

Be Pool Safe in the Sunshine State

What you need to know about pool fencing & pool safety regulations in Queensland.

This summer is tipped to be one of the hottest on record, and in the Sunshine State that means there will be lots of pool time in suburban backyards. What this can also mean is more drownings and pool safety incidents than ever before. This is a frightening prospect, especially considering that every backyard pool drowning is avoidable and preventable. The latest data shows a disturbing picture when it comes to pool safety in Queensland. Drowning is currently the leading cause of unintentional death for children aged one to four years of age, with the average age for childhood drownings being two years old. Further, an estimated 50 young children present at hospital emergency departments each year with immersion injuries, some of which are extensive enough to suffer permanent brain damage (*Commission for Children and Young People and Child Guardian, Queensland Child Death Register 2004-2010*).

While child drownings have halved in Queensland after the introduction of swimming pool safety laws in 1991, there is clearly plenty of room for improvement. A lot of the trouble with pool safety is that parents and guardians are not aware of, or do not understand, the regulations which are in place to protect our young children. Here we will have a look at the new Queensland pool safety regulations and examine how these regulations differ for new pools and existing pools.



Existing Swimming Pools

If you own a pool already, you have until 30 November 2015 to comply with the new safety regulations under the *Queensland Development Code, Mandatory Part 3.4*. The key changes to the regulations that you need to know are:

- The new code has a wider application and now relates to indoor pools, pools in hotels/motels, caretaker residences, caravan parks, backpacker hostels, mobile home parks and homestays.
- Child-resistant doors are being phased out as being used for pool barriers.
- You will be required to display the latest CPR signage available.
- Portable pools and spas that can be filled with 300ml or more of water will also need to be fenced.
- Your pool will be subject to a mandatory inspection by Local Government for immersion incidents involving children under five years old.

- Your pool must be registered with the Pool Safety Register (and this should have been done by 4 November 2011). The register is a list of all regulated pools in Queensland and contains the Pool Safety Certificate for the given pool. The register can be found at www.dip.qld.gov.au/poolsafetyregister.
- Failure to register your pool can lead to an on-the-spot fine of \$220 or a maximum of \$2000 if a complaint is made to the Pool Safety Council.

If you are planning on selling or leasing your property before 30 November 2015, you have to ensure you comply with the regulations upon the sale or lease of your property, so this means:

- If you are leasing your property, a Pool Safety Certificate will need to be obtained from a licensed pool safety inspector and presented before entering into a lease.
- If you are selling your property, you have two options:
 - Provide the buyer with a Pool Safety Certificate prior to settlement or
 - Issue the buyer with a Notice of No Pool Safety Certificate – Form 36, before entering in the contract of sale.

With regards to Pool Safety Certificates, remember they are valid for one year for shared pools, and two years for non-shared pools.

New Swimming Pools

If you are building a new home with a new swimming pool, or building a new pool on an existing property, the pool itself requires a building approval. The building certifier who provides you with the approval must also inspect and certify the pool safety barrier before the pool is filled to 300ml or more.

Building certifiers must also conduct a mandatory follow-up inspection of the pool and its safety barrier six months after the initial approval was granted for a new pool, or two years after the approval was given for a new pool and building combined.

With regards to pool safety barriers or fences, compliant temporary fences are permitted for a maximum of three months during the construction of the new pool.



Temporary pool fencing during pool construction

Maintaining Pool Safety Barriers

Having a pool safety barrier (or pool fence as we commonly know them!) doesn't seem to be rocket science... you install the fence, and your child is safe... right? Wrong! There are a whole lot of reasons why a pool safety barrier might fail, and maintenance is often a common thread! Some key pool safety problems include:

- The gates are not self-closing and self-latching from all points.
- The height of the pool safety barrier is not compliant. In order to be considered compliant (and safe), a pool safety barrier must be a minimum of 1200mm high. Often pool barriers become uncompliant because ground levels have shifted, garden beds have overgrown and so on. This can have an impact upon the height of the pool fence.
- The adjoining boundary fences have climbable rails.
- If there are windows opening into a pool enclosure, these windows are openable to more than the required 100mm gap.
- There are climbable objects near the pool safety barrier. This is a common problem, but is so easily prevented by keeping the pool area clean and clear.



So what can we do to maintain our pool safety barriers and make sure they are *always* compliant? Here are some tips:

- Replace, tighten or adjust hinges on gates to make sure they *always* self-close.
- Ensure the pool safety barrier *always* remains at a height of 1200mm from bottom to top.
- Remove any climbable objects within 900mm of the pool fence.
- Trim back any branches or plant materials that a child could use to climb over the pool fence.
- Install permanent fixed security screens on all windows that open into a pool enclosure.

What if your pool fence or a portion of it is damaged? Where a substantial section of a pool safety barrier is damaged, it must be replaced with an entirely new safety barrier. If only a small part of the fence has fallen or is damaged, the barrier can be repaired to the original standard up until the end of the five-year phase-in (unless the property is being sold or leased as mentioned above).

It is important to remember that work to pool safety barriers (like an entirely new fence) requires a building development approval from your local council or a private building certifier.

Just a final note on responsibility... If you are the owner of the swimming pool, then you are simply the one responsible for ensuring the continued compliancy of the barrier. If, however, you are a tenant renting a property with a pool, things get a little more complicated. As the tenant, you are responsible for ensuring all pool gates are kept closed at all times, and that there are no climbable objects within 900mm of the pool fence. Also, if you are renting a property and choose to buy a pool that is large enough to require a pool safety barrier, it becomes the tenants' responsibility to ensure that the pool has the appropriate fencing.

There you have it! Queensland's pool safety regulations in a nutshell! To organise for a pool safety certificate, install a new pool fence or repair an existing fence, call us and have the piece of mind that we use only certified pool safety contractors and can give you all the advice you need about approvals and issues of compliance. Enjoy your pool this summer safely!

Sources:

- *Queensland Swimming Pools: New Pool Safety Laws – Does Your Pool Pass the Test?*, www.qld.gov.au/poolsafety.
- *Pool Safety Certificates (Form 23)*, www.hpw.qld.gov.au/construction/buildingplumbing/poolsafety
- *Pool Fences and Safety Barriers*, Department of Housing and Public Works
- *Pool Safety*, Department of Housing and Public Works

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