

# NSW GOVERNMENT EXPANDING ON CHILD WINDOW SAFETY REGULATIONS

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## The NSW Planning Department proposes making it mandatory to install window safety devices in Torrens and Company title residential dwellings.

As members of the strata industry will already be aware, a statutory review of the Strata Schemes Development Act 2015 and Strata Schemes Management Act 2015 (the Act) was recently completed, with a bill expected to go before Parliament imminently.

As part of this review, a recommendation has been put forward that the law mandating child window safety devices be amended to make it clear that it is an owners corporation responsibility to ensure child window safety devices are *maintained* in compliance with the Management Act.

Industry feedback indicated that while compliance rates appear to be reasonable, there is a lack of clarity around who is responsible for the ongoing maintenance of the devices once installed. It was also suggested that there needs to be a form of compliance monitoring by owners' corporations, such as conducting annual checks similar to fire safety checks, combined with further oversight by NSW Fair Trading to ensure that the audits were occurring.

In addition to the above statutory review, however, The NSW Department of Planning has also proposed some changes to its regulations for window safety. The aim of this proposal is to further protect children from window falls in NSW homes and would extend the child window safety legislation to cover high risk windows in Torrens title and Company title dwellings. Currently, requirements for window safety devices only apply to high-risk windows in apartments covered by strata schemes, and homes built since 1 May 2013 (bedrooms only).



Tragically, there continues to be many incidences of children falling from windows, with the outcome usually being that serious head injuries are suffered, and sometimes even death.

The persisting issue here is that many falls are still occurring from windows that are not captured under the current strata legislation, and therefore do not have the appropriate window safety devices installed on them. So, in response, the NSW Deputy State Coroner has recommended stronger safety requirements for ALL windows to stop this.

Historically, the NSW Government has acted to implement coronial recommendations such as making it mandatory to install smoke alarms and swimming pool fences where statistics show that safety devices can mean the difference between life and death.

To introduce the window safety changes, it has been proposed that amendments should be made to the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 – also known as the DC&FS Regulation.

The changes would require ALL homeowners to install safety devices on high-risk windows in most types of homes, such as houses and townhouses, and including older homes.

While options to achieve and monitor compliance are still being assessed, it has been established that current measures are not adequate, and that all homeowner communities play a vital role in protecting the safety of young children around windows.

In the lead up to Summer, these proposed changes serve as a good reminder to take action and help prevent future incidents through regularly maintained and assessed window safety devices.

*Article by Anthony Shakar  
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*ASQB is proud to be Australia's leading child window safety experts, servicing all greater Sydney. Having installed child window safety devices in over 100,000 homes, we have been at the forefront of window safety compliance since legislation was introduced in 2013.*

*We understand the importance of keeping children safe around high-risk windows, and are committed to helping strata managers, owners' corporations, and building and property managers meet their ongoing legal obligations.*

*Contact us for a quote  
[www.asqb.com.au](http://www.asqb.com.au)*



*Sources:*

*NSW Government*

*Report on the statutory review of the Strata Schemes Development Act 2015 and Strata Schemes Management Act 2015*

*NSW Department of Planning*

*-Amendments to Window Safety Regulation*

*-Window Safety in Homes – Discussion Paper*

Links to the above sources can be found at:  
<https://www.asqb.com.au/child-window-safety-compliance>

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