



# Smoke alarm laws

## The laws regarding smoke alarms

The Building Regulations 2012 (the Regulations) require the owner of a dwelling to have compliant smoke alarms installed:

- prior to the transfer of ownership;
- where a dwelling is rented under a residential tenancy agreement or made available for such rental;
- where a dwelling is made available for hire.

## What is a compliant smoke alarm for an existing dwelling?

To comply with the Regulations owners must ensure that the smoke alarm(s):

- a) are in accordance with the BCA applicable at the time of installation of the alarms, (the BCA specifies the minimum standards and location that smoke alarms must comply with) ; and
- b) are not more than 10 years old at the time of transfer of ownership or making the dwelling available for rent or hire; and
- c) are in working order; and
- d) are permanently connected to consumer mains power.



## New interconnection requirement

From 1 May 2014, the Building Code of Australia (BCA) requires the interconnection of smoke alarms where more than one alarm is required to be installed.

This nationally driven requirement for interconnection has been introduced to increase the likelihood of sleeping occupants becoming aware of the dangers of smoke in another part of the dwelling.

The new interconnection requirement affects:

- people involved in transferring ownership of their homes
- lessors (landlords) renting or hiring their homes
- people involved in the installation of smoke alarms such as electricians and builders
- Architects, building designers and building surveyors
- local governments
- real estate agents and settlement agents

## Will this interconnection requirement affect you?

There are several scenarios that affect owners of dwellings that are required to have more than one smoke alarm, depending on when the smoke alarms are installed. These are outlined in Table 1.

**Table 1: Scenarios that demonstrate the requirement for interconnection of smoke alarms.**

Scenario	Compliant smoke alarms installed	
	Before 1 May 2014	On or after 1 May 2014
New smoke alarms to be installed in a dwelling that is subject to sale, transfer of ownership, rent or hire.	Interconnection not required.	Interconnection required.
New smoke alarms that are replacing smoke alarms that are more than 10 years old in an existing dwelling that is subject to transfer of ownership.	Interconnection not required.	Interconnection required.
Smoke alarms that are less than 10 years old in an existing dwelling that is subject to sale, transfer of ownership, rent or hire.	Interconnection not required.	Interconnection required.
New dwelling under construction	Smoke alarms must comply with the approved plans and specifications associated with the building permit.	

## What residential buildings require smoke alarms?

The Regulations apply to the following residential buildings as classified in the BCA:

**Class 1a** – A single dwelling being a detached house, or row houses, duplexes, town houses, terrace houses or villa units where attached dwellings are separated by a fire resisting wall.

**Class 1b** – Includes the following:

- boarding houses, guest houses, hostels or the like in which not more than 12 people would ordinarily be resident and with a total area of all floors not exceeding 300m<sup>2</sup>; or
- four or more single dwellings located on one allotment and used for short term holiday accommodation.

**Class 2** – Dwellings such as apartments and flats in a building containing two or more units.

**Class 4** – A residential unit inside a non-residential building if it is the only dwelling in the building eg a caretaker's residence.

## Are battery powered smoke alarms permitted?

Battery powered smoke alarms may be installed where consumer mains power is not connected to the dwelling or where there is no hidden space in the existing dwelling in which to run the necessary wiring for hard wired smoke alarms, for example where there is a concrete ceiling.

The use of battery powered smoke alarms in any other circumstance must be approved by the local government (battery powered smoke alarms must have a non-removable 10-year life battery).

From 1 May 2014, where more than one battery powered smoke alarm is required to be installed, they must be interconnected. Wireless interconnected battery powered smoke alarms are available and they need to be installed in accordance with the BCA and manufacturer's specifications.

**It is unlawful to install battery powered smoke alarms just because it is more convenient to do so.** For example, where a two-storey dwelling is permitted the use of a battery powered smoke alarm because the ground floor ceiling is concrete, the owner must not (for the sake of convenience) install a battery powered smoke alarm on the upper floor ceiling where there is sufficient roof space to run the electrical wiring.

## Requirement to maintain certain smoke alarms

The Regulations require owners, who make their dwellings available for rent or hire, to:

- ensure that each alarm installed in the dwelling is in working order; and
- if an alarm was, at the time of its installation, required to be connected to the mains power supply, ensure that the alarm:
  - is permanently connected to the mains power supply; or

- ii) if the alarm is to be installed at a location in the dwelling where there is no hidden space in which to run the necessary electrical wiring and there is no appropriate alternative location — has a 10 year life battery that cannot be removed; or
  - iii) if, in relation to the alarm, the use of a battery powered smoke alarm has been approved under the Regulations, the alarm must have a 10 year life battery that cannot be removed; and
- c) ensure that each alarm installed in the dwelling —
- i) has not reached its expiry date if one is provided on the alarm; or
  - ii) is not more than 10 years old if no expiry date is provided on the alarm.

**It may be useful for people involved in the rent or hire of a dwelling to document when the smoke alarms will need replacing.**

The **Department of Fire and Emergency Services** publishes information on how to maintain smoke alarms.

## Are there penalties for non-compliance?

Yes, local governments have the power under the *Building Act 2011* and the Regulations to either issue an infringement notice or prosecute an owner who fails to have compliant smoke alarms installed prior to selling, transferring ownership, renting or hiring the dwelling.

## Further information

Issue	Contact
Non-compliance by owners.	Relevant local government.
Smoke alarms as part of a building permit.	Relevant local government permit authority. A registered building surveyor responsible for the certification of the building plans. To find a registered building surveying contractor visit <a href="http://www.commerce.wa.gov.au/buildingcommission">www.commerce.wa.gov.au/buildingcommission</a>
Smoke alarm laws; smoke alarm maintenance or fire safety.	Department of Fire and Emergency Services on 9395 9816 or visit <a href="http://www.dfes.wa.gov.au">www.dfes.wa.gov.au</a>

Copies of the laws are available on the State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

The information in this fact sheet is based on the *Building Act 2011* as at 7 June 2013 and Building Regulations 2012 as at 21 August 2013.

This publication is available in alternative formats upon request.

**Disclaimer** – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

## What are the smoke alarm requirements for new dwellings?

New dwellings require smoke alarms as part of their building permit (ie the construction of a new dwelling or certain alterations and additions to an existing dwelling). The builder named on the building permit is responsible for ensuring that smoke alarms are installed in accordance with the approved plans and specifications associated with the building permit.

If the plans and specifications of the dwelling were certified as compliant with the deemed-to-satisfy provisions of the BCA 2013 or an earlier edition, interconnection of smoke alarms would not be required because the new changes to the BCA commence with the BCA 2014 edition.

Given that the building laws allow plans and specifications to comply with standards that are up to two years old and the building work can take up to two years to complete, it is possible that the smoke alarms may not require interconnection even though they were installed on or after 1 May 2014. It is imperative that you liaise with the builder of the house to ensure the smoke alarms are installed in accordance with the correct standards. It is suggested to interconnect the new smoke alarms if there is any doubt about the version of the BCA that applies.