

# Renting or Selling?

# Mains Powered Smoke Alarms are now **law**

## New smoke alarm regulations

Since the 1 October 2009 it is law for mains powered smoke alarms to be installed in residential properties. This is for properties built before 1997 that are being sold, rented or for hire. In dwellings where the construction of the building does not permit a space to conceal the wiring or where no mains power is available, smoke alarms with a ten year battery life are permitted.

Under *Building Regulations Amendment 2009* an electrical contractor must install mains powered smoke alarms before a property is sold or in rental and hire properties.

### Selling property

If you are a home owner and are selling your home you must install mains powered smoke alarms before the transfer of the property to the new owner. If this is not done, the new owner is required to install smoke alarms before occupying the property and can apply through the court process to recover any of the funds outlaid in relation to the installation.

### Rental property

#### • Occupied with existing tenant

If you are a landlord and have an **existing** tenancy agreement in place, new regulations require you to install a mains powered smoke alarm by a licensed electrical contractor before 1 October 2011 to comply.

#### • Vacant without a tenant

If you are a landlord with a **new** tenancy agreement in place you must have a mains powered smoke alarm installed by a licensed electrical contractor **before** the lease commences.

The installation of mains powered smoke alarms will become mandatory for all rentals or leased properties from 1 October 2011.

As of 1 October 2011 the requirement for existing dwellings offered for sale or lease under Part 10A of the *Building Regulations 1989* will extend under the regulation 38M to dwellings that are made available for hire. This requirement applies to Class 1 buildings, a unit in a Class 2; and Class 4 buildings and includes dwellings such as:

- Boarding houses, guest houses, hostels, bed and breakfast accommodation, farm stays and the like-
  - with a total areas of all floors not exceeding 300 m<sup>2</sup> measured over the enclosing walls of the Class 1b building; and
  - in which not more than 12 persons would ordinarily be resident; or
- Four or more single dwellings located on one allotment and used for short-term, holiday accommodation, which are not located above or below another dwelling or another Class of building than a private garage.
- Holiday homes and apartments or other dwellings made available for hire on a casual basis.
- Dwellings hired out to employees.

"Hire" under regulation 38M means where there is a stipulated payment for the use of a dwelling, rather than some other form of award.

Additionally, as of 1 October 2011, **all** dwellings subject to a residential tenancy agreement must have smoke alarm installed in accordance with the requirements of regulation 38L (3). This means that any landlord, not just those entering into a new residential agreement with an existing tenant, who owns and rents a dwelling as defined in the regulations, must comply.

## Where there's smoke, there could be fire!

Fires can start quickly and without warning. A working smoke alarm can provide valuable minutes in identifying a fire, giving you more time to escape safely. FESA recommends a smoke alarm is also installed in each bedroom.

Smoke alarms are very sensitive and may detect smoke and moisture created by common household activities, such as burning toast or steam from a bathroom.

Smoke alarms should not be located near:

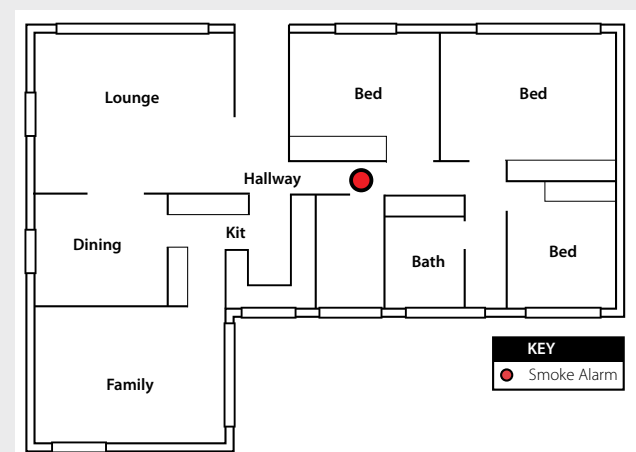
- Cooking appliances
- Heaters or fireplaces
- Doorways to bathrooms, laundries or other humid areas
- Heating and cooling duct outlets
- Ceiling fans, doors and windows (excessive air movement may prevent smoke from reaching the smoke alarm)
- Fluorescent light fittings (to avoid the effect of electrical 'noise' or 'flicker') or doorways and windows where barbecues and incinerators are located.

**Class 1a buildings**  
(house, duplex, villa or town house)  
**Class 2**  
(flat or apartment)

Smoke alarms must be installed in a Class 1a building on or near the ceiling in—

- any storey containing bedrooms—
  - between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
  - where bedrooms are served by a hallway, in that hallway, and
- any other storey not containing bedrooms.  
(see Fig. 3 for multilevel)

Figure 1 – Class 1a and Class 2 buildings



## More information?

More information about smoke alarms is available from Building Code of Australia or the FESA Fact Sheet "Installing Smoke Alarms": [www.fesa.wa.gov.au](http://www.fesa.wa.gov.au)

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## Class 1b buildings

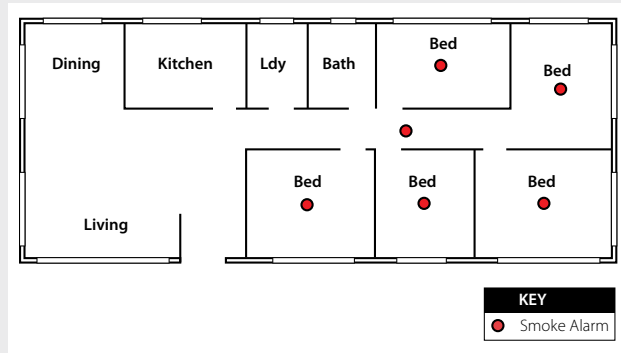
(boarding/guest house or hostel where up to 12 persons can reside)

In a Class 1b building, smoke alarms must be installed on or near the ceiling—

- in every bedroom; and
- in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
- on each other storey. (see Fig. 3 for multilevel)

(Source: Building Code of Australia, 2008 Volume 2)

Figure 2 – Class 1b buildings



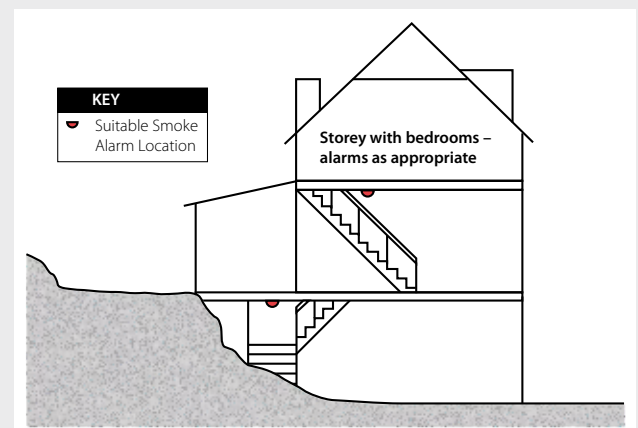
## Which smoke alarm is best?

A mains powered photo electric smoke alarm is best with a fixed rechargeable battery that does not need to be changed for the life of the smoke alarm. This type of alarm can detect smoke faster and more types of smoke compared to older models. This means you will be alerted to a fire earlier giving you more time to escape safely. All smoke alarms should be installed in compliance with Australian Standards 3786 and must be changed every 10 years.

## Multilevel homes and properties

Smoke alarms should be installed in each bedroom, in corridors and hallways that lead to exits and the living area. If you are installing smoke alarms in a multilevel home or property you should have an additional alarm in the stairway between each level. Often people sleep with their bedroom doors closed at night and only a smoke alarm installed in that room will detect a fire fast enough to get out safely.

Figure 3 – Multilevel homes and properties



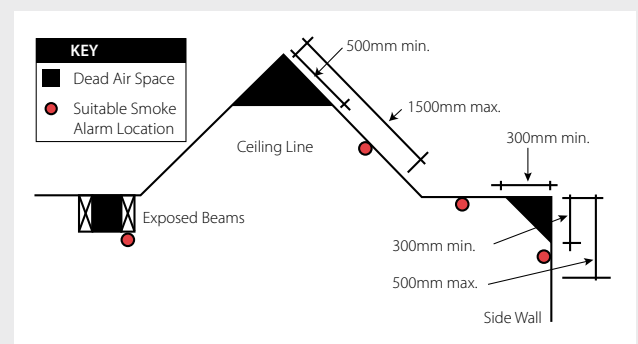
## Installation of smoke alarms

Smoke alarms should be installed on or near the ceiling, with special care taken to avoid installation in the following areas:

- the apex of cathedral ceilings
- the corner junction of walls and ceilings
- between exposed beams, where there may be a dead air space

If it is not practical to install the smoke alarm on the ceiling, then it may be installed on the wall. The recommended position in this situation is between 300mm to 500mm below the ceiling. For cathedral ceilings, the recommended position should be between 500mm and 1500mm from the apex to the top of the alarm.

Figure 4 – Installation of smoke alarms



## More information?

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