

New Rules about Smoke Alarms when you are Buying or Selling a Property

Article by Townsville Lawyer, Samuel Stewart
April 2022

Who do these rules apply to?

There are new laws about smoke alarms that apply from 1 January 2022.

These laws apply to **all dwellings being sold or leased**, and to an existing lease that is renewed.

This means that **all contracts signed after 1st January 2022**, for the sale/purchase of property are subject to these new laws.

If you have entered a contract to buy or sell, you need to be aware of these laws.

What is a compliant smoke alarm?

In a nutshell, the laws say that the dwelling must have an interconnected Smoke Alarm System installed.

The laws require that smoke alarms in the dwelling:

- be photoelectric (AS 3786-2014); and
- not also contain an ionisation sensor; and
- be less than 10 years old; and
- operate when tested; and
- be interconnected with every other smoke alarm in the dwelling so each activates at the same time.

Smoke alarms must be installed on each storey:

- in each bedroom; and
- in hallways that connect bedrooms and the rest of the dwelling. If there is no hallway, between bedrooms and other parts of the storey; and
- if there are no bedrooms on a storey, there must be at least one smoke alarm installed in the most likely path of travel to exit the dwelling.

Smoke alarms must be either hardwired or powered by a non-removable 10-year-old battery, or a combination of both may be allowed.

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REIQ Contract Update

The new smoke alarm laws have already been integrated into the latest 17th Edition of the REIQ standard Contract for Houses and Residential Land and the 13th Edition Contract for Residential Lots in a Community Titles Scheme.

The New Smoke Alarm Clause 7.8

Clause 7.8 imposes a contractual obligation on the **seller** to install smoke alarms in compliance with the new requirements without delaying settlement.

If the Seller fails to comply with clause 7.8(1) the Buyer is entitled to an adjustment at settlement equal to 0.15% of the Purchase Price but only if claimed by the Buyer in writing on or before settlement.

This is the Buyers only remedy for non-compliance with clause 7.8(1).

Your Conveyancer

At O'SheaDyer Solicitors, we act for buyers and sellers in conveyancing matters.

We ensure that both buyers and sellers are aware of the new laws and the new clause 7.8 in the REIQ contract - and how this affects them.

For a seller, sometimes it may be more beneficial (financially) to waive Clause 7.8 and allow for the adjustment at settlement.

If a seller chooses to engage an electrician to install compliant smoke alarms, we can recommend good electricians to do this. Usually, a smoke alarm job will include a 'Smoke Alarm Compliance Report'. This report will include a visual inspection of safety switches and advise if they need changing/upgrading, and also include details on smoke alarms, locations, type of alarm and replacement date.

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