

POOLS AND FENCES

The State Government's pool safety laws have been implemented to reduce drowning and immersion injuries in swimming pools and spas, and apply across all Council Regions in Queensland.

All regulated pools and spas in Queensland must be registered with the Queensland Building and Construction Commission (QBCC).

This information sheet provides a brief guide to pool and spa regulations. Please refer to related websites for detailed standards and legislation.



Definition of swimming pool

The *Building Act 1975* defines a swimming pool as an excavation or structure:

- a. capable of being filled with water to a depth of 300mm or more; and
- b. capable of being used for swimming, bathing, wading, paddling or some other human aquatic activity; and
- c. solely or principally used, or designed, manufactured or adapted to be solely or principally used, for the purposes mentioned in paragraph (b) despite its current use;

and includes a spa pool, spa tub or similar thing (whether portable or fixed) and a wading pool (other than a portable wading pool), but does not include:

- d. a fish pond or pool solely or principally used, or designed, manufactured or adapted to be solely or principally used, for ornamental purposes;

- e. a dam or tank solely or principally used, or designed, manufactured or adapted to be solely or principally used, for aquaculture, marine research or storage of water;
- f. a watercourse;
- g. a portable wading pool;
- h. a spa bath situated in a bathroom, other than a spa bath continually filled with water to a depth of more than 300mm;
- i. a birthing pool used solely for waterbirths.

Owner responsibility

Pool safety laws require pool owners to construct and maintain a compliant fence around their swimming pool regardless of when the pool was installed.

If you have a swimming pool, you may be required to undertake work to achieve compliance with current pool safety standards. For example self-closing and self-latching doors from the dwelling used as a swimming pool barrier are no longer permitted.



Pool Fencing Regulations

There is now one pool safety standard for Queensland – The Queensland Development Code Mandatory Part 3.4. This code is to be read in conjunction with Australian Standard 1926.1, the *Building Act 1975* and *Building Regulation 2006*.

Some of the main requirements for pool fencing include:

- The pool fence shall be a permanent structure;
- The effective pool fence height shall be not less than 1200mm and shall include a continuous non-climbable zone;
- The maximum distance under the pool fence to the ground level is not to exceed 100mm;
- The maximum gap anywhere in the pool fence is not to exceed 100mm;
- All objects inside the pool fence that may provide footholds shall be moved a minimum of 300mm away from the fence;
- Pool gates need to open outwards away from the pool enclosure, and be self-closing and self-latching from all open positions;
- Direct access from a dwelling into a pool enclosure is not allowable. All entry to a pool must be through an approved pool gate;
- A building with windows that open more than 100mm directly into a pool enclosure must have a permanently fixed security screen fitted.

Above ground pools

The walls of an above ground pool may form part of a pool barrier if they are a minimum of 1200mm above ground level and the sides of the pool do not have any climbable objects as defined in the pool standard. A designated swimming pool access point must be provided including an enclosed pool compliant barrier with a compliant self-closing gate.

Portable (inflatable) wading pools

A portable wading pool or spa tub must comply with the following criteria not to require a complying pool fence:

- It must not be capable of being filled with water to a depth greater than 300mm; and
- Have a volume of no more than 2000 litres; and
- Have no filtration system.



Dividing fences

Often boundary fences form part of the pool barrier. In these cases the pool safety standard still applies to the part of the boundary fence being used as part of the pool barrier.

The wall of a common boundary may also be used as part of a pool barrier if it complies with the pool safety standard. Pool owners are encouraged to discuss the fencing work with their neighbours before making any decisions.

Part 2A of Chapter 8 of the *Building Act 1975* provides the regime for pool owners who propose to use or construct a fence on a common boundary as a pool barrier. This should be read in conjunction with the *Neighbourhood Disputes Resolution Act 2011*.

Safety signage

A current resuscitation sign must be displayed prominently in the pool area. See *Building Regulation 2006* for specifications.

Pool safety inspections and certificates

When selling or leasing a property with a pool or spa, a Pool Safety Certificate (Form 23) is required from a licensed pool safety inspector (fees apply).

A list of licensed pool safety inspectors can be found on the QBCC website.

Non-compliance

If a pool safety inspector determines that a pool fence does not comply, they must issue a Form 26-Pool Safety Non-Conformity Notice to the pool owner.

A Form 26 outlines the non-compliant items found and provides advice on how to rectify in order to meet compliant pool fence safety standards.

Related websites

Queensland Building and Construction Commission (QBCC) www.qbcc.qld.gov.au

Queensland Development Code (Mandatory Part 3.4) www.hpw.qld.gov.au

Guidelines for Pool Owners and Property Agents www.hpw.qld.gov.au/SiteCollectionDocuments

Worksafe Queensland www.worksafe.qld.gov.au

Neighbourhood Disputes Resolution www.qld.gov.au/law/housing-and-neighbours

Building Act 1975 and *Building Regulation 2006* www.legislation.qld.gov.au

