

POOL SAFETY COMPLIANCE

Pool safety laws are necessary to keep young children safe and save lives. Owners of regulated pools in Queensland must ensure their pool barrier complies with the pool safety standard.

WHAT CLASSES AS A SWIMMING POOL?

A swimming pool is defined as an above or below ground structure principally used for swimming or bathing, and includes some models of portable pools and spas. If your portable pool or spa can hold at least 300mm of water, then the pool safety laws apply to you.

The standard applies to new and existing pools in houses, unit complexes, hotels, motels, backpacker accommodation, caravan parks and mobile van parks.

DOES YOUR POOL COMPLY?

The standard covers such things as the height and strength of barriers, non-climbable zones, gates and their latching requirements and preventing direct access from a building into a pool area.

To assist in finding out if your pool meets the pool safety standard, complete the below checklist.

Pool barriers

- minimum barrier height from finished ground level to the top of the barrier is 1200mm
- maximum allowable gap from finished ground level to the bottom of any barrier is 100mm
- gaps between vertical members with horizontals a minimum of 900mm apart, must not exceed 100mm
- where the horizontals are less than 900mm apart, the gaps between verticals must not exceed 10mm and the horizontals must have a 60-degree fillet attached
- climbable objects must be at least 900mm away from the pool barrier on the outside and 300mm on the inside
- no objects (decks, door sills, etc.) can be so close as to reduce the minimum 1200mm fence height
- if it is not possible to achieve a 900mm nonclimbable zone on the outside, then the fence height can be raised to 1800mm and a 900mm nonclimbable zone created at the top on the inside, with no objects like decks below the nonclimbable zone that would reduce the 1800mm height/drop from the top of the fence.

Pool barrier gates

- pool gates must not open toward the pool area
- pool gates must be self-closing and latching from all positions
- the bottom of any latch release mechanism on the outside of the gate must be at least 1500mm above the ground and 1400mm above the top of the highest lower horizontal member
- pool gate hinges must be at least 900mm apart or the lower hinge must have a non-climbable (sixty degree) safety cap affixed to prevent climbing.

Door and windows

- there is no direct access through a door from the house to the pool area
- windows opening onto the pool area must not open more than 100mm or must be security screened.

Signage

- a compliant CPR sign must be displayed either be attached to the barrier for the pool, or displayed near the pool, so that the sign is conspicuous and easily visible to anyone near the pool.

Local council authorities may undertake random compliance audits of swimming pools to ensure pool owners are complying with the standard.

SHOULD MY POOL BE REGISTERED?

All pools in Queensland must be registered with the QBCC. To list your pool on the pool safety register, visit qbcc.qld.gov.au.

WHAT IF I AM SELLING OR LEASING MY PROPERTY (NON-SHARED POOL)?

If you are selling your house with a pool and you have a certificate, you must give the purchaser a copy before settlement. If you don't have a certificate you must give the purchaser a Form 36 Notice of no certificate before entering into the contract for sale.

A copy of the Form 36 must also be given to the QBCC. A purchaser who receives a Form 36 must obtain a pool safety certificate within 90 days after settlement.

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

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WHAT IF I AM SELLING OR LEASING MY PROPERTY (SHARED POOL)?

If you are selling or leasing your unit or townhouse with a pool, a pool safety certificate should be in place. Alternatively, the lot owner may give the owner of the pool (usually bodies corporate) a Form 36. The pool owner then has 90 days to obtain a pool safety certificate.

HELPFUL TIPS ON MAKING YOUR POOL SAFER

Below are some simple and cost-effective ways to make your pool safer and help you comply with the pool safety standard laws.

Garden beds and ground levels

- remove surrounding garden beds
- reduce the height of surrounding ground levels and garden beds
- raise the barrier height to at least 1200mm above the finished ground level.

Gates

- the gap between the gate post and the gate cannot exceed 100mm
- adjust the gate to make it swing outwards away from the pool area
- ensure the gate is self-closing and self-latching from any angle
- adjust the self-closing mechanism or replace the hinges to make the gate self-closing
- oil the hinges if the gate is not closing properly
- ensure the gate is regularly maintained.

Climbable objects

- shield any climbable objects with a non-climbable material such as flat polycarbonate sheeting, vertical palings or a 'fillet' that has an angle of 60 degrees or more
- trim any tree branches that are within 900mm of the pool barrier – if there are branches overhanging from an adjacent property, you may need to negotiate with your neighbour to remove them
- fix a wedge fillet (minimum 60 degree angle) along the horizontal rails of the barrier
- shield any lattice or other climbable material with a non-climbable material such as flat polycarbonate sheeting or vertical palings
- trim any climbable vegetation away from the barrier
- remove all climbable objects within 900mm of the pool barrier
- secure all moveable objects near the pool.

Windows that access the pool area

- windows that provide access to the pool area must be made permanently inoperable or made to open no more than 100mm
- install permanently fixed security screens on windows
- louvres with a gap of more than 100mm do not comply.
- installing window locks is not acceptable as they can be easily left unlocked.