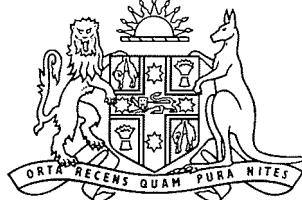


Passed by both Houses



New South Wales

# **Building Legislation Amendment (Smoke Alarms) Bill 2005**

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY,  
has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of  
NEW SOUTH WALES.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2005*



New South Wales

## **Building Legislation Amendment (Smoke Alarms) Bill 2005**

Act No , 2005

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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.

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*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

*Chairman of Committees of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**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.

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## 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.