

A JOINT INITIATIVE



CURRENT **SMOKE ALARM** LEGISLATION

AS PROVIDED BY AUSTRALIAN FIRE AUTHORITIES - ACCURATE AS AT 15 FEBRUARY 2018





AUSTRALIAN CAPITAL TERRITORY

LEGISLATION REQUIRES:

- + all homes to comply with the BCA and install mains-powered smoke alarms in new properties and existing properties that have undergone significant renovations
- + all homes to comply with AS 3786:2014 Smoke alarms using scattered light, transmitted light or ionisation, which means residential smoke alarms (class 1a buildings) were required from 1994
- + from 2014, multiple smoke alarms in a residence to be interconnected.

Reference: *Amendment to the Building Act 1972 (ACT)* that was passed in June 1994.



NEW SOUTH WALES

LEGISLATION REQUIRES:

- + since May 2006, all residences to have at least one working smoke alarm installed on each level, which can be a mains-powered or battery-powered smoke alarm — this includes owner-occupied homes, rental properties, relocatable homes, caravans or any other residential building where people sleep
- + landlords to install smoke alarms in rented premises to ensure the rental property meets the minimal requirements of having at least one working smoke alarm installed on every level of the property where a smoke alarm has a replaceable battery; put a new battery in at the commencement of a tenancy and replace hard-wired smoke alarm back-up batteries when necessary
- + tenants to replace the battery when needed in battery-operated smoke alarms and notify the landlord as soon as practicable if the tenant is physically unable to replace the battery.

Reference: *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, *Building Legislation Amendment (Smoke Alarms) Act 2005*, *Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006*, *Residential Tenancies Act 2010*, *Residential Tenancies Regulation 2010*.



NORTHERN TERRITORY

LEGISLATION REQUIRES:

- + from November 2011, all residential properties to have an approved smoke alarm that complies with the Australian Standard and is hard-wired or is a sealed 10 year lithium battery unit that has an ionisation smoke alarm; to replace this with either a hard-wired 240-volt photoelectric smoke alarm with a 9-volt battery back-up OR a photoelectric smoke alarm with a sealed 10 year lithium battery when:
 - the ionisation smoke alarm stops working
 - the property is to be sold
 - the property is to be rented or a tenancy or lease is to be renewed
 - a caravan or movable dwelling is hired out.

Reference: *Fire and Emergency Regulations 2011*.



QUEENSLAND

LEGISLATION REQUIRES:

Existing dwellings

- + homes built before July 1997 to have at least one battery-operated smoke alarm
- + homes built or significantly renovated after July 1997 to have a hard-wired smoke alarm
- + homes approved for construction after 1 May 2014 to have the additional requirement of interconnected smoke alarms
- + from 1 January 2017:
 - when replacing smoke alarms, new smoke alarms must be photoelectric and comply with AS 3786:2014 smoke alarms using scattered light, transmitted light or ionisation
 - existing smoke alarms manufactured more than 10 years ago must be replaced (note: smoke alarms should have the date of manufacture stamped on them)
 - smoke alarms that do not operate when tested must be replaced immediately
 - existing hard-wired smoke alarms that need replacement must be replaced with a hard-wired smoke alarm

- existing battery-operated smoke alarms may have the battery-operated smoke alarm/s replaced with a battery-operated unit

- + from 1 January 2027 all private homes, townhouses and units will require the installation of photoelectric, interconnected smoke alarms in all bedrooms, in hallways that connect bedrooms with the rest of the dwelling, and on every other level not containing bedrooms.

Dwellings being sold, leased or an existing lease is being renewed

- + from 1 January 2022:
 - the installation of photoelectric, interconnected smoke alarms in all bedrooms, in hallways that connect bedrooms with the rest of the dwelling, and on every other level not containing bedrooms.

New dwellings and dwellings being substantially renovated:

- + from 1 January 2017
 - all new homes/units and substantially renovated homes/units that are subject to a building application submitted from 1 January 2017 to install hard-wired photoelectric, interconnected smoke alarms in all bedrooms, in hallways that connect bedrooms with the rest of the dwelling, and on every other level not containing bedrooms.

Reference: *Fire and Emergency Services Act 1990*, Building Fire Safety Regulation 2008, Building Regulation 2006



SOUTH AUSTRALIA

LEGISLATION REQUIRES:

- + since 1995, all new homes to have a 240-volt, hard-wired, mains-powered smoke alarm — unless the home is not connected to mains power — plus a battery back-up in the case of power failure
- + from February 1998, when a house with replaceable battery-powered smoke alarms is sold, the new owner must, within six months of the title transfer, install smoke alarms either hard-wired to the 240-volt household power supply (unless the dwelling is not connected to such a supply) or
- + powered by 10 year life, non-replaceable, non-removable, permanently connected batteries
- + all existing buildings to which the legislation applies, unless subject to other requirements, must be fitted with smoke alarms by January 2000; these alarms may, as a minimum, be powered by a 9-volt battery.

Reference: *Development Act 1993*.



TASMANIA

LEGISLATION REQUIRES:

- + since August 1997, all new homes and renovated homes that require a building permit to have at least one mains-powered smoke alarm with a battery back-up
- + from May 2013, all rental properties to have smoke alarms
- + from May 2016, smoke alarms to be either mains-powered or battery-powered by a 10 year non-removable battery; smoke alarms in new builds must be hard-wired and interconnected.

Reference: *Residential Tenancy Amendment (Smoke Alarms) Act 2012*, *Residential Tenancy Act 1997*, *Residential Tenancy (Smoke Alarm) Regulations 2012*.



VICTORIA

LEGISLATION REQUIRES:

- + any class 1,2, 3, or Class 4 part of building constructed before August 1997 only need a self-contained smoke alarm complying with AS3786-1993 as issued from time to time (Note AS3786 – 2014 allows for 10 year lithium smoke alarms)
- + must be located in accordance with the VBA practice note 27
- + in a Class 9a building that is a residential care building; and a Class 1b or 3 building constructed or for which a building approval or building permit was granted before 1 August 1997:
 - need a self-contained smoke alarm complying with AS3786-1993 as issued from time to time (Note AS3786 – 2014 allows for 10 year lithium smoke alarms); or
 - a smoke detection system complying with AS 1670.1—2004 Fire detection, warning, control and intercom systems—System design, installation and commissioning—Part 1: Fire, published 29 April 2004, as issued from time to time
 - must be located in accordance with the VBA practice note 27 and must be applied to a Class 9a residential care building as if the building were a Class 3 building

VICTORIA CONTINUED

- + a smoke detection system referred to above must be connected to, and be designed to activate, a building occupant warning system complying with clause 6 of Specification E2.2a of the BCA Volume One
 - o for the above point, clause 6 of Specification E2.2a of the BCA Volume One must be applied to a Class 1b building as if the building were a Class 3 building
 - o does not apply to a building that has—
 - ◆ an approved smoke alarm system powered from the mains electricity supply, if there is such a supply to the building; or
 - ◆ an approved smoke detection system installed throughout the building
- + must be complied with by the owner of the building. A person who fails to comply is guilty of an offence and is liable to a penalty not exceeding 5 penalty units.

Rooming Houses

Regulations require:

- + structures built post 1 August 1997 must have smoke alarms/detection installed in accordance with BCA Volume 1 Specification E2.2a for commercial buildings and BCA Volume 2 Part 3.7.2 for domestic structures.
- + systems need to mains powered. Where there is more than 1 smoke alarm in Class 1 building, the alarms must be interconnected.
- + rooming houses to have adequate and well-maintained mains-powered smoke alarms.

Reference: *Residential Tenancies Act 1997*, *Building Regulations 2006*, *Residential Tenancies (Rooming House Standards) Regulations 2012*.

Moveable Dwellings

Smoke alarms for mobile dwellings:

- + a person who constructs a moveable dwelling, other than a flexible annexe or tent, must ensure that a smoke alarm that complies with Part 3.7.2.2(b) of the BCA Volume Two is installed in accordance with Part 3.7.2.3 of the BCA Volume Two
- + a person who installs a newly constructed moveable dwelling, other than a flexible annexe or tent, in a caravan park must ensure that the smoke alarm specified in sub regulation (1) is connected to the consumer power mains where consumer power mains are supplied to the moveable dwelling
- + the owner of a moveable dwelling, other than a flexible annexe or tent, in a caravan park, must ensure that a smoke alarm that complies with Part 3.7.2.2(b) of the BCA Volume Two is installed in the dwelling
- + the owner of a moveable dwelling, other than a flexible annexe or tent, in a caravan park must ensure that any smoke alarm installed in the moveable dwelling is maintained in working order
- + a person who fails to comply with any of the above is guilty of an offence and is liable to a penalty not exceeding 20 penalty units.

Reference: *Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010*



WESTERN AUSTRALIA

LEGISLATION REQUIRES:

- + since 1 July 1997, mains-powered smoke alarms to be installed in all newly constructed BCA Class 1 buildings, units in a Class 2 building, Class 4 dwellings, and existing homes that have undergone substantial renovation
- + from 1 October 2009, mains-powered smoke alarms to be installed in BCA Class 1 buildings, units in a Class 2 building and Class 4 dwellings that are subject to transfer of ownership, rent or hire (note: battery-powered smoke alarms with a non-removable 10 year life battery may be installed where consumer mains power is not connected to the dwelling or where there is no hidden space to conceal the electrical wiring; the use of battery-powered smoke alarms in any other circumstance must be approved by the local government)
- + where construction or approval for construction of BCA Class 1 buildings, units in a Class 2 building and Class 4 dwelling has occurred on or after 1 May 2015, smoke alarms to be interconnected where more than one smoke alarm is required (dwellings built prior to 1 May 2015 may require interconnection of smoke alarms where they are subject to future building work, such as an addition or alteration)
- + where construction or approval for construction of a BCA Class 1 building, units in a Class 2 building and Class 4 dwelling has occurred on or after 1 May 2017, smoke alarms to comply with AS 3786:2014 smoke alarms using scattered light, transmitted light or ionisation; this compliance also applies to the installation of smoke alarms from 1 May 2017 in dwellings subject to transfer of ownership, rent or hire where the smoke alarms require replacement as they are no longer in working order or are more than 10 years old.

Regulations require:

- + property owners who make their dwellings available for rent or hire to ensure each smoke alarm:
 - ◆ is located in accordance with the BCA, applicable at the date of installation
 - ◆ is in working order
 - ◆ is less than 10 years old (from the date of installation)
 - ◆ is permanently connected to the mains power (unless there is no consumer mains power connected to the dwelling or no hidden space in which to run the necessary electrical wiring — in which case a battery-powered smoke alarm with a non-removable ten-year life battery must be installed)
 - ◆ installed in the dwelling has not reached its expiry date if one is provided on the alarm, or is not more than 10 years old if no expiry date is provided on the alarm.

Reference: *Local Government (Miscellaneous provisions) Act 1960*, *Local Government Act 1995*, *Building Regulations 2012*.