

Queensland swimming pools

New pool safety laws—does your pool pass the test?



Swimming pools should be fun. However, drowning is the leading cause of death in Queensland for children aged one to four years. Supervision of kids and teaching them to swim at a young age can save lives. Effective pool fencing also helps keep kids safe. This is why new pool safety laws have been introduced.

The new pool safety laws 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.

Key changes under the new laws include:

- replacing 11 different pool safety standards with one pool safety standard for all pools—the Queensland Development Code, Mandatory Part 3.4
- wider 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
- a phase out of child-resistant doors used as pool barriers for existing pools (self-closing and self-latching doors)
- a requirement for the latest prescribed cardiopulmonary resuscitation (CPR) sign adopted by the Australian Resuscitation Council to be displayed near each pool
- fencing of all portable pools and spas capable of being filled with 300 millimetres or more of water

- mandatory inspections by Local Governments for immersion incidents of children under five in swimming pools. These incidents will be reported by hospitals and the Queensland Ambulance Service, including voluntary reporting by doctors and nurses.

What if I'm selling or leasing my property during the five year phase in?

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 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 Notice of no pool safety certificate—Form 36 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 selling fact sheet for more information.

For shared pools associated with short-term accommodation, such as hotels, motels, backpackers or hostels, a six month phase in period applies to obtain a pool safety certificate. Refer to the short-term accommodation fact sheet for more information.

Child drownings halved after Queensland introduced swimming pool safety laws in 1991, but we can do better.

The latest data¹ shows that:

- drowning is the leading cause of unintentional death for children aged one to four years
- the average age for childhood drownings in a pool is two years of age
- between 1 January 2004 and 30 June 2010, 41 children under five years of age drowned in Queensland's residential swimming pools, as well as one drowning in a wading pool and two in home-made pools.

An estimated 50 young children present at emergency departments each year due to immersion injuries, some of whom suffer permanent brain damage.

1 Commission for Children and Young People and Child Guardian, Queensland Child Death Register 2004–2010

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A two year phase in period to obtain a pool safety certificate applies to other shared pools, such as a common pool in a block of units.

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

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 has been developed under the new laws.

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

Pool owners should check the register after 28 February 2011 to ensure their pool has been registered. If your pool is not on the register, you have until 4 May 2011 to register your pool.

The pool safety register also includes a list of all licensed pool safety inspectors. The register can be accessed at www.dip.qld.gov.au/poolsafetyregister

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 are openable with 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 changes

- 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 swimming pools need to be registered by 4 May 2011.