

Smoke Alarms - Residential

New regulations came into effect as of 1 October 2009 that require mains powered smoke alarms to be fitted to homes that are subject to sale, lease or hire.

These regulations only apply to the following types of buildings as defined by the Building Code of Australia:

- Class 1a (single residential dwellings and group dwellings or the like);
- Class 1b (hostels/boarding house/guest house/bed and breakfast or the like <300m²);
- Class 2 (apartments and flats or the like); and
- Class 4 (caretakers dwelling or the like).

Please refer to the Building Code of Australia for all specific details in regard to Classifications

Homes for Sale from 1 October 2009

Vendors must ensure that hard-wired smoke alarms are installed by a qualified electrical contractor prior to the transfer of the property to the new owner. In the circumstances where the vendor fails to do so, the new owner must install the compliant smoke alarms and may recover the cost in court.

(Penalty for non-compliance \$5,000)

Rental properties from 1 October 2009

Landlords must ensure that hard-wired smoke alarms are installed by a qualified electrical contractor prior to the commencement of a new lease and must also ensure that the smoke alarms are maintained and be in working order at all times. Dwellings being made available for hire must also have hard-wired smoke alarms installed. *Note: The owner has 14 days after the new tenant takes over the dwelling to fit the smoke alarms.*

(Penalty for non compliance \$5,000)

Note: as at 1 October 2011, all rental properties must be fitted with hard wired smoke alarms regardless.

Battery powered smoke alarms

In a case that would involve a sufficient problem of a structural nature or a sufficient problem of any other nature that the cause is not in the control of the owner, then the owner may apply to the local authority to install battery powered smoke alarms. The battery powered smoke alarms must have a 10 year battery life and the battery must not be removable. An inspection may be required to determine if the alarms could be installed in a different location or whether battery powered alarms are definitely required.

Class 1b dwellings - hostel/guest houses or bed and breakfast dwellings

The new regulations only apply to the smoke alarms and do not require evacuation lights to be fitted to any dwellings that were not required to have these fitted when they were approved/constructed.

Under these new regulations, the Local Authority may impose infringement notices of \$750 or \$1,000 depending on the particular offence should a person not comply with their obligations under legislation.