

## Appendix 4

### Detailed requirements for smoke alarms in existing buildings (constructed prior to the NCC)

Requirement for existing buildings	Options	Jurisdiction
<b>Type and installation</b>		
<b>Compliance with AS 3786</b>	AS 3786-1993 as published from time to time	ACT <sup>1</sup> NSW <sup>2</sup> SA <sup>3</sup> TAS <sup>4</sup> VIC <sup>5</sup> WA <sup>6</sup>
	AS 3786-1993	QLD <sup>7</sup>
	No year or edition specified	NT <sup>8</sup>
<b>Interconnection of multiple alarms</b>	Interconnection required because smoke alarms must be installed in accordance with the BCA	ACT <sup>9</sup> NT <sup>10</sup> SA <sup>11</sup>
	Interconnection required in Class 2 buildings, and the common areas of Class 1b buildings, but not required in Class 1a buildings	QLD <sup>12</sup>
	Interconnection only required where a building permit for the construction, erection, assembly or placement of the dwellings was granted after 1 May 2015	WA <sup>13</sup>
	Not specified	NSW TAS VIC

1 *Building Act 2004* (ACT), s. 42(1); *Building (General) Regulation 2008* (ACT), reg. 24(1)(b).

2 *Environmental Planning and Assessment Regulation 2000* (NSW), reg. 186B(1).

3 *Development Regulations 2008* (SA), reg. 76B(1).

4 *Residential Tenancy (Smoke Alarms) Regulations 2012* (TAS), reg. 6.

5 *Building Regulations 2006* (VIC), reg. 707.

6 *Building Regulations 2012* (WA), reg. 60(2).

7 *Fire and Emergency Services Act 1990* (QLD), s. 104RB(2).

8 *Fire and Emergency Regulations* (NT), reg. 13A(3).

9 *Building Act 2004* (ACT), s. 42(1); *Building (General) Regulation 2008* (ACT), reg. 24(1)(b).

10 *Fire and Emergency Regulations* (NT), reg. 13B.

11 *Development Regulations 2008* (SA), reg. 76B.

12 *Fire and Emergency Services Act 1990* (QLD), s. 104RB.

13 *Building Regulations 2012* (WA), reg. 60(4).

Requirement for existing buildings	Options	Jurisdiction
<b>Type and installation</b>		
<b>Specific type of smoke alarm</b>	Photoelectric	NT <sup>14</sup>
	Ionisation	None
	Not specified	ACT NSW QLD SA TAS VIC WA
<b>Power source</b>	Not specified	NSW (class 1a and 2)
	Replaceable battery, 10 year non-removable battery or hard-wired (or not specified meaning that any of these options may be used)	TAS (pre May 2016) <sup>15</sup> VIC (building class 1a and 2) <sup>16</sup>
	10 year non-removable battery or hard-wired	ACT <sup>17</sup> NSW (class 1b and 3) <sup>18</sup> NT <sup>19</sup> QLD <sup>20</sup> SA <sup>21</sup> TAS (post May 2016) <sup>22</sup> VIC (class 1b and 3 only) <sup>23</sup> WA <sup>24</sup>

14 *Fire and Emergency Regulations* (NT), reg. 13A(3).

15 *Residential Tenancy (Smoke Alarms) Regulations 2012* (TAS), reg. 7.

16 *Building Regulations 2006* (VIC), reg. 707; Victorian Building Authority Practice Note 2006-27.

17 *Building Act 2004* (ACT), s. 42(1); *Building (General) Regulation 2008* (ACT), reg. 24(1)(B).

18 *Environmental Planning and Assessment Regulation 2000* (NSW), reg. 186B(2).

19 *Fire and Emergency Regulations* (NT), reg. 13A(3).

20 *Fire and Emergency Services Act 1990* (QLD), s. 104RB.

21 *Development Regulations 2008* (SA), reg. 76B.

22 *Residential Tenancy (Smoke Alarms) Regulations 2012* (TAS), reg. 8.

23 *Building Regulations 2006* (VIC), reg. 709.

24 *Building Regulations 2012* (WA), reg. 60(2).

Requirement for existing buildings	Options	Jurisdiction
<b>Type and installation</b>		
<b>Location requirement</b>	References BCA requirements	ACT <sup>25</sup> NT <sup>26</sup> QLD (Classes 1a and 2) <sup>27</sup> SA <sup>28</sup> WA <sup>29</sup>
	Similar to BCA requirements	NSW <sup>30</sup> TAS <sup>31</sup>
	Different to BCA requirements	QLD (class 1b) <sup>32</sup> VIC <sup>33</sup>
<b>Specifically states that the smoke alarm must be functioning/working?</b>	Yes	NSW <sup>34</sup> NT (where tenanted or hired) <sup>35</sup> TAS <sup>36</sup> WA <sup>37</sup>
	No	ACT NT (for owner occupied) QLD SA VIC

25 *Building Act 2004* (ACT), s. 42(1); *Building (General) Regulation 2008* (ACT), reg. 24(1)(b).

26 *Fire and Emergency Regulations* (NT), reg. 13B.

27 *Fire and Emergency Services Act 1990* (QLD), s. 104RB(2).

28 *Development Regulations 2008* (SA), reg. 76B.

29 *Building Regulations 2012* (WA), reg. 60.

30 *Environmental Planning and Assessment Regulation 2000* (NSW), reg. 186A.

31 *Residential Tenancy (Smoke Alarms) regulations 2012* (TAS), regulations 9-13.

32 *Queensland Development Code Mandatory Part 2.1 Fire Safety in Budget Accommodation Buildings*, p. 7.

33 See, *Victorian Building Authority Practice Note 2006-27*.

34 *Environmental Planning and Assessment Regulation 2000* (NSW), reg. 186B(1).

35 *Fire and Emergency Regulations* (NT), reg. 13D.

36 *Residential Tenancy (Smoke Alarms) Regulations 2012* (TAS), regulations 17-19.

37 *Building Regulations 2012* (WA), reg. 60(2)(c).

Requirement for existing buildings	Options	Jurisdiction
<b>Type and installation</b>		
<b>Is an existing smoke alarm deemed to meet the current requirements?</b>	Yes	NSW (class 1a 2 or 4) <sup>38</sup> NT (ionisation alarm specified) <sup>39</sup> TAS (if meets AS 3786-1993) <sup>40</sup> WA <sup>41</sup>
	Not specified	ACT QLD SA VIC
<b>Do the requirement apply to all existing buildings?</b>	Yes	NSW NT QLD SA VIC
	Only buildings which have been substantially altered	ACT <sup>42</sup>
	Only tenanted premises	TAS <sup>43</sup>
	Only premises which is being sold, tenanted or hired	WA <sup>44</sup>

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38 *Environmental Planning and Assessment Regulation 2000* (NSW), reg. 186B(5).

39 *Fire and Emergency Regulations* (NT), reg. 13A(2).

40 *Residential Tenancy (Smoke Alarms) Regulations 2012* (TAS), reg. 6(2).

41 *Building Regulations 2012* (WA), reg. 60.

42 *Building Act 2004* (ACT), s. 42(1); *Building (General) Regulation 2008* (ACT), reg. 24(1)(b).

43 See, *Residential Tenancy Act 1997* (TAS); *Residential Tenancy (Smoke Alarms) regulations 2012* (TAS).

44 *Building Regulations 2012* (WA), regulations 56-59.

Requirement for existing buildings	Options	Jurisdiction
<b>Type and installation</b>		
<b>Owner responsible for installing smoke alarms?</b>	Specifically stated	NSW <sup>45</sup> NT <sup>46</sup> QLD <sup>47</sup> TAS <sup>48</sup> VIC <sup>49</sup> WA <sup>50</sup>
	If a smoke alarm is not installed in a building the owner is guilty of an offence	SA <sup>51</sup>
	Not specifically stated	ACT
<b>Requirements for maintenance?</b>	In a tenanted property, if the smoke alarms were installed, and regarded as a property 'fitting', a landlord would need to ensure they were in a reasonable state of repair	ACT <sup>52</sup> NSW <sup>53</sup> SA <sup>54</sup>
	Yes, on the part of the owner at certain times	TAS <sup>55</sup>
	Yes, on the part of a tenant at certain times	TAS <sup>56</sup>
<b>Triggers</b>		
<b>Commencement of a tenancy agreement triggers requirements</b>	Yes	NT <sup>57</sup> TAS <sup>58</sup> WA <sup>59</sup>
	Not specified and therefore no	ACT NSW QLD SA VIC

45 *Environmental Planning and Assessment Regulation 2000* (NSW), reg. 186A.

46 *Fire and Emergency Regulations* (NT), reg. 13A(1).

47 *Fire and Emergency Services Act 1990* (QLD), s. 104RB(1).

48 *Residential Tenancy (Smoke Alarms) Regulations 2012* (TAS), regulations 17-19.

49 *Building Regulations 2006* (VIC), reg. 707(4), 709(8).

50 *Building Regulations 2012* (WA), regulations 56-59.

51 *Development Regulations 2008* (SA), reg. 76B(4).

52 *Residential Tenancies Act 1997* (ACT), Standard Residential Tenancy Terms, 54(1).

53 *Residential Tenancies Act 2010* (NSW), s. 62.

54 *Residential Tenancies Act 1995* (SA), s. 68.

55 *Residential Tenancy (Smoke Alarms) Regulations 2012* (TAS), regulations 17-19.

56 *Residential Tenancy (Smoke Alarms) Regulations 2012* (TAS), regulations 22-23.

57 *Fire and Emergency Regulations* (NT), reg. 13D.

58 *Residential Tenancy (Smoke Alarms) Regulations 2012* (TAS), reg. 17.

59 *Building Regulations 2012* (WA), reg. 58.

<b>Requirement for existing buildings</b>	<b>Options</b>	<b>Jurisdiction</b>
<b>Triggers</b>		
<b>Sale of building triggers requirements</b>	Yes	NT <sup>60</sup> SA <sup>61</sup> WA <sup>62</sup>
	Not specified and therefore no	ACT NSW QLD TAS VIC
<b>Hire of building triggers requirements</b>	Yes	NT <sup>63</sup> WA <sup>64</sup>
	Not specified and therefore no	ACT NSW QLD SA TAS VIC
<b>Does removal of existing smoke alarms or their ceasing to function trigger requirements?</b>	Yes	NSW <sup>65</sup> NT <sup>66</sup>
	Not specified and therefore no	ACT QLD SA TAS VIC WA

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60 *Fire and Emergency Regulations* (NT), reg. 13A(2)(b).

61 *Development Regulations 2008* (SA), reg. 76B(3).

62 *Building Regulations 2012* (WA), reg. 56.

63 *Fire and Emergency Regulations* (NT), reg. 13D.

64 *Building Regulations 2012* (WA), reg. 59.

65 *Environmental Planning and Assessment Regulation 2000* (NSW), reg. 186B(5).

66 *Fire and Emergency Regulations* (NT), regulations 13C-13D.

Requirement for existing buildings	Options	Jurisdiction
<b>Penalties</b>		
<b>Penalties in place for removal or interference with smoke alarms</b>	Yes	NSW <sup>67</sup> NT <sup>68</sup> QLD <sup>69</sup> SA <sup>70</sup> TAS <sup>71</sup>
	No	ACT VIC WA

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67 *Environmental Planning and Assessment Regulation 2000* (NSW), reg. 186C; *Environmental Planning and Assessment Act 1979* (NSW), s. 125.

68 *Fire and Emergency Regulations* (NT), reg. 13G.

69 *Fire and Emergency Services Act 1990* (QLD), s. 104RH.

70 *Residential Tenancy Act 1997* (SA), s 36F.

71 *Residential Tenancy Act 1997* (TAS), s. 36F(1).