



RISK MANAGEMENT SERVICES

Smoke Alarms Safety Switches Pool Safety

SWA: Pool Safety Inspections

What do these laws mean ?

IMPORTANT: All Pool Safety Inspectors must hold a current QLD State Government issued Pool Safety Inspectors License. Pool Safety Certificates can **ONLY** be issued by a licensed Pool Safety Inspector. A Pool Safety Inspector can not attain a licence without passing a State Government approved course and must hold appropriate levels of Professional Indemnity insurance and meet other stringent criteria set by the Qld State Government. The Qld State Government is solely responsible for issuing of licenses. All SWA Pool Safety Inspectors are holders of a current Qld State Government issued Pool Safety Inspector License.

Form 23 Pool Safety

Certificate: For a **Non Shared** Pool (such as a house) where the sole usage of the pool is intended for the occupant/s only and/or there invitees), the Form 23 Pool Safety Certificate will last for 2 years. For a **Shared** pool (such as a pool in a common area of a unit complex) the Form 23 Pool Safety Certificate will last for 1 year. Generally it will be the Body Corporate responsibility to ensure any shared pool within its complex has a current certificate. This certificate covers all unit/lot owners within that complex. Owners/managing agents of rental properties within a body corporate structure must obtain a copy of the current pool safety certificate from the Body Corporate before entering into a rental agreement or selling.

Renting: To enable a landlord/property manager to rent a property

to a tenant (new or existing), a current Pool Safety Certificate (Form 23) must be in place for "that pool" from the 1st of December 2010. These laws impose penalties of up to \$16,500 for Non Compliance and would expose a landlord or managing agent to enormous liability risk should an incident occur in a Non Conforming pool [the intention of the law is to potentially save lives]. Unlike the Smoke Alarm laws, the

plete a "**Form 36 Notice of No Pool Safety Certificate**" and provide a copy of this to a prospective purchaser before entering into a contract of sale and before settlement. A copy of the Form 36 must also be provided to the Qld Govt. Department of Infrastructure & Planning.

Body Corporate: A Form 23 Pool Safety Certificate is required if a lot owner **sells** a unit or **rents** a unit to a tenant (new or existing).

Important Changes

Pool safety certificates are required when selling, buying or leasing a property with a pool. Both new and existing pools must be upgraded to comply with the standards by 30 November 2015, or earlier if **sold or leased first**. All swimming pools need to be registered by 4 May 2011.

<http://www.dip.qld.gov.au/pool-safety/pool-safety-register.html>

Pool Safety Laws **do not** require an inspection prior to the start of each lease but rather there must simply be a current Form 23 Pool Safety Certificate in place for that pool. It is the responsibility of the Pool Owner and their managing agent and/or Body Corporate to ensure each pool located at a rental property/complex continues to have a current Form 23 Pool Safety Certificate in place at all times whilst it remains a rental property.

Selling: If you were thinking of selling your property, you must either:

Provide a current Form 23 Pool Safety Certificate to a perspective purchaser before entering into a contract of sale from the 1st of December 2010, or;

The purchaser can accept the responsibility for obtaining a Form 23 Pool Safety Certificate within 90 days after the date of settlement however; the vendor will need to com-

Short Term Accommodation:

Which includes hotels, motels, resorts and caravan parks, will not be able to book in short term guests after May 2011 without a current Form 23 Pool Safety Certificate in place.

Risk Management: There is a small initial "Phase-in" period for those selling/renting with a shared pool, if you choose to sell or lease without a Pool Safety Certificate (*does NOT apply to Non Shared pools*), you will be required to complete a "**Form 36 Notice of No Pool Safety Certificate**". Delaying a pool safety inspection may expose serious liability risk should a child drown or an immersion incident is reported in a non-complying pool.

For more information visit the below listed websites:
www.dip.qld.gov.au/poolfencing

www.dip.qld.gov.au/resources/poolfencing/pool-safety-brochure.pdf

Safety Watch: Pool Safety Inspections

Terms, Conditions & Pricing Policy

Standard pool Inspection

\$220.00 (incl gst) or **Large/Difficult**

pool Inspection = \$330.00 (incl gst)

A "standard pool inspection" conducted by a government approved licensed Pool Safety Inspector based upon an average of 30 minutes on site and no more than two entry points/gates that access the protected pool area. A Large/Difficult pool inspection fee may apply if the pool barrier is beyond the scope of a standard inspection.

Reinspection of any

pool = \$132.00 (incl gst)

A reinspection may be requested by the pool owner/managing agent within 90 days after the initial inspection, **only** if the pool barrier was assessed to be Non Conforming under the provisions of the Act, Minor works/Minor Repairs. All rectification works must be completed to compliance standards at the time of the reinspection. If

at the time of reinspection the Pool barrier remains non compliant, a new Form 26 Non Conformity Notice & report will be issued and the reinspection fee would revert to a Standard or Large/Difficult pool inspection fee.

Warning

Always ask for the Pool Inspectors current QLD State Government Inspectors Licence. If the inspector is unable to produce a current licence, **do not** engage their services.

Assessable Building Works.

If at the time of an inspection the pool barrier is assessed to be non compliant and a Form 26 Non Conformity Notice is issued. If the required rectification work is deemed to be under the provisions of the Act, Assessable Building Works; the Inspector is required by law to lodge the report with the local government

and the inspector will have no further dealings with any reinspection/issuing of a Pool Safety Certificate as this becomes the responsibility of local government and the pool owner. However the initial inspector can be engaged at a later date once the pool

is compliant to ensure the Pool Safety Certificate remains current.

State Govt. fees apply only at the point of issuing a Form 23 Pool Safety Certificate = \$30.00

(exempt of gst) The \$30.00 fee is charged by the QLD State Government to the inspector for the issuing of each individual Pool Safety certificate number. Not all pools can be issued a Pool Safety Certificate by the attending inspector therefore the Govt. fee is not built into the inspection service. Some Pools will require the attending Inspector (by law) to hand the issuing of a Certificate over to the local government Authority.

Buyer Beware

Not all pools can be issued a Pool Safety Certificate by the attending inspector. If an inspector builds the State Govt. fee (\$30.00) into their inspection price, you could be paying for something you may never receive from that inspector.

Pool Safety Inspection

(please tick)

Under the terms, conditions & pricing policy

Pool Owner declaration: I/We authorise SWA to complete Pool Safety Inspection or reinspection at my request and/or my appointed agents request under the terms, conditions & pricing of this agreement to my nominated address [see below] at my own expense.

Print Landlord Name

Signature

Day / Month / Year

Appointed Agency & Agent Name

Signature

Day / Month / Year

IMPORTANT: below details are required when booking an inspection

A. Where is the pool is located:

B. Can the pool be accessed without keys? Yes or No

Address: Suburb: P/C: Council Lot/s on plan

C. Type of pool: (circle more than one if applicable)

Shared	Outdoor	In Ground	Pool
Non Shared	Indoor	Above Ground	Spa

D. Approximate length of pool fence:

m

E. Number of pool gates/entry points:

(Eg: gates, doors (including sliding, garage), windows opening direct onto pool)

F. Reason for inspection:

(Circle appropriate reason)

Lease Sale Other

G. Date by when inspection

MUST be completed (for sale of property)

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