

New Pool Safety Laws Frequently Asked Questions

Q1: How long do I have before I have to get my pool fence inspected and a compliance certificate issued for my pool (Private residential unit complexes and dwellings)?

Both new and existing pools must be upgraded and comply within 5 years unless sold or leased first.

Q2: How long do I have before I have to get my pool fence inspected and a compliance certificate issued for my pool (short term accommodation, hotels, motels, backpackers or hostels)?

Shared pools must be inspected within 6 months of the 1st December 2010.

Q3: How long do I have to rectify my pool once a non-compliance notice has been issued?

The pool owner has a period of 3 months to rectify the pool fencing once the pool safety inspector has issued a non-conformity notice.

Q4: What happens if I do not rectify my pool within the 3 month period?

The pool safety inspector must notify the local government within 5 business days after the expiration of the 3 month period that the pool fence is non-compliant and give the local government a copy of the non-conformity notice.

Q5: What if I want to sell or lease a dwelling with a pool within the 5 year period?

You must have your pool inspected and obtain a compliance certificate. This compliance certificate is valid for 2 years (sold or leased as many times as you like within that 2 year period).

Q6: Do I need to get an inspection done every time I lease or sell my dwelling?

No, a certificate will last for 2 years for a private pool (dwellings and residential unit complexes) and 1 year for a shared pool (short term accommodation, hotels, motels, backpackers or hostels), the property can be sold or leased as many times as you like in that period and the certificate will remain valid.

Q7: I have just had a pool built, inspected and a Form 17 issued, does this make my pool fence compliant under the new regulations?

If the Form 17 is dated prior to 1st December 2010, then your form 17 does not qualify as a compliance certificate and you pool fencing will be required to be inspected prior to sale or lease of the property or within 5 years, whichever comes first. If your Form 17 is dated after the 1st December 2010 it can be uploaded to the Pool Safety Council website to obtain the compliance certificate which is valid for 2 years for a private pool (including residential unit complex) and 1 year for a shared pool (short term accommodation, hotels, motels, backpackers or hostels).

Q8: When do I get a copy of my certificate?

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. Pool safety inspectors have 2 business days after the inspection to give the owner of the pool a pool safety certificate.

Q9: How long is a shared pool (short term accommodation, hotels, motels, backpackers or hostels) compliance certificate valid for?

Shared pools compliance certificate are valid for 1 year.

Q10: How long do I have before I have to get a compliance certificate for a shared pool in a residential unit complex?

All other shared pools have a 2 year period from the 1st December 2010.

Q11: How do I know if my pool is on the Pool Safety Register?

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 after this date, you have until 4 May 2011 to register your pool. Penalties of up to \$2,000 will apply after this time. The Pool Safety Register search function can be found at this address - www.smarteda.qld.gov.au/pools/properties/propertySearch.action