compliance test, if assessed today.

As the market leader in window safety compliance, ASQB believes in the importance of continued education around this topic and ensuring that owners' corporations understand their ongoing responsibilities.

How can I tell if my current window safety devices meet legislative requirements?

Window safety devices that meet the requirements of NSW legislation must answer 'yes' to the following questions.

- Are the keys present?
- Are the devices in good working order? i.e. They have not been tampered with, damaged, or totally removed.
- Can the window be locked in a vent position of 12.5cm or less?
- When the lock is engaged, can it resist a force greater than 25kg?

If your answer to any of the above questions is 'NO', there is a high chance your windows are not compliant, in which case a professional assessment, repair, or replacement, of your window safety devices is highly recommended.

The other thing to consider when assessing the safety of your windows, is the condition of both the window frame and sashes. If the window does not operate as intended, or has any structural loss of integrity, it will need to undergo a service to ensure the ongoing safety of any occupants.



Some Frightening Statistics

In the 12 months directly after the 2018 implementation of legislation, ASQB conducted an extensive industry analysis through our re-inspection service. There were some alarming results.

- For every 2.5 units inspected, at least 1 window failed to comply with legislation
- 10.38% of window safety devices were found to have failed just 12 months after being certified to comply with legislation
- 48% of failed devices occurred due to occupants tampering with or removing the device
- Lost or missing keys contributed to a significant portion of failed inspections/assessments

The Children's Hospital at Westmead also conducted a study in the couple of years immediately following the implementation of the NSW Child Window Safety Legislation. Some notable learnings were produced.

- In 2018, the year following the strata compliance cut-off, there was a significant reduction in the number of falls recorded
- Ongoing maintenance and regular device audits, in conjunction with education is highly recommended. In 2019, only one year later, fall numbers increased again by 62%
- Fall numbers in older buildings (where devices were retrofitted) continue to be high and have been attributed mainly to window safety devices being removed by either the parent or the child.

Review of Legislation

There is currently a statutory review of the Strata Schemes Development Act 2015 and Strata Schemes Management Act 2015 in action, with a bill expected to go before Parliament this year (2023).

As part of this review, it has been recommended that the law mandating window safety devices be amended, to make it clear that it is an owners' corporation responsibility to ensure that window safety devices are maintained in compliance with the Management Act. This may include a **requirement** to conduct an annual inspection similar to annual fire safety inspections, with further oversight by NSW Fair Trading to ensure that the audits are occurring.

It is important that owners' corporations know their ongoing compliance responsibilities around child window safety, and continue to meet legislative requirements through regular inspections, maintenance and testing of window safety devices. This not only ensures protection of assets, it avoids serious risk of injury to the younger members of a strata community, and potential litigation.

*Article by Anthony Shakar
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ASQB currently services the Sydney market with our Safety Compliance Check service. This includes a full safety audit of your building, and on the spot repairs or replacements of faulty devices. We document and certify all our work so that you have an ongoing and up-to-date record of compliance.

ASQB is proud to be Australia's leading window safety compliance specialists. Visit our website for more information

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