



Use of battery powered smoke alarms in dwellings subject to sale, transfer of ownership, lease or hire

This Industry Bulletin replaces Building Commission Advisory Note 2010/009 published in May 2010 under the provisions of the now repealed Building Regulations 1989.

Owners of Class 1, Class 2 and Class 4 buildings (residential dwellings) that are subject to sale, transfer of ownership, lease or hire, must have mains powered smoke alarms installed that comply with the Building Regulations 2012 (the Regulations).

In some circumstances, battery powered smoke alarms can be fitted instead of mains powered smoke alarms. For some of these circumstances local government approval is needed. This Industry Bulletin clarifies those circumstances where local government approval is needed, and where it is not needed.

When local government approval is not needed

There is no hidden space to run the electrical wiring

Regulation 60(2)(d)(ii) of the Regulations permits the installation of battery powered smoke alarms where there are no hidden spaces in which to run the necessary electrical wiring for the required mains powered smoke alarms and there are no appropriate alternative locations. The responsibility for determining this rests with the building owner.

There is no consumer mains power supplied to the building

Regulation 60(2)(a) of the Regulations requires the dwelling to meet the deemed-to-satisfy provisions about smoke alarms of the Building Code of Australia (BCA). The BCA requires mains powered smoke alarms to be installed in dwellings where mains power is supplied.

This means that where a dwelling is subject to sale, transfer of ownership, lease or hire, and mains power is NOT supplied to the building, a battery powered smoke alarm, which complies with all other deemed-to-satisfy provisions about smoke alarms of the BCA, can be used without the need for local government approval.

However, if mains power is later supplied to the dwelling, compliant mains powered smoke alarms must be fitted prior to sale, transfer of ownership, lease or hire of the dwelling.

The smoke alarm is supplementary to the requirements

The installation of battery powered smoke alarms, that are additional to those required under the Regulations, does not require local government approval.

When local government approval is needed

Structural and other problems

Regulation 61(1) of the Regulations clarifies that the local government may approve the use of a battery powered smoke alarm (rather than one that is connected to the mains power supply) if they are satisfied that installing a required mains powered smoke alarm would involve:

- a sufficient problem of a structural nature; or
- a sufficient problem of any other nature, the cause of which is not within the control of the owner.

This does not include circumstances where there are no hidden spaces in which to run the necessary electrical wiring and there is no appropriate alternative location.

It should be noted that where a battery powered smoke alarm is permitted under Regulation 60(2)(d)(ii) of the Regulations, or is approved by local government under Regulation 61(1), the smoke alarm must have a 10 year life battery that cannot be removed and comply with the other relevant smoke alarm provisions in Part 8 of the Regulations.

Disclaimer

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

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