

## Queensland Pool Safety Compliance

### Frequently Asked Questions

Drowning is one of the leading causes of death in Queensland for children under five, and compliant pool fencing, along with active supervision and learning to swim, can save lives. This is why pool safety laws were introduced.

Here are answers to some frequently asked questions to help ensure your pool fence complies with safety standards.

### Compliance with Queensland pool safety laws

#### **Q: Do the pool safety laws apply to spas and portable pools?**

Yes, the pool safety laws apply to pools and spas capable of being filled with water to a depth of 300mm. It is irrelevant that the pool or spa is permanent or temporary.

#### **Q: What are the minimum pool fencing requirements in Queensland?**

The requirements are detailed in the Queensland Development Code. Minimum pool fence requirements include:

- 1200mm in height
- for fences less than 1800mm high an area of 900mm on the outside of the fence that is free from climbable objects (called a non-climbable zone)
- no gaps greater than 100mm below the barrier
- no gaps of greater than 100mm between vertical components (i.e. posts and palings)
- windows that open into the pool area must be protected by bars or metal screens if, the sill is located 900mm or less from the floor. Alternatively, a window may be permanently fixed so that it doesn't open more than 100mm.
- the gate must self-close and self-latch when released from any open position without the application of force and open away from the pool area
- the gate latch must measure at least 1500mm from the finished and stable ground level and also be located 1400mm from the top of the lowest horizontal rail
- a compliant CPR sign must be displayed either attached to the pool fence or displayed near the pool, so that the sign is easily visible to anyone near the pool
- no direct access from a building into an outdoor pool area i.e. door from a building into the pool area

#### **Q: Who needs to comply with these laws?**

If you own a pool or spa located at a home, short or long-term accommodation premise, you are responsible for ensuring it complies with the Queensland pool safety standard. This includes pools at houses, unit complexes, hotels, motels, backpacker accommodation, and caravan and holiday parks.

## **Q. What will happen if my pool fence isn't compliant with the one pool safety standard by 1 December 2015?**

You could receive an on-the-spot fine of \$824.60 or a maximum penalty of up to \$19,437 that can be imposed by a court.

## **Q. How long have pool owners had to make sure they're compliant?**

The current laws came into effect back in 2010, so pool owners have had a five year grace period to get their pool fence compliant. On 1 December 2015, the phase-in period will end so all pools will be required to comply. Since 2010, it was only those selling or leasing their properties that needed to be compliant with the current standard.

## **Q. What has changed in terms of compliance?**

There are only minor differences between the current pool fencing standard and those that have applied since 1991. A pool barrier that complied when it was built and has been kept in good condition will generally only need minor upgrades.

These may include prohibiting direct access from a building into the pool area, installing a compliant CPR sign, shielding or moving climbable objects that are near the barrier, raising panels to increase the height of the pool fence to at least 1200mm, or reducing any gaps in or under the fence that are greater than 100mm.

## **Q: Do I need to register my pool or spa?**

Yes, every private pool and spa in Queensland must be registered.

## **Q: How do I register?**

Go to [qbcc.qld.gov.au](http://qbcc.qld.gov.au) to check if the pool has been registered in the [Pool Safety Register](#). If your pool isn't registered, simply enter the property details online. For assistance registering a pool, call the QBCC 24/7 on 139 333.

## **Q: What happens if I don't register my pool?**

If you don't register your pool or spa, an on-the-spot fine of \$235.60 may be issued or a maximum court penalty of \$2,356.

## **Q: How do I know if my pool is compliant?**

You can complete a free self-assessment using the QBCC's simple checklist at [qbcc.qld.gov.au/pool-checklist](http://qbcc.qld.gov.au/pool-checklist). If you are unsure about any aspects of compliance, we suggest you contact a licensed Pool Safety Inspector or building certifier to provide you with advice specific to your property.

## **Q: Do I need a pool safety certificate?**

You only need to have your pool inspected and receive a pool safety certificate when selling or leasing your property. Even if you're not selling or leasing though you still need to make sure your pool is compliant with the current pool safety standard by 1 December 2015.

## **Q: How can I find a licensed pool safety inspector?**

Visit [qbcc.qld.gov.au](http://qbcc.qld.gov.au) to access a list of QBCC-licensed [pool safety inspectors](#). Simply enter your location and a list of businesses will be generated.

### **Q: Who will be checking that a pool complies with Queensland's pool safety standard?**

Local government authorities have the power to conduct compliance checks and may penalise pool owners for failing to have a compliant pool. The QBCC will also be checking that pool owners have registered their pool and may issue fines for failure to do so.

### **Q: If I rent a property with a pool, who is responsible for making sure the pool fence complies?**

The pool owner is always responsible for ensuring that the pool complies with the pool safety standard and all barriers are kept in good condition. When a property is rented this is usually the property owner, however if the tenant purchases a pool they are responsible for compliance.

Tenants are responsible for ensuring climbable objects are not placed against the fence.

If it is a shared pool and the property is managed by a body corporate, the responsibility generally lies with the body corporate.

## Wading pools

### **Q: Do I need to register or fence my wading pool?**

The laws do not apply to wading or 'blow-up' pools if they cannot be filled with water to a depth of 300mm, cannot hold more than 2000litres of water and do not have a filtration system.

## Shared fencing and pool barriers

### **Q: Can a door between a building and outdoor pool be used as a barrier?**

No, this does not meet the pool safety standard.

You are required to have a barrier between any building and an outdoor pool. It may be an option to add a u-shaped area of fencing around the door or make the door permanently inoperable. If there is not enough room to build a fence between the house and the pool and it is impracticable to seal the access point to the backyard, you can apply to your local government authority for an impracticality exemption.

### **Q: Can I use my boundary fence as a pool fence?**

Yes, the boundary fence can be used as a pool barrier, however it must meet the pool safety standard.

### **Q: Do I need to tell my neighbour about work to my pool fence?**

It is best to discuss the fencing work with your neighbour before making any decisions. If you are unable to, or decide against discussing the work with your neighbour, you must give the neighbour a notice about proposed work at least 14 days prior to starting any work.

You can download a copy of the [Notice of proposed fencing work for a pool barrier form](#) from [qbcc.qld.gov.au](http://qbcc.qld.gov.au). This will include information about the type of fence proposed and the materials that will be used.

The proposed pool barrier must be consistent with the existing fence (e.g. similar materials and colours), unless this prevents the fence from complying with the pool safety standard.

## **Q: My neighbour has a pool. Do I have any obligations because we share a fence?**

Pool fencing is the pool owner's responsibility so it is up to them to contact you if there are any concerns about compliance.

## Maintenance

### **Q: What should I do if my pool fence is damaged or needs repair?**

If a small part of the safety barrier has fallen into a state of disrepair (for example, where palings, hinges or latches need to be replaced) the barrier may be repaired to meet pool safety standard. This will be the pool owner's responsibility.

If an entire new fence is required, you may need to obtain building development approval from either your local government authority or a private building certifier before the work can begin. There are circumstances where a fence can be replaced if it is inspected by pool safety inspector. In these circumstances a development approval is not required.

### **Q: Who is permitted to build or repair my pool fence?**

The repairs, maintenance and type of work that can be performed on a pool barrier is restricted dependent on the person performing the work. For example a pool owner is able to repair the barrier if it is no longer than 2.4 metres including no more than 2 posts. However, there are also circumstances when the pool owner may be able to replace the whole fence. For more information about the type of work that can be performed contact the QBCC.

In addition to the type of work that can be carried out on a fence it is important to note that anyone, can perform work to the value of \$3,300 (including GST, labour and materials) to build or repair a fence. If the work is likely to be over the value of \$3,300 you must engage a licensed QBCC contractor for the job. Search [qbcc.qld.gov.au](http://qbcc.qld.gov.au) to find someone near you.

### **Q: How far back do I trim climbable trees around the pool area?**

900mm from the pool barrier. However, climbable branches may be permitted within 900mm from the top of the fence if a child cannot reasonably access them.

## Exemptions and Alternative Solutions

### **Q: Who can approve an exemption to the pool safety standard and in what circumstances?**

Exemptions can be issued by local government authorities for two reasons - disability or impracticality.

An exemption may only apply to a certain aspect of the pool safety standard, not the entire pool barrier (for example, an exemption may only relate to the requirement to have a latch located at 1500mm because a person in a wheelchair is unable to reach the latch).

To obtain information or apply for an exemption, the pool owner should contact the building and compliance section of their local government authority.

### **Q: What is a Pool Safety Management Plan (PSMP)?**

A Pool Safety Management Plan can be used for pools associated with class 3 buildings (e.g. hotels, motels, resorts) instead of obtaining a pool safety certificate. A PSMP allows the use of alternative measures (e.g. lifeguard supervision, pool alarms) to provide an equivalent or greater degree of safety as the pool safety standard. PSMPs are approved by the QBCC. For more information, visit [qbcc.qld.gov.au](http://qbcc.qld.gov.au).

## Complaints

### **Q: What can I do if I do not agree with a licensed pool safety inspector's decision?**

If you are not satisfied with the issues listed in the licensed pool safety inspector's report (Nonconformity Notice), you are able to make an appeal to the Building and Development Dispute Resolution Committee. More information about the committees is available from the Queensland Department of Housing and Public Works [website](#).

The appeal must be made within 20 business days of the notice being given. Information about how to submit the appeal is detailed on the notice.

### **Q: How do I report an unsafe pool?**

If you are concerned about a pool, we recommend making a written complaint to your local council. If a local council receives a pool safety complaint notice, they are obliged under the *Building Act 1975* to conduct an inspection.

### **Q: How do I make a complaint about a licensed pool safety inspector?**

Visit [qbcc.qld.gov.au](http://qbcc.qld.gov.au) to access a [pool safety inspector complaint form](#). Your complaint will then be assessed by a QBCC investigator and you will receive an acknowledgement letter providing you with more information.



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