



# Fact Sheet

## Smoke Alarm Legislation

since 1 November 2011

**Fire and Emergency Regulations require the owners of residential premises or moveable dwellings ensure approved smoke alarms are installed in the premises or dwelling.**

Most homes already have working smoke alarms. However, if your home was built before 1 July 1997 and you don't already have smoke alarms installed, you now need to install a **photoelectric smoke alarm** – this can be **240 volt hard wired by an electrician OR a 10 year sealed lithium battery type** that can be manually installed according to the manufacturer's instructions.

If your home was built or has undergone major renovations after 1 July 1997, it should already have 240 volt (hard wired) smoke alarms installed as a requirement under the National Construction Code (NCC) - Building Code of Australia (BCA). However, since 1 May 2014, for new and renovated buildings, the Code states at Part 3.7.2 section 3.7.2.2 *Smoke alarms must be - (subsection (d)) interconnected where there is more than one alarm.*

Residential properties that are owner occupied and have hard wired (240 volt) ionisation smoke alarms already installed only need to replace them with compatible mains powered approved **photoelectric alarms** when the ionisation smoke alarm ceases to function. Home owners may choose to replace their alarms sooner but this is not a legal requirement.

Where residential property owners are renewing a tenancy or selling a property or dwelling, approved photoelectric smoke alarms must be installed by the owner prior to the occupancy of the tenant or completion of the sale transaction.

In the case of a leased property, once the landlord installs approved smoke alarms, it is then the tenants' responsibility to maintain those alarms in good working order.

**So just to clarify:** All residential premises or moveable dwellings should now have approved photoelectric smoke alarms installed, however, premises that currently have working ionisation smoke alarms installed do not have to change to a photoelectric smoke alarm until one of the following occurs -

- ✦ the ionisation smoke alarm ceases to function – the day of cessation;
- ✦ the owner enters into a contract to sell the premises or dwelling – the day before contract settlement;
- ✦ the owner agrees to enter into a tenancy agreement, or renew or extend a tenancy agreement in relation to the premises – the day before the tenancy agreement or renewal or extension takes effect;
- ✦ the owner agrees to enter into a hire agreement, or renew or extend a hire agreement, in relation to the dwelling – the day before the hire agreement or renewal or extension takes effect.