

Queensland pool safety laws

Does your pool pass the test?



Swimming pools should be fun. Prior to the introduction of the pool safety laws, drowning was one of the leading causes of death in Queensland for children aged under five. Supervising young children and teaching them to swim at a young age and effective pool fencing can save lives.

Queensland's pool safety laws started on 1 December 2010 and affect owners of existing and new pools.

Existing pools

Pool owners have until 30 November 2015 to comply with the pool safety laws, or earlier if they sell or lease their property before this time.

The new laws:

- replaced 11 different pool safety standards with one pool safety standard for all pools — the Queensland Development Code Mandatory Part 3.4
- widened the application of pool safety laws to include indoor pools and pools associated with hotels, motels, caretaker residences, caravan parks, backpackers, hostels, mobile home parks and homestays
- phased out child-resistant doors used as pool barriers for existing pools (self-closing and self-latching doors)
- required the latest prescribed cardiopulmonary resuscitation (CPR) sign adopted by the Australian Resuscitation Council to be displayed near each pool
- required the fencing of all portable pools and spas capable of being filled with 300 millimetres or more of water
- required mandatory inspections by local governments for immersion incidents of children aged under five in swimming pools. These incidents are reported by hospitals and the Queensland Ambulance Service, including voluntary reporting by doctors and nurses.

What if I sell or lease my property?

If selling or buying a property with a non-shared pool, such as a house or townhouse or unit with its own pool or spa, a pool safety certificate must be obtained from a licensed pool safety inspector. If leasing, the owner must provide the pool safety certificate before entering into the lease. Refer to the *Leasing a property with a pool* fact sheet for more information.

If selling, the owner can provide the buyer with a pool safety certificate prior to settlement or alternatively the seller must issue the buyer with a Form 36—Notice of no pool safety certificate, before entering into the contract of sale and before settlement. This form advises the buyer or pool owner that they have 90 days to obtain a pool safety certificate from the date of settlement. The buyer or pool owner is then liable for any costs associated with achieving compliance, unless otherwise negotiated as part of the contract. Refer to the fact sheet *Selling a property with a pool* for more information.

Pool safety certificates are valid for one year for shared pools and two years for non-shared pools.

Queensland's pool safety laws have had a major impact on the overall number of toddler drownings since being introduced in December 2010.*

Drowning is no longer the leading external cause of death for children aged one to four years. However, immersion incidents are most common in the one to four year age category and on the rise in the five to nine year age group.

Protect your family by following the 'ABC of pool safety' — Always supervise children near a pool, Begin swimming lessons for your children, and Close the pool gate (and keep your fence maintained).

*Source: Annual Report 2013-14, Commission for Children and Young People and Child Guardian, Queensland.

New pools

All new swimming pools require a building approval. The building certifier who provided the building approval must inspect and certify the pool safety barrier before the pool is filled to a depth of 300 millimetres or more.

Mandatory follow-up inspections are required to be undertaken if the final inspection has not been done. Building certifiers must undertake a mandatory follow-up inspection within six months of giving a building approval for a new swimming pool or two years in cases where building approval is granted for a swimming pool and a new building. If the building approval is due to lapse earlier than six months or two years, the final inspection must be done before it lapses.

Compliant temporary fences are permitted for a maximum period of three months during the construction of a pool. After this time, compliant permanent barriers are required. Both the temporary and permanent fences will need to be inspected and certified by the building certifier who approved the application.

Pool safety register

A state-based pool safety register operates in Queensland.

The register contains a list of regulated pools in Queensland, including pool safety certificates if one has been issued for a pool.

Failing to register your pool can result in an on-the-spot fine of \$235.60 or a maximum penalty of up to \$2356 if a complaint is made to your local government or the Queensland Building and Construction Commission (the QBCC) (formerly managed by the Pool Safety Council).

The pool safety register also includes a list of all licensed pool safety inspectors. To register your pool call the QBCC on 1800 340 634 or visit www.qbcc.qld.gov.au.

Why pool safety barriers fail

Common pool safety problems include:

- the gates are not self-closing and self-latching from all points
- the height of the pool safety barrier is less than 1200 millimetres because ground levels and garden beds have increased or grown over time and have, therefore, reduced the height of the pool barrier
- the adjoining boundary fences have climbable rails
- the windows opening into the pool enclosure can be opened and have more than a 100 millimetre gap
- there are climbable objects near the pool safety barrier.

Ensure your pool safety barrier complies

The following actions can be taken to improve the safety of your pool:

- replace, tighten or adjust the hinges on your gates to make the gate self-close
- make sure the pool safety barrier height is 1200 millimetres from bottom to top
- shield or remove climbable objects within 900 millimetres of the pool safety barrier
- trim back any branches that a child could use to climb over the pool safety barrier
- install permanently fixed security screens on windows that open into the pool enclosure
- remove climbable objects from the pool safety barrier and surrounding area.

Key actions

- Pool safety certificates are required when selling, buying or leasing a property with a pool.
- Both new and existing pools must be upgraded to comply with the standards by 30 November 2015, or earlier if sold or leased first.
- All regulated pools in Queensland must be registered.

For more information

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