



# Fact Sheet 1 Smoke Alarm Legislation

## Installation of smoke alarms in all Territory premises is now law

### **What do new smoke alarm laws in the Northern Territory require?**

From 01 November 2011 owners of residential premises, moveable dwellings, caravans and temporary accommodation including safari-style tents must ensure approved smoke alarms<sup>1</sup> are installed in those premises or dwellings in accordance with the requirements of regulation 13B.

If you are renting, selling or hiring any of the above premises, you must install approved smoke alarms in accordance with requirements of AS3786 (Smoke Alarms) prior to the transfer of the property, or the commencement of the lease or hire agreement. When establishing a new lease on rental property, a landlord must ensure that approved smoke alarms are installed; however, the responsibility for maintaining the smoke alarms in working order will be that of the tenant.

**<sup>1</sup>Approved smoke alarm means:** a photo-electric smoke alarm that  
(a) complies with AS3786 (Smoke alarms); and  
(b) is wired or is a sealed 10 year lithium battery unit

### **What do I need to do?**

If your home was built before 1 July 1997, and you don't already have smoke alarms installed, you will need to buy and install smoke alarms in accordance with Australian Standards 3786. If your home was built after 1997, it should have 240 volt (hard wired) smoke alarms installed at the time it was built. This is a requirement under the Building Code of Australia (BCA). If you have done major renovations to your home since 1997 it should have included the installation of 240 volt (hard wired) smoke alarms.

### **Do I have to change my existing ionisation smoke alarms?**

If on commencement of this regulation one or more ionisation smoke alarms have been installed in the residential premises or moveable dwelling in accordance with the relevant requirements of the Building Code then the necessity to install an approved smoke alarm does not apply UNTIL the earliest of the following –

- an ionisation smoke alarm installed in the premises or dwelling ceases to function – the day of cessation;
- the owner enters into a contract to sell the premises or dwelling – the day before the date of settlement of the contract;
- the owner agrees to enter into a tenancy agreement, or renew or extend a tenancy agreement, in relation to the premises – the day before the tenancy agreement or renewal or extension takes effect;
- the owner agrees to enter into a hire agreement, or renew or extend a hire agreement, in relation to the dwelling – the day before the hire agreement or renewal or extension takes effect.

**Does installation of compulsory smoke alarms have any effect on domestic household insurance?**

The Insurance Council of Australia advises that it is a matter for individual insurance companies to determine what attitude they will take in the event of a fire claim where no smoke alarm had been fitted, in contravention of the mandatory smoke alarm requirement. Persons who are concerned about this should check with their insurer.

**Is it compulsory to install smoke alarms in mobile homes and caravan/motor homes in the Northern Territory?**

It is a requirement that the owner of residential premises or a moveable dwelling must ensure approved smoke alarms are installed in the premises or dwelling.

A moveable dwelling is defined as –

- a. a manufactured home; or
- b. a caravan; or
- c. a permanently sited tent that –
  - i. has a permanent floor structure; and
  - ii. is used or offered for use for residential purposes.

Further, the definition of a caravan includes a habitable structure designed to be towed or carried by a motor vehicle, and therefore covers tray top and towable camper trailers.

Whilst mobile homes and motor homes are not strictly included in the definitions under legislation, the NTFRS strongly recommends the installation of smoke alarms in these vehicles.