



New South Wales

Residential Parks Amendment (Smoke Alarms) Regulation 2006

under the

Residential Parks Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Residential Parks Act 1998*.

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to insert provisions into the standard form moveable dwelling agreement (where the tenancy is for a term of 3 years or less) requiring a park owner to install any smoke alarm that is legally required to be installed in the moveable dwelling. A park owner is also required not to remove or interfere with the operation of any such smoke alarm, except with reasonable excuse. If any such smoke alarm has a replaceable battery, the park owner is required to ensure that the smoke alarm has a new battery installed at the beginning of the term of the agreement and, if the battery needs to be replaced at any time, and the resident is physically unable to change the battery, to replace the battery with a new battery as soon as reasonably practicable after being notified that the battery needs to be replaced.

A resident in a moveable dwelling under a moveable dwelling agreement is required not to remove or interfere with the operation of any smoke alarm installed in the dwelling, except with reasonable excuse, and to notify the park owner if the smoke alarm is not functioning properly. If a smoke alarm has a replaceable battery, the resident is to ensure that its battery is replaced whenever necessary or, if the resident is physically unable to change the battery, to notify the park owner as soon as reasonably practicable after becoming aware that the battery needs to be replaced.

A park owner has a right of access to residential premises in order to install a smoke alarm or replace a battery, but only if the park owner gives the tenant 2 days notice.

This Regulation is made under the *Residential Parks Act 1998*, including sections 8 and 155 (the general regulation-making power).

2006 No 178

Clause 1 Residential Parks Amendment (Smoke Alarms) Regulation 2006

Residential Parks Amendment (Smoke Alarms) Regulation 2006

under the

Residential Parks Act 1998

1 Name of Regulation

This Regulation is the *Residential Parks Amendment (Smoke Alarms) Regulation 2006*.

2 Commencement

This Regulation commences on 1 May 2006.

3 Amendment of Residential Parks Regulation 1999

The *Residential Parks Regulation 1999* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Schedule 3 Standard form moveable dwelling agreement (where tenancy is for a term of 3 years or less)

Insert after item 13.8 in Part 1:

13.8A to install a smoke alarm in the residential premises or replace a battery in a smoke alarm, if the tenant gets 2 days notice on each occasion, or

[2] Schedule 3, Part 1

Insert after item 34:

SMOKE ALARMS (Cross out this clause if the resident is renting the residential site and not the moveable dwelling)

34A. The park owner agrees:

34A.1 to install any smoke alarms that are required by law to be installed on the residential premises, and

34A.2 not to remove or interfere with the operation of any such smoke alarm except with reasonable excuse, and

34A.3 if any such smoke alarm has a replaceable battery (other than a back up battery), to ensure that a new battery is installed in the smoke alarm at the beginning of the term of this agreement and, if the battery needs to be replaced at any time, and if the resident is physically unable to change the battery, to replace the battery with a new battery as soon as reasonably practicable after being notified that the battery needs to be replaced.

34B. The resident agrees:

34B.1 not to remove or interfere with the operation of any smoke alarm installed on the residential premises except with reasonable excuse, and

34B.2 if any such smoke alarm has a replaceable battery (other than a back up battery), to ensure that the battery is replaced whenever necessary or, if the resident is physically unable to change the battery, to notify the park owner as soon as reasonably practicable after becoming aware that the battery needs to be replaced, and

34B.3 to notify the park owner if any smoke alarm installed on the residential premises is not functioning properly.

[3] Schedule 3, Part 2

Insert after "carport/space" under the heading "GENERAL" in the **CONDITION REPORT**:

smoke alarms

[4] Schedule 4A Standard form agreement for residential sites or moveable dwellings in national parks

Insert after item 13.8 in Part 1:

13.8A to install a smoke alarm in the residential premises or replace a battery in a smoke alarm, if the tenant gets 2 days notice on each occasion, or

[5] Schedule 4A, Part 1

Insert after item 34:

SMOKE ALARMS (Cross out this clause if the resident is renting the residential site and not the moveable dwelling)

34A. The park owner agrees:

34A.1 to install any smoke alarms that are required by law to be installed on the residential premises, and

34A.2 not to remove or interfere with the operation of any such smoke alarm except with reasonable excuse, and

34A.3 if any such smoke alarm has a replaceable battery (other than a back up battery), to ensure that a new battery is installed in the smoke alarm at the beginning of the term of this agreement and, if the battery needs to be replaced at any time, and if the resident is physically unable to change the battery, to replace the battery with a new battery as soon as reasonably practicable after being notified that the battery needs to be replaced.

34B. The resident agrees:

34B.1 not to remove or interfere with the operation of any smoke alarm installed on the residential premises except with reasonable excuse, and

34B.2 if any such smoke alarm has a replaceable battery (other than a back up battery), to ensure that the battery is replaced whenever necessary or, if the resident is physically unable to change the battery, to notify the park owner as soon as reasonably practicable after becoming aware that the battery needs to be replaced, and

34B.3 to notify the park owner if any smoke alarm installed on the residential premises is not functioning properly.

[6] Schedule 4A, Part 2

Insert after “carport/space” under the heading “GENERAL” in the **CONDITION REPORT**:

smoke alarms

BY AUTHORITY
