

Building and Plumbing Newsflash 552

Clarification on temporary pool fencing requirements during construction

Purpose

To provide clarification about the laws relating to pool fences during the construction of a swimming pool.

Background

The current pool safety laws came into effect on 1 December 2010 and require owners of regulated pools must have a compliant pool barrier at all times. However, the requirement for a compliant pool barrier is different for swimming pools whilst being constructed.

Under section 233 of the *Building Act 1975* (BA), before the construction of a pool starts, a sign must be displayed on the land. This sign warns the public that a swimming pool is under construction and there is a potential danger for young children to access the land.

The requirements for the sign are prescribed in section 14 of the *Building Regulation 2006*, which provide that, among other things, the sign must be:

- located on or within 1.5 metres of the road frontage for the land; and
- mounted so that the bottom of the sign is at least 300 millimetres above ground level; and
- positioned so that it is visible from the road; and
- made of weatherproof material.

Under the *Work Health and Safety Act 2011*, there are obligations to ensure the health and safety of others is not put at risk on a work site. Whilst it may be appropriate to construct some type of temporary barrier for workplace health and safety reasons, under Section 234 of the BA, pools under construction do not need to comply with the pool safety standard until the pool is filled with water to a depth of 300 millimetres or more.

For more information on the use of temporary fences go to the Pool Safety Inspectors Guideline on the Department of Housing and Public Works' website:

www.hpw.qld.gov.au/aboutus/ReportsPublications/Guidelines/Pages/PoolSafetyGuidelines.aspx

Legislation

The following legislation relates to this Building and Plumbing Newsflash:

- *Building Act 1975*
- *Building Regulation 2006*
- *Work Health and Safety Act 2011.*

Contact for further information

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