

POOL SAFETY NON-CONFORMITY NOTICE

EFFECTIVE SEPTEMBER 2021

Important information about this notice

1. To obtain a pool safety certificate:
 - » the action(s) in section 5 must be completed and
 - » a pool safety inspector must inspect the pool and be reasonably satisfied that the pool complies with the pool safety standard.

2. Pool safety inspectors and pool owners can carry out certain minor repairs, without a building development approval, to make a regulated pool comply with the pool safety standard.

A building development approval is required for more significant work (refer to schedule 4 of the Building Regulation 2021 or visit epw.qld.gov.au). Work valued at more than \$3,300 can generally only be carried out by a person suitably licensed by the Queensland Building and Construction Commission (QBCC).

3. The pool safety inspector must notify and provide a copy of this notice to the local government if the owner does not ask the pool safety inspector to reinspect the pool within three months after this notice is given .
The local government may take enforcement action, impose penalties or take other action.

4. It is an offence under the *Building Act 1975* for the owner to ask, within three months after this notice is given, a person other than the following to inspect the pool for the giving of a pool safety certificate:

- » if the owner initially asked that inspector to inspect the pool—the pool safety inspector named in this notice; or
- » if the owner initially asked the local government to inspect the pool—the local government.

Maximum fines of 50 penalty units apply for noncompliance. If the owner wishes to ask another person to inspect the pool within three months after this notice is given, they may make a written request to the QBCC. If the QBCC gives the owner a written notice agreeing to the request, the owner can then ask another person to reinspect the pool without committing an offence.

Written requests can be made to the
Queensland Building and Construction Commission at:

Post: GPO Box 5099, Brisbane QLD 4001
Email: poolssafety@qbcc.qld.gov.au

5. The owner may appeal the pool safety inspector's decision in this notice to a building and development dispute resolution committee under the *Planning Act 2016*.

The appeal must be made 20 business days after this notice is given. For further information about how to appeal, please contact the Development Tribunals, **Department of Energy and Public Works**.

Website: epw.qld.gov.au
Phone: 1800 804 833
Email: registrar@hpw.qld.gov.au
Post: GPO Box 2457, Brisbane QLD 4001

A pool safety certificate must be in effect BEFORE entering into any lease in relation to a property with a non-shared pool. For sales and leases of properties with shared pools a pool safety certificate must be in effect within 90 days after the sale or lease. Penalties apply for non-compliance.

