



Department of Lands

Land Administration & Management
Property & Spatial Information

www.lands.nsw.gov.au

Circular

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Smoke alarms: obligations when selling property

The Government is making it compulsory to install smoke alarms in homes and other places where people sleep. This obligation is imposed by the Environmental Planning and Assessment (Smoke Alarms) Regulation 2006 ("the EPA Regulation"), which amends the Environmental Planning and Assessment Regulation 2000. The EPA Regulation sets out the types of smoke alarms that are required for different types of properties. The Regulation commenced on 1 May 2006.

However, a period of grace has been allowed and under clause 186F (1) of the EPA Regulation the legal obligation to install smoke alarms does not arise until six months after the Regulation commences, ie 1 November 2006.

The Conveyancing (Sale of Land) Amendment (Smoke Alarms) Regulation 2006 ("the SOL Regulation") amends the Conveyancing (Sale of Land) Regulation 2005 to impose obligations on a person selling property. If the property being sold is one which, under the new EPA Regulation, will require smoke alarms to be installed, then a statement by the seller will have to be attached to the contract for sale. The statement must say that the property complies with the new EPA Regulation. If the statement is not attached to the contract then a purchaser may rescind the contract.

It will be an offence (maximum penalty 5 penalty units - \$550) to attach a statement which the seller knows to be incorrect.

However, as the statement need be attached only if the property is required, under the new EPA Regulation, to have a smoke alarm installed, the statement will not be required to be attached to a contract until 1 November 2006.

For details on which types of properties require smoke alarms, the types of smoke alarms required and their location visit www.planning.nsw.gov.au.

To view the Conveyancing (Sale of Land) Amendment (Smoke Alarms) Regulation 2006 and the Environmental Planning and Assessment (Smoke Alarms) Regulation 2006 visit www.legislation.nsw.gov.au and click on 'Legislation as made'.

For inquiries relating to the Conveyancing (Sale of Land) Amendment (Smoke Alarms) Regulation 2006, contact Lands Legal Services on T 02 9228 6726.

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