



Building newsflash number 441

Australia's toughest pool safety laws

Purpose

To advise that Parliament passed the Building and Other Legislation Amendment Bill (No. 2) 2010 (BOLA2) on 15 September 2010, containing the final elements of stage two of the swimming pool safety improvement strategy.

Background

Previous legislative amendments

On 5 July 2010 the majority of the *Building and Other Legislation Amendment Act 2010* (BOLA 1) provisions commenced. BOLA 1 established the pool safety inspector licensing system and a state-based pool register. The licensing system is administered by an independent body, the Pool Safety Council (PSC), also established under BOLA 1.

Issues

Building and Other Legislation Amendment Bill (No. 2) 2010 (BOLA 2)

BOLA 2 was introduced into the Queensland Parliament on 18 August 2010 and passed by Parliament on 15 September 2010. The new provisions are expected to commence this summer.

BOLA 2 and the explanatory notes are available on the Queensland Government's legislation website www.legislation.qld.gov.au. The new provisions will:

- implement a sale and lease compliance system requiring pool safety certificates to be obtained from licensed pool safety inspectors. Pool safety certificates will be valid for one year for a shared pool or two years for a non-shared pool.
- require all existing and new pools to comply with a single pool safety standard (replacing 11 existing standards) within five years unless sold or leased first
- phase out the use of child-resistant doors as pool barriers for existing pools (self-closing and self-latching doors) over five years unless sold or leased first
- widen application of pool safety laws to include indoor pools and pools associated with hotels, motels, caretaker residences, caravan parks, backpackers, hostels, mobile home parks and homestays
- require all swimming pools to be registered within six months
- require all portable pools and spas 300 mm or more in depth to be fenced
- require local government inspections of pools following immersion incidents in swimming pools involving children under five. These incidents will be reported by hospitals and the Queensland Ambulance Service.



For non-shared pools, such as pools for houses or townhouses or units with their own pool or spa, the laws requiring a pool safety certificate are expected to commence this summer.

For shared pools associated with short-term accommodation, such as hotels, motels, backpackers or hostels, a six month phase-in period applies to the obligation to obtain a pool safety certificate. For other shared pools, such as common property pools in a block of units, the phase-in period is two years.

Pool Safety Council and pool safety inspectors

On 8 September 2010 the PSC held its inaugural meeting and is ready to accept applications from training organisations for approval of pool safety inspector courses. Swimming pool safety inspector course guidelines to assist training organisations in developing inspector courses are available at www.dip.qld.gov.au/poolfencing. Availability of pool safety inspector courses will be published on the website as they are approved by the PSC.

Under BOLA 1, more than 300 existing licensed building certifiers will automatically be licensed as pool safety inspectors for one year.

Pool safety barriers code

A revised draft of the new code for swimming pool safety barriers QDC MP 3.4. – Swimming Pool Barriers is now available at www.dip.qld.gov.au. The expanded new draft code reflects the wider set of pools covered by BOLA 2—indoor pools and pools associated with hotels, motels, caretaker residences, caravan parks, backpackers, hostels, mobile home parks and homestays—and will commence with the new BOLA 2 provisions.

Road shows

The Department of Infrastructure and Planning will conduct road shows across Queensland later this year to provide information and answer questions about the new laws. Details of the road shows will be provided in future newsflashes.

Contact for further information

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