

# Q&S CONVEYANCING UPDATE

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## ELECTRICAL SAFETY SWITCH AND SMOKE ALARMS

The standard forms of contract in Queensland for residential property now contain electrical safety switch and smoke alarm notices to the Buyer that a Seller must complete.

In a substantial amount of our conveyancing matters our clients have arranged building inspections which have revealed that the Seller's property does not have an approved safety switch or a compliant smoke alarm.

### Safety Switches

The *Electrical Safety Regulation 2002* requires:

- a person who became an owner of residential property on or after 1 September 2002 to install an approved safety switch within 3 months of possession if a general purpose socket-outlet was installed in the residence before 1 June 1992;
- a Seller to give a written notice to the Buyer before settlement of whether an approved safety switch has been installed in the residence.

If the Seller does not give the written notice to the Buyer or gives false or misleading information in the notice, then the Seller may incur a penalty of up to 15 penalty units (i.e. \$1,500).

### Smoke Alarms

The *Fire and Rescue Act 1990* requires:

- an owner of a residence to install compliant smoke alarms;
- a Seller to give a written notice to the Buyer before settlement of whether a compliant smoke alarm has been installed in the residence.

If the Seller has not installed a compliant smoke alarm or does not give the written notice to the Buyer or gives false or misleading information in the notice, then the Seller may incur a penalty of up to 5 penalty units (i.e. \$500).

It is therefore important that Agents make the appropriate investigations that the Seller's property has an approved safety switch or complaint smoke alarm and assists the Seller in correctly completing the notice in the Contract of Sale

### **Richie Muir, Solicitor, Quinn & Scattini Lawyers**

If you would like to ask any question about this or any other similar issue Richie may be contacted on 3821 2766 between 8.30am to 5pm Monday to Friday.

*In addition to residential and commercial Conveyancing services,  
our team of experienced lawyers practice in Business Law, Commercial Litigation,  
Property Law, Wills & Estates, Criminal Law and Family Law.*



**Offices at:**

**Brisbane**  
Level 28 Central Plaza One  
345 Queen Street  
Brisbane

**Beenleigh**  
99 George Street  
Beenleigh

**Caboolture**  
9 Elliott Street  
Corner Morayfield Road  
Caboolture

**Cleveland**  
141 Shore Street West  
Cleveland

**Gold Coast**  
64 Marine Parade  
Southport

**Ipswich**  
55 Limestone Street  
Ipswich

**Telephone**  
Freecall 1800 652 969

mail@quinnscattini.com.au  
www.quinnscattini.com.au

