

FIRE SAFETY FACT SHEET

Annual fire safety statements

Under [clause 177](#) and [clause 180](#) of the Environmental Planning and Assessment Regulation 2000 the building owner must provide a copy of fire safety statements to FRNSW as soon as possible after the statement is issued. The fire safety statement is a record of maintenance of the fire safety systems within the building.

The annual fire safety statement must be done once every year and cover the maintenance of all essential fire safety measures in the building.

The inspection and maintenance of fire safety systems must be done by a properly qualified person to a standard no less than that to which the measure was originally designed, as identified on the building's fire safety schedule. The owner can choose which qualified person undertakes the maintenance by searching fire protection companies in telephone directories or the internet.

The owner must also provide a copy of the current fire safety schedule when lodging the fire safety statement to FRNSW. The measures on the fire safety statement can be cross checked against the listed measures identified on the schedule. The fire safety statement and the fire safety schedule must also be prominently displayed in the building.

Note: The local council is the regulatory authority on this matter and may impose penalties if fire safety statements are not conducted correctly or provided in a timely manner.

Residential schemes – In NSW residential owners corporations are not required to implement fire safety and evacuation plans.

Smoke alarms

Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 came into effect on the 1st May 2006 for owners of residential property to be responsible for ensuring smoke alarms are installed and to have at least one working smoke alarm on every level of your home.

The Smoke Alarms Regulation specifies which types of buildings need smoke alarms installed, the types of alarms, where they are to be located and other matters. For more information visit the [Smoke alarm page](#) on the Fire and Rescue NSW website or the [Department of Planning website](#).

Tenants

Your landlord is responsible for ensuring your residency meets the minimal requirements of having at least one working smoke alarm installed on every level of your home.

Landlords are responsible for the installation of smoke alarms in rented premises.

Landlords have the right of access to rented premises to fit smoke alarms after giving the tenant at least two day's notice.

After the tenancy begins, the tenant is responsible for replacing the battery if needed in battery-operated smoke alarms. Hard-wired smoke alarm back-up batteries are to be replaced by the landlord.

If the tenant is physically unable to change the battery the tenant is required to notify the landlord as soon as practicable.

Landlords

Neither the landlord nor the tenant are, except with reasonable excuse, permitted to remove or interfere with the operation of a smoke alarm fitted in the rented premises.

Where a smoke alarm is of the type that has a replaceable battery, the landlord must put a new battery in at the commencement of a tenancy.

After the tenancy begins, the tenant is responsible for replacing the battery if needed. However, if the tenant is physically unable to change the battery the tenant is required to notify the landlord as soon as practicable after becoming aware of the need for it to be replaced.

The tenant is not responsible for the replacement of batteries in 'hard-wired' smoke alarm systems that have battery back-up. This is the responsibility of the landlord.

The condition report section of the tenancy agreement must include a specific reference to smoke alarms so that tenants and landlords are able to note and comment on the presence of smoke alarms at the beginning and end of the tenancy.

Owners of residential properties who rent out their premises as holiday accommodation are responsible for installing smoke alarms and replacing batteries.

Commercial Schemes – in NSW commercial schemes are to abide by the Work Health and Safety Regulations as the building is deemed to be a work place and need to ensure that they are compliant with all fire safety legislation requirements.

STRATA SCHEMES MANAGEMENT ACT 2015 - SECT 123

Access for fire safety inspections

123 Access for fire safety inspections

(1) A person authorised to carry out an inspection under the *Environmental Planning and Assessment Act 1979* of a building or premises that is part of a strata scheme for purposes relating to fire safety may give a written notice to the owners corporation requiring the owners corporation to ensure that access is provided, within a period or at a time specified in the notice, to the common property of the strata scheme and, if so specified, some or all of the lots in the strata scheme.

(2) An owners corporation must comply with a requirement of a notice given to the owners corporation under this section.

Maximum penalty: 20 penalty units.

(3) It is a defence to a prosecution for an offence against this section consisting of a failure to ensure that access is provided to a lot in a strata scheme if the owners corporation establishes that the owner or occupier of the lot refused to allow the access or could not be contacted by the owners corporation.