



# 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?

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

- a) are in accordance with the Building Code of Australia (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.

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

## 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 in 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).

**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:

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

## How to maintain smoke alarms

For smoke alarms to remain in working order they should be tested and maintained regularly. The **Department of Fire and Emergency Services** recommends the following maintenance routine:

- Testing once per month to ensure the battery and the alarm sounder are operating.
- Check the smoke alarm for any build-up of dust and cobwebs and clean with a vacuum cleaner at least every six months.
- Vacuum with a soft brush attachment around the smoke alarm vents.
- Use a surface insect spray around the smoke alarm to prevent insects nesting inside.
- Replacing batteries annually (mains powered smoke alarms have back-up batteries).
- Smoke alarms should never be painted.

## 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.

## 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.

## Do smoke alarms need to be interconnected if there is more than one alarm?

**For new dwellings** – Please refer to **Industry Bulletin 40** on the Building Commission website.

**For existing dwellings subject to sale, transfer of ownership, rent or hire** – Please refer to **Industry Bulletin 41** on the Building Commission website.

### Contact for 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 <b><a href="http://www.commerce.wa.gov.au/buildingcommission">www.commerce.wa.gov.au/buildingcommission</a></b>
Smoke alarm laws; smoke alarm maintenance or fire safety.	Department of Fire and Emergency Services on 9395 9816 or visit <b><a href="http://www.dfes.wa.gov.au">www.dfes.wa.gov.au</a></b>
View Building Regulations 2012	Visit the State Law Publisher website at <b><a href="http://www.slp.wa.gov.au">www.slp.wa.gov.au</a></b>

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