

Building Legislation Amendment (Smoke Alarms) Bill 2005

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to provide for the installation and maintenance of smoke alarms in buildings in which persons sleep.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 May 2006.

Clause 3 is a formal provision that gives effect to the amendment to the *Environmental Planning and Assessment Act 1979* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Residential Tenancies Act 1987* set out in Schedule 2.

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979

Schedule 1 inserts proposed section 146A into the *Environmental Planning and Assessment Act 1979* which permits the regulations to 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.

A person who contravenes a provision of any such regulation is guilty of an offence (maximum penalty \$550).

Schedule 2 Amendment of Residential Tenancies Act 1987

Schedule 2 [3] inserts proposed section 29A into the *Residential Tenancies Act 1987* (*the Act*) to make it a term of every residential tenancy agreement that the landlord of residential premises 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 that neither the landlord nor the tenant may remove or interfere with the operation of a smoke alarm installed in the residential premises.

Schedule 2 [1] provides for a landlord, a landlord's agent or a person authorised by a landlord to enter residential premises to install a smoke alarm if the tenant has been given not less than 2 days notice. **Schedule 2 [2]** makes a consequential amendment.

Schedule 2 [4] amends Schedule 4 to the Act to enable the regulations to make provision for matters of a savings and transitional nature consequent on the amendments to the Act. **Schedule 2 [5]** inserts a provision of a savings and transitional nature that makes it clear that proposed section 29A extends to a residential tenancy agreement in force immediately before the commencement of that section.