



It's that time of the year... Let's talk winter property safety

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As temperatures drop, safety risks in rental properties rise, from house fires and faulty heating to mould and carbon monoxide exposure. This means it is a perfect time to consider the properties that your agency manages and their fire safety requirements.

While tenants may bring their own appliances, landlords and property managers remain responsible for ensuring properties are safe, compliant and well maintained to prevent avoidable harm.

It is a term of every residential tenancy agreement that the landlord is responsible to install and maintain smoke alarms according to the standards detailed in the Environmental Planning and Assessment Act 1979 (NSW).

It is the landlord's responsibility to ensure that their property is smoke alarm compliant. However, the managing agent accepts contractual responsibility for ensuring that smoke alarms are installed and maintained in the premises.

iProperty Managers must have policies and procedures in place to meet

their responsibilities and obligations as a managing agent. Failure to do this may result in death, negligence claims and potential litigation.

Landlords, together with their managing agents, will need to ensure that smoke alarms installed in rental properties are in working order. A landlord must:

- carry out annual checks to ensure all smoke alarms installed at the property are in working order
- replace a removable battery in all smoke alarms in the period specified by the smoke alarm manufacturer (for a removable lithium battery), or otherwise annually
- repair or replace a smoke alarm that is not working within two (2) days of becoming aware that it is not working
- replace a smoke alarm completely within ten (10) years from the manufactured date, or earlier if specified by the smoke alarm manufacturer

A landlord may engage an electrician or a smoke alarm company, such as

Smoke Alarms Australia (SAS) to assist them with maintaining the smoke alarms at their rented premises.

Exceptions apply to properties in a strata scheme where certain requirements are met.

The smoke alarm requirements set out above apply to properties in a strata scheme **unless all 4 requirements below** are met:

- The smoke alarms are hardwired, or they are battery operated and the owner's corporation is responsible for the repair and replacement of smoke alarms.
- The landlord has advised the tenant in writing that the owners corporation is responsible for the repair and replacement of smoke alarms situated in the residential premises.
- The landlord notifies the owners corporation within 24 hours of becoming aware that a repair or replacement is needed.
- The landlord takes reasonable steps to ensure the repair or replacement of the smoke alarm is done.

This exemption makes sure the smoke alarm requirements for landlords do not duplicate or conflict with fire safety and smoke alarm maintenance requirements in strata schemes.

This time of year, is also a good time to send communications to your tenants about their responsibilities with regards to smoke alarms and fire safety.

Whilst home-use heaters are to be approved by NSW Fair Trading to be sold, that does not mean that all heaters are equal in their safety. A

simple checklist to tenants with some of the following points may be a good reminder to tenants:

- Never leave an electric heater unattended while it is operating
- Ensure that heaters are placed on a level surface and are clear of materials that could catch fire such as bedding, curtains, furniture and other flammable materials
- Keep heaters away from water and wet areas
- Ensure small children and pets cannot reach the heater
- Place heaters on stable, flat surfaces
- Keep at least 1 metre clear of curtains, bedding and other flammable materials
- Never use outdoor heaters or BBQs indoors

Increased use of appliances during winter can elevate electrical risks. Therefore, also encourage tenants to:

- Inspect electric blankets for frayed cords or damage before use
- Avoid leaving any heated devices running overnight or unattended

Safety is a shared responsibility, and a proactive approach can significantly reduce the risk of preventable incidents. A working smoke alarm can be the difference between early warning and serious loss.

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Director | College Principal

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