

# Pool safety laws



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.

Stage 1 of the new pool safety laws was introduced on 1 December 2009 and applies to new residential pools. The final stage, stage 2, commenced on 1 December 2010 and mostly affects existing swimming pools.

There is now one pool safety standard, the [Queensland Development Code Mandatory Part 3.4](#) ( 1.3 MB), that replaces 11 different pool safety standards.

## What the pool safety laws mean for me

Under the new swimming pool safety laws:


- a [pool safety certificate](#), issued by a licensed pool safety inspector, is required when selling, buying or leasing a property with a pool (pool safety certificates are valid for one year for a shared pool and two years for a non-shared pool)
- the pool safety standard applies to all pools associated with houses, units, hotels, motels, backpacker hostels, caravan parks, mobile van parks and other forms of short-term accommodation
- the pool safety standard applies to [indoor pools](#) as well as outdoor pools
- all swimming pools need to be included on the state-based [pool safety register](#) by 4 November 2011
- safety barriers are mandatory for all [portable pools and spas](#) deeper than 300 millimetres.

If a building such as a home, unit or hotel room is within the pool fence perimeter, it needs to be fenced from the pool. This includes buildings with living areas such as games rooms. Toilet facilities and change rooms may be located within the pool area, but these structures must not provide a thoroughfare into the pool enclosure from outside.

## When the new pool safety standard has to be met

Pool owners have until 30 November 2015 to comply with the new pool safety standards, or earlier if their property is sold or leased before then.

If you are selling a property with a non-shared pool on or after 1 December 2010, such as pools for houses or townhouses or units with their own pool or spa:

- a pool safety certificate must be obtained before settlement of a contract; or
- a [notice of no pool safety certificate - form 36](#) ( 60 KB) issued before contract and before settlement advising the buyer that a certificate must be obtained within 90 days of settlement.

If you are leasing your property, a pool safety certificate must be obtained before entering into the lease.

If you are selling or entering into an accommodation agreement (e.g. lease, hotel stay etc.) for a property with a shared pool associated with short-term accommodation, such as hotels, motels, backpackers or hostels, you have a six month phase-in period to obtain a pool safety certificate.

If you are selling or entering into an accommodation agreement for units and townhouses with a shared pool or spa, there is a two year phase-in period to obtain a pool safety certificate.

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## New swimming pools

All new swimming pools require a building development approval. For new swimming pools:

- mandatory follow-up inspections are required to be undertaken if the final inspection has not been done. Building certifiers are required to undertake a mandatory follow-up inspection within a set time frame after giving a building approval for a swimming pool. The time frames are 6 months for new pools or 2 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 6 months or 2 years, the final inspection must be done before it lapses.
- compliant temporary fences are permitted for a maximum period of 3 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.

The building certifier, either a private building certifier or a local government building certifier, who approved the building approval must inspect and certify the pool safety barrier before the pool is filled to a depth of 300 millimetres or more.

For inspection and certification costs, check with the building certifier who approved the application to allow the pool and safety barrier to be constructed. The fee may have been incorporated in the building development application fees.

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## Pool safety forms

[Form 23 Pool safety certificate](#) ( 84 KB)

A pool safety certificate is required in Queensland when selling or leasing a property with a regulated pool.

[Form 36 Notice of no pool safety certificate](#) ( 60 KB)


The owner must complete this form when selling or entering into an accommodation agreement (e.g. lease, hotel stay) for a premises with a regulated pool if a pool safety certificate is not in effect for the pool. This form only needs to be completed once, unless the required information changes after the form is completed. This form

cannot be used for an accommodation agreement for a premises with a non-shared pool (e.g. house).

[For additional pool safety forms.](#)

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## More information

The new pool safety laws were introduced as a result of the most comprehensive [review of Queensland's swimming pool safety laws](#) ( 1.2 MB) in nearly 20 years.

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