

Passed by both Houses



New South Wales

Building Legislation Amendment (Smoke Alarms) Bill 2005

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Environmental Planning and Assessment Act 1979 No 203	2
4 Amendment of Residential Tenancies Act 1987 No 26	2
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979	3
Schedule 2 Amendment of Residential Tenancies Act 1987	4

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

*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.*

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.

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.

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.