



# Smoke alarm laws

## Do you own a house that you hire or rent out?

Since 1 October 2009, it has been mandatory to have mains-powered smoke alarms installed in existing dwellings prior to sale and when a new residential tenancy agreement is signed for rental properties.

You should now be aware that the regulations are to be extended to include dwellings that are made available for hire.

From **1 October 2011**, it will be unlawful to hire out dwellings that do not have smoke alarms fitted in accordance with the Building Regulations 1989.

This means that if you own a dwelling and make it available for hire for a fee, you should arrange to have mains-powered smoke alarms fitted prior to that date.

### What types of buildings require smoke alarms?

This applies to the following building classes as broadly defined in the *Building Code of Australia*:

#### Class 1a - including:

Detached houses, row houses, town houses, terrace houses or villa units.

#### Class 1b – including:

Boarding houses, guest houses, hostels, bed and breakfast accommodation, farmstays or the like in which not more than 12 people would ordinarily be resident and with a total area of all floors not exceeding 300sq.m ; or

Four or more single dwellings, such as chalets, that are located on one allotment and used for short term holiday accommodation.

#### Class 2:

Units such as apartments and flats.

#### Class 4:

A residential unit inside a building of another class eg caretaker's residence.

### Do you own a rental property?

Landlords and owners should also be aware that as from 1 October 2011, all rental properties will require mains-powered smoke alarms. It will be unlawful after that date to let properties under the *Residential Tenancies Act 1987* that do not comply with the regulations.

### Are there penalties involved?

Yes, a penalty of \$5,000 may apply for non compliance of the regulations.

### Who is responsible for maintenance?

The owner of the dwelling is responsible for ensuring that the smoke alarm is:

- In working order.
- Is not more than 10 years old if no expiry date is provided on the alarm.
- Is permanently connected to the mains power supply.

For more information on these requirements

visit [www.fesa.wa.gov.au](http://www.fesa.wa.gov.au)

or call 08 9323 9816