

# Building and Plumbing Newsflash 524

## Pool safety red tape reduction for class 2, 3 and 4 buildings

### Purpose

To advise that the consultation on the new proposal to reduce red tape for pool owners has commenced and will close on 23 August 2013.

### Background

The pool safety laws, under the *Building Act 1975*, require owners of regulated pools to ensure their pool barriers comply with the pool safety standard by 30 November 2015, or sooner if the property is sold or leased. A sale or lease of a property with a pool triggers a requirement to obtain a pool safety certificate (Form 23). A Form 23 can only be issued by a licensed pool safety inspector (PSI) who has inspected the pool and is satisfied it complies with the pool safety standard.

Work for a new pool is assessable building work and the building development application for the pool must include the barrier. A final inspection certificate (Form 17) or certificate of classification (Form 11) may be used as a pool safety certificate. There is no proposal to change this requirement for new pools.

The *Building Regulation 2006* prescribes minor repairs and other work that can be performed by a PSI or a pool owner as self-assessable work (without a building development approval) and certified by a PSI.

In July 2012, the Regulation was amended to permit certain owners of houses and townhouses (class 1a buildings) with existing, non-shared pools to construct, repair, replace or alter the pool fence without making a building development application, provided they engage a PSI before work starts and ensure a PSI inspects the work within three months.

### Proposed changes

It is proposed to expand the Regulation amendments to include barriers for existing pools associated with classes 2, 3 and 4 buildings, for example residential unit complexes, motels or hotels.

It is proposed to restrict the work to barriers that serve no structural function other than as a pool barrier. For example, if a fence's only function, apart from a barrier restricting access to the pool, is to create a dividing fence between two lots, then work on this fence would be self-assessable. However, work on a balustrade, where there are additional considerations such as the impact of wind and other forces, would be excluded (and require a building development application). This recognises that PSIs receive training in assessing compliance with the pool safety standard and only nominal training in other aspects of the building codes.

Subject to the ‘structural function’ restriction, it is proposed to permit this work to be done without a building development application, provided (similar with the requirements for class 1a building owners):

- a PSI is engaged before work starts
- if the pool is noncompliant before work starts, a nonconformity notice is obtained before work is started, stating what needs to be done to make the fence comply
- the work is inspected by a PSI within three months of the original engagement.

## How do I provide comment?

The Queensland Government is interested in receiving feedback from the community and industry on the proposal. Please submit your comments and suggestions via:

- email to [psc@dlgp.qld.gov.au](mailto:psc@dlgp.qld.gov.au) (please include ‘Attention: Pool safety red tape reduction’ in the subject line)
- post to:  
**Attention: Pool safety red tape reduction**  
Building Codes Queensland  
Department of Housing and Public Works  
GPO Box 2457,  
Brisbane QLD 4001

Additionally, Building Codes Queensland will host two meetings for stakeholders as follows:

- 10am to 11am, Wednesday 7 August 2013—teleconference
- 10am to 11am, Thursday 8 August 2013—meeting at a Brisbane city venue (to be advised).

If you wish to participate, please contact Ms Gabi Hemmings on 1800 340 634 or email [psc@dlgp.qld.gov.au](mailto:psc@dlgp.qld.gov.au) (please include ‘Attention: Attendance for safety red tape reduction stakeholder meeting’) by **31 July 2013** and advise which meeting you will be attending.

## Contact for more information

Building Codes Queensland  
Department of Housing and Public Works  
telephone +61 7 3239 6369  
[buildingcodes@dlgp.qld.gov.au](mailto:buildingcodes@dlgp.qld.gov.au)

If you have not received this Newsflash directly from ‘Enquiries (BCQ)’, you can subscribe via [buildingcodes@dlgp.qld.gov.au](mailto:buildingcodes@dlgp.qld.gov.au)

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