

REIQ Fact Sheet

The REIQ logo consists of the letters 'REIQ' in a white, sans-serif font, centered within a solid red square.

Smoke Alarm Legislation - residential property management

What the law requires

From 1 July 2007, under the *Queensland Fire and Rescue Amendment Act 2006*, every domestic dwelling in Queensland will be required to install at least one battery operated 9 volt smoke alarm to each level of a property on or near the ceiling- i.e. if the property is two levels, one smoke alarm will need to be installed on each level between any area containing bedrooms and the rest of the dwelling, e.g. hallways; or on a storey not containing bedrooms. These are the minimum standards.

Types of smoke alarms

1. A 9 volt battery operated smoke alarm. Batteries will need to be replaced annually.
Note: This type of alarm meets the minimum legal requirement, but not one recommended by Queensland Fire and Rescue Service.
2. A mains power supply or hard-wired 240 volt alarm. Some of these alarms come with either a 9 volt battery back up or a re-chargeable battery back-up.
Note: the 9 volt battery back alarm will need to be replaced annually.
3. A 9 volt long-life (10 year) lithium battery smoke alarm.

It is recommended that lessors seek out information on the best smoke alarm options by visiting the Queensland Fire and Rescue website: <http://www.fire.qld.gov.au>. The Queensland Fire and Rescue Service recommend that where possible, a photoelectric smoke alarm is installed as they are most effective across a wider range of fires.

Obligations of the lessor

1. To clean and test each smoke alarm in a property in the way stated in the manufacturer's instructions within 30 days of the commencement of a tenancy. The start of a tenancy includes the renewal of an existing tenancy.
2. To replace each battery that is flat or almost flat in accordance with the manufacturer's instructions within 30 days before the start of a tenancy.
3. To replace the smoke alarm unit before it reaches the end of its service life.

Obligations of the tenant

1. To clean and test the smoke alarm/s at least once every 12 months where the tenant has either a fixed term tenancy of 12 months or longer or a periodic tenancy.
2. To replace the smoke alarms batteries when they are flat or almost flat during the tenancy in accordance with the Information Statement (RTA Form 17a).
3. To advise the lessor or agent if they become aware that the smoke alarm has failed or is about to fail other than because of a battery being flat.

Best practice recommendations

1. Agents are recommended to conduct visual inspections of smoke alarms during their scheduled property maintenance inspections and note if there is any evidence of problems, tampering or battery removal.
2. Prior to a tenancy commencing (this includes both a new tenancy and a tenancy renewal), it is recommended that a specialist service provider (who holds the appropriate public liability insurance) be used to clean and test the smoke alarms rather than a representative of the Agent. Where this occurs, the Agent should appoint the contractor in writing. The REIQ Contractor Appointment form could be used.
3. Property Managers should take steps to inform lessors of their legal requirements surrounding the new Smoke Alarm legislation and supply them with information on where they can seek further information – e.g. from the Queensland Fire and Rescue Service website.
4. Property Managers should seek written authority from lessors (as per Section 27 of the PAMDA Real Estate Agency Practice Code of Conduct) to expend money on using the services of a specialist service provider to undertake the installation of a smoke alarm where one doesn't exist and the maintenance and cleaning of smoke alarms before each tenancy. However, if the management agreement provides for an adequate expenditure limit to cover the required costs, it may not be necessary to obtain any further written instruction.
5. It is strongly recommended that where a contractor is utilised, that this is documented and that any maintenance, testing or battery replacement/cleaning activity is recorded on each individual property file.
6. Tenants should be provided with an instruction sheet on their legal obligation in relation to smoke alarms and how they should test and clean the smoke alarm. They should also be provided with information on which replacement batteries are recommended in line with the manufacturer's instructions. REIQ recommends that this instruction sheet form part of the new tenant kit and that the Property manager obtains a signature or verification that this has been provided and that the tenant understands their obligations.
7. Where battery smoke alarms are used, a sticker with the battery replacement date should be visible on the alarm to ensure that a tenant and a contractor can verify the shelf-life of the battery.

What to do if a lessor refuses to fulfil their obligations under the law

1. Place your concern to the lessor in writing and state the importance for compliance. If necessary, ask them to seek their own legal advice in relation to this issue.
2. The REIQ recommends that you may also consider whether you should continue to manage properties that are not legally compliant and seek your own legal advice on this issue.