

Building and Plumbing Newsflash 510

Revised 'Guidelines for pool owners and property agents' available; owners of shared pools (long-term accommodation) required to obtain a pool safety certificate by 30 November 2012

Purpose

To advise that a revised version of the 'Guidelines for pool owners and property agents' is now available and that owners of shared pools (long-term accommodation) must obtain a pool safety certificate by 30 November 2012.

Guidelines for pool owners and property agents

Version 1 of the 'Guidelines for pool owners and property agents' was published in September 2011 to help pool owners including bodies corporate and property agents to understand the pool safety laws set out in Chapter 8 of the *Building Act 1975*. The guidelines have now been updated to reflect legislative developments.

The revised [guidelines](#) are now available on the Department of Housing and Public Works website.

The guidelines have been updated to reflect recent developments such as the Queensland Government's red tape reduction initiative to allow a pool owner to, in certain circumstances, construct, replace, repair or adjust the whole or part of a fence for an existing pool without a building approval. This initiative took effect on 27 July 2012 (refer to [Building and Plumbing Newsflash 498](#) for more information).

Owners of shared pools (long-term accommodation) required to obtain a pool safety certificate

A large number of owners of shared pools (mainly bodies corporate) will be required to obtain a pool safety certificate by 30 November 2012. The date for obtaining pool safety certificates for shared pools (long-term accommodation) depends on the dates of sales or leases of lots at the complex:

- If a lot owner (for example a unit owner) has leased or sold a lot in the complex after 30 November 2010 and before 2 September 2012, then the pool owner (body corporate) must obtain a pool safety certificate by 30 November 2012. Most residential unit complexes will fall into this category.

- From 2 September 2012, the owner of a shared pool (for example a body corporate) has been required to obtain a pool safety certificate within 90 days after a lease or settlement of the sale of a lot (for example a unit). If there is no pool safety certificate in effect for the pool, the lessor or seller of the lot must provide the owner with a Notice of no pool safety certificate (Form 36) prior to the lease or settlement of the sale to alert the owner to this obligation.

If an owner already has a pool safety certificate, a lot owner (for example a unit owner) must give a copy of the certificate to the occupier before entry into any lease of the lot (long-term accommodation only). In addition, the owner must conspicuously display the certificate as near as practicable to the main entrance of the regulated premises or a gate or door giving access to the pool. The owner must do this as soon as practicable after the certificate is in effect.

Owners of shared pools (short-term accommodation) were required to obtain a pool safety certificate by 31 May 2011.

Owners of shared pools associated with class 3 buildings (hotels, motels, guesthouses, boarding houses and backpackers' accommodation) may use an approved pool safety management plan instead of a pool safety certificate.

It is an offence for the pool owner (usually a body corporate) to fail to obtain a pool safety certificate or an approved pool safety management plan within the required period. A maximum penalty of \$18 150 applies for individuals and \$90 750 for corporations.

For further information about how the owner of a class 3 building can apply to the department for approval of a pool safety management plan, contact the Pool Safety Council on 1800 340 634 or by email at PSC@qld.gov.au

Pool safety certificates may be obtained from a licensed pool safety inspector. A list of licensed pool safety inspectors can be found at www.hpw.qld.gov.au/construction/BuildingPlumbing/PoolSafety Local governments are also required to conduct a pool safety inspection if asked to do so, and may charge a cost-recovery fee for this service.

Legislation

Building Act 1975 sections 246AT1, 246ATH, 246ATK(3) and (4), 258, 300(3) and (4)

Contact for further information

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5 November 2012

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