

# Preferred Gas Plumbing & Pool Heating Supplies

## New Swimming Pool Safety Laws.

Stage 1 of the new pool safety laws was introduced on the 1<sup>st</sup> December 2009 and applies to new residential pools. The final stage, stage 2 commences 1<sup>st</sup> December 2010 and mostly affects existing pools.

There is now one pool safety standard, the Queensland Development Code Mandatory Part 3.4.

### Under the new swimming 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 standards apply to all pools associated with houses, units, hotels, motels, backpacker hostels, caravan parks, mobile van parks and other forms of short term accommodation.
- Both new and existing pools must be upgraded to comply with the new safety standards within five years or earlier if sold or leased before then.
- All swimming pools need to be included on the state basis pool safety register by 4<sup>th</sup> May 2011.
- Safety barriers are mandatory for all portable pools and spas deeper than 300 millimetres.

Pool owners have until 30<sup>th</sup> 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 non-shared pool before the 5 year phase-1n, 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 issued before contract and before settlement advising the buyer that a certificate must be obtained within 90 days of settlement.
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If you are leasing your property, a pool safety certificate must be obtained before entering into a 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.

### Pool safety inspection system

From the 1<sup>st</sup> December 2010, pool safety certificates are required when selling or leasing a property with a pool. Pool safety inspectors can only issue a certificate when they have placed the certificate details onto the pool safety register. Pool owners and others, such as real estate agents and solicitors, will be able to search the register.

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The legislation does not set the amount that pool safety inspectors can charge. This is determined by the market and pool owners are encouraged to shop around for the best deal. Local Governments are obliged to provide a pool safety inspection service if asked and it is a matter for individual Local Governments if they charge and, if so, how much to provide the inspection service.

The main role of the pool safety inspectors is to inspect pools to determine whether or not they comply with the pool safety standards. Upon inspection, the inspector must issue a pool safety certificate or nonconformity notice, depending on the outcome of the inspection.

The nonconformity notice must state how the pool doesn't comply and what needs to be done to make it comply. The inspector can also, if agreed with the pool owner, carry out specified minor repairs (such as adjusting or replacing a latch or striker and removing climbable objects).

Pool safety certificates must be obtained from a licensed pool safety inspector. Certificates are valid for one year for a shared pool and two years for a non-shared pool.

**The above information are extracts from the government website [www.qldgov.au/pool\\_safety](http://www.qldgov.au/pool_safety)**

As managers of resorts this how you stand:

- The body corporate is responsible to have the pool certified.
- You need to have the pool included on the safety register ASAP.
- If you are renting units on a short term basis e.g. holiday units, you have a 6 months phase-in period to obtain a pool safety certificate.
- If an owner of the unit is selling then they must obtain a pool safety certificate prior to settlement.
- If a unit is being let on a long term basis a pool safety certificate must be issued with the lease.
- If you are buying or selling management rights then a pool safety certificate is required.
- For short term holiday makers a copy of the pool safety certificate must be displayed in the reception area in view of the holiday clientele.

We are seeing changes in a cross section of industry these days and fully understanding what is required is becoming more difficult. As this article is a brief of what the new pool safety legislation requires I would strongly recommend that you visit the above website and do your homework.

Another issue that we encounter is pool water chemistry and the misunderstanding of the legislation. You are responsible to maintain a well chemical balanced, healthy water environment for your patrons. If the water chemistry balance of your pool creates an unhealthy situation then you may be open to litigation in the event that a patron becomes ill.

I will touch on this subject in the New Year, but again I ask you to seek advice on the minimum testing requirements by law and the chemistry parameters that you must adhere to. You must also keep daily record sheets of water tests. Testing water by a professional pool company once a week as many resorts are guilty of is not acceptable to the by laws

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