

# Building Legislation Amendment (Smoke Alarms) Act 2005 No 57

[2005-57]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 July 2005 to 19 June 2006 (accessed 22 December 2024 at 23:35)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2006 No 58](#) with effect from 20.6.2006.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Building Legislation Amendment (Smoke Alarms) Act 2005 No 57



New South Wales

An Act to amend the *Environmental Planning and Assessment Act 1979* and the *Residential Tenancies Act 1987* to provide for the installation of smoke alarms; and for other purposes.

## 1 Name of Act

This Act is the *Building Legislation Amendment (Smoke Alarms) Act 2005*.

## 2 Commencement

This Act commences on 1 May 2006.

## 3 Amendment of *Environmental Planning and Assessment Act 1979 No 203*

The *Environmental Planning and Assessment Act 1979* is amended as set out in Schedule 1.

## 4 Amendment of *Residential Tenancies Act 1987 No 26*

The *Residential Tenancies Act 1987* is amended as set out in Schedule 2.

## Schedule 1 Amendment of *Environmental Planning and Assessment Act 1979*

(Section 3)

### Section 146A

Insert after section 146:

#### **146A Smoke alarms in buildings providing sleeping accommodation**

- (1) The regulations may make provision for or with respect to:
  - (a) the installation of one or more smoke alarms in buildings in which persons sleep, and
  - (b) the maintenance of smoke alarms installed in such buildings, and

- (c) prohibiting persons from removing or interfering with the operation of smoke alarms installed in such buildings.
- (2) Regulations made under this section may (without limitation) do any one or more of the following:
- (a) specify the types of buildings in which smoke alarms are to be installed,
  - (b) specify the types of smoke alarms to be installed,
  - (c) specify where a smoke alarm is to be located,
  - (d) specify the maintenance that may be required in relation to a smoke alarm that has been installed,
  - (e) specify circumstances in which development consent under Part 4 is not required in relation to the installation of a smoke alarm,
  - (f) specify circumstances in which the consent of an owners corporation (within the meaning of the *Strata Schemes Management Act 1996*) is not required in relation to the installation of a smoke alarm.
- (3) A person must not contravene a provision of a regulation made under this section.

Maximum penalty: 5 penalty units.

- (4) In this section:

**building** includes a manufactured home, a moveable dwelling or associated structure and includes a building erected before the commencement of this section.

## Schedule 2 Amendment of **Residential Tenancies Act 1987**

(Section 4)

### [1] Section 24 Landlord's access to residential premises

Insert after section 24 (1) (c):

- (c1) to install a smoke alarm in the residential premises in accordance with a requirement under section 146A of the *Environmental Planning and Assessment Act 1979* (or carry out any other obligation under that section) if the tenant has been given not less than 2 days notice on each occasion,

### [2] Section 24 (2)

Insert “, (c1)” after “subsection (1) (b), (c)”.

**[3] Section 29A**

Insert after section 29:

**29A Smoke alarms**

It is a term of every residential tenancy agreement that:

- (a) the landlord is to ensure that smoke alarms are installed in accordance with section 146A of the *Environmental Planning and Assessment Act 1979* if that section requires them to be installed in the residential premises, and
- (b) neither the landlord nor the tenant may, except with reasonable excuse, remove or interfere with the operation of a smoke alarm installed in the residential premises.

**[4] Schedule 4 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Building Legislation Amendment (Smoke Alarms) Act 2005*

**[5] Schedule 4, Part 6**

Insert after Part 5:

**Part 6 Provisions consequent on enactment of *Building Legislation Amendment (Smoke Alarms) Act 2005***

**8 Application of section 29A to existing tenancies**

Section 29A, as inserted by the *Building Legislation Amendment (Smoke Alarms) Act 2005*, extends to a residential tenancy agreement in force immediately before the commencement of that section.