



# Building newsflash number 436

## Introduction of the Building and Other Legislation Amendment Bill (No. 2) 2010 into Parliament

### Purpose

To advise that the Building and Other Legislation Amendment Bill (No. 2) 2010 (the Bill) was introduced into Parliament on 18 August 2010. Amongst other things, the Bill contains the final phase of stage two of the swimming pool safety improvement strategy.

### Background

The Queensland Government approved a two-staged swimming pool safety improvement strategy in 2009, based on recommendations of an independent swimming pool safety review committee.

Stage one took effect on 1 December 2009 and applies to new outdoor residential swimming pools. It introduced the latest swimming pool fencing standards, regulation of temporary fencing for pools, mandatory follow-up final inspections and introduction of the latest CPR signage standards.

Legislation for the first phase of stage two was passed earlier this year. It established a framework for the swimming pool inspector licensing system, allowing trained and licensed swimming pool safety inspectors to conduct pool safety inspections. It also created an independent body, the Pool Safety Council (PSC), to oversee the operation of the swimming pool safety inspector licensing system and established a state-based swimming pool register.

### Issues

#### Swimming pool safety amendments

The Bill introduces the final phase of the laws to implement the government's swimming pool safety reforms. The Bill includes provisions to:

- introduce mandatory pool safety inspections triggered by the sale and lease of properties with pools, including the provision of pool safety and compliance information as part of the sale and lease process
- extend the pool safety laws to include pools associated with hotels, motels, other residential buildings, caretaker residences, caravan parks and indoor pools
- reduce the maximum depth of portable pools not requiring a compliant pool fence from 450 mm to 300 mm
- require mandatory reporting to Queensland Health by public and private hospitals and the Queensland Ambulance Service of immersion incidents involving young children



- provide health professionals with the opportunity to voluntarily report pool immersion incidents, including liability protection if a report is lodged
- remove existing local government exemptions other than exemptions where a person has a disability
- create a regime for approval of pool safety management plans for pools subject to the *Integrated Resort Development Act 1987* and the *Sanctuary Cove Resort Act 1985*
- introduce the ability to seek an exemption for pools where compliance with the pool safety standard proves impractical.

The Bill and the explanatory notes to the Bill can be viewed at [http://www.legislation.qld.gov.au/Bill\\_Pages/Bill\\_53\\_10.htm](http://www.legislation.qld.gov.au/Bill_Pages/Bill_53_10.htm)

Other information about the government's swimming pool safety improvement strategy can be viewed at the Department of Infrastructure and Planning's website at [www.dip.qld.gov.au](http://www.dip.qld.gov.au)

### Miscellaneous amendments

The Bill also amends the *Animal Management (Cats and Dogs) Act 2008* to clarify that American Staffordshire terriers, also known as Amstaffs, are not 'restricted dogs'.

Furthermore, the Bill amends the *Royal National Agricultural and Industrial Association of Queensland Act 1971* to prevent creditors or liquidators from dealing with particular public land and instead reverts ownership back to the state.

Finally, the Bill amends the *Sustainable Planning Act 2009* in relation to local governments' publishing material relating to development applications on websites and in publications that are vital to the transparency of the Integrated Development Assessment System process. The amendments allow local governments to continue publishing material and avoid breaching the *Information Privacy Act 2009*.

## Contact for further information

**Department of Infrastructure and Planning**  
Building Codes Queensland Division  
tel +61 7 3239 6369  
[buildingcodes@dip.qld.gov.au](mailto:buildingcodes@dip.qld.gov.au)

DISCLAIMER: The information contained in this Newsflash is provided by the State of Queensland in good faith. The material is general in nature and before relying on the material in any important matter, users should carefully evaluate its accuracy, currency, completeness and relevance for their purpose. It is not intended as a substitute for consulting the relevant legislation or for obtaining appropriate professional advice relevant to your particular circumstances. The State of Queensland cannot accept responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance on information contained in this Newsflash. It is not intended to be, and should not be relied upon as the ultimate and/or complete source of information.