



UPCOMING CPD COURSES

Newcastle

Sales and Prop Mgmt

Tues 11th Sept

Sydney

Strata

Wed 12th Sept

Wagga Wagga

Sales and Prop Mgmt or

Strata

Wed 19th Sept

Sydney

Sales or Prop Mgmt

Thurs 20th Sept

Castle Hill

Commercial Leasing

Wed 26th Sept

Sydney

Sales or Prop Mgmt

Thurs 11th Oct

See last page for our schedule of
2hr CPD Breakfast Seminars

Smoke Alarms in Residential Properties

We have had many questions of late from concerned landlords and property managers about their obligations and liabilities in regard to smoke alarms. This newsletter will give you an overview of the planning and tenancy laws which deal with smoke alarms, and ensure that you know what to do to ensure the safety of your tenants and cover yourself.

In 2006, the NSW government introduced strict new requirements



relating to smoke alarms in houses, residential flats and units. In the 5 years leading up to these changes, 144 lives were lost in house fires in NSW alone. 59% of those lives were lost during the sleeping hours, and many could have been prevented by smoke detectors. Smoke detectors are therefore compulsory in all residential premises where people sleep.

The *Environmental Planning and Assessment Regulation 2000* was amended in 2006 to include comprehensive guidelines for the installation of smoke alarms in residential properties [see Part 9, Division 7A]. The regulations set out the type of buildings that need alarms, the type of alarm required and where they are to be installed.

It should be noted that the regulations only apply to buildings that were already existing prior to May 2006. Any new constructions must be fitted with smoke alarms in compliance with the Building Code of Australia. If you installed smoke alarms prior to May 2006 then compliance with the current regulations is required next time you replace the smoke alarms (but they should have been replaced by now!).

UPCOMING CERTIFICATE OF REGISTRATION COURSES

Sydney CBD

Mon 17th – Wed 19th Sept

Wagga Wagga

(Dist Ed + 1day tutorial)

Thurs 20th Sept

Melbourne Agents Rep

(Dist Ed + 1day tutorial)

Tues 9th Oct

Castle Hill

Mon 8th – Wed 10th Oct

Orange

(Dist Ed + 1day tutorial)

Tues 16th Sept

Newcastle

(Dist Ed + 1day tutorial)

Wed 17th Oct

From our office.....

Our trainers are travelling around the countryside this month, with Rosemary Saaib running courses in Ballina and Melbourne and a huge welcome to our new trainer, Malcom Riley, who is conducting Agents Representative and licence training in Melbourne.

Any smoke alarm you install must comply with the Australian Standard 3786-1993 (check the product package). You can choose between hard-wired (powered by the mains electricity supply) or battery operated alarms, it's up to you.

They are to be installed on the ceiling of every corridor or hallway associated with a bedroom, or if there is no hallway, then in the room outside the bedroom. On any storey of a building that has no bedrooms, smoke alarms should be installed in the path of travel most likely to be used by those evacuating the building.

As a general rule, the owner of residential premises is responsible for correctly installing smoke alarms. Thus, in rented premises, it is a landlord's responsibility to install smoke alarms. Schedule 1 of the *Residential Tenancies Regulation* 2010 sets out specific responsibilities for landlords and tenants as follows:

- ◇ Landlords are responsible for the installation of smoke alarms in rented premises.
- ◇ Landlords have the right of access to rented premises to fit or maintain smoke alarms after giving the tenant at least 2 days notice.
- ◇ Neither the landlord nor the tenant are, except with reasonable excuse, permitted to remove or interfere with the operation of a smoke alarm fitted in the rented premises.
- ◇ Where a smoke alarm is of the type that has a replaceable battery, it is recommended that the landlord put a new battery in at the commencement of a tenancy.
- ◇ After the tenancy begins, the tenant is responsible for replacing the battery if needed. Fire and Rescue NSW can assist elderly tenants or those physically unable to change a smoke detector battery.
- ◇ The condition report includes a specific reference to smoke alarms so that tenants and landlords are able to note and comment on the presence of smoke alarms at the beginning and end of the tenancy.

NOTE: Owners of residential property who rent out their premises as holiday accommodation are responsible for installing smoke alarms and replacing batteries.



**UPCOMING CPD
2 HOUR BREAKFAST
SEMINARS**

Parramatta

Sales and Prop Mgmt

Thurs 13th Sept

Penrith

Sales and Prop Mgmt

Fri 14th Sept

Castle Hill

Sales and Prop Mgmt

Thurs 27th Sept

Newcastle

Strata

Thurs 4th Oct

Sydney CBD

Sales and Prop Mgmt

Thurs 4th Oct

Campbelltown

Sales and Prop Mgmt

Fri 12th Oct

Gosford

Sales and Prop Mgmt

Tues 16th Oct

Bankstown

Sales and Prop Mgmt

Thurs 18th Oct

Parramatta

Sales and Prop Mgmt

Wed 24th Oct

In Strata schemes, the owner of a lot is responsible for installing smoke alarms. If the lot is rented out, then the above requirements for landlords apply. There is an exception if the smoke alarms were installed at the time of construction of the building, in which case the owners corporation is responsible for maintaining and replacing the alarms, whilst the lot owners simply need to change the batteries. Furthermore, a lot owner does not have to get permission from the owner's corporation to install smoke alarms, however they are obliged to repair any damage caused to common property during installation.



Should you require any more information about smoke alarms in residential properties, see the NSW Department of Planning website for useful factsheets found under the 'education campaigns' section.

**Find out more about
government funded
training.**

Call Steph on 1300 88 48 10!

Check out our advertisement in the National Skills Week lift out from the Daily Telegraph on Monday 27th August 2012.

[National Skills Week](#)

[Australian College of Professionals](#)