

# POOL SAFETY CHECKLIST FOR PROPERTY MANAGERS

Compliant pool barriers help save lives by preventing young children from accessing swimming pools. All pools, including spas and some portable pools, must comply with the pool safety standard. The standard applies to new and existing pools in houses, unit complexes, hotels, motels, backpacker accommodation, caravan parks and mobile van parks.

Only a pool safety inspector can issue a pool safety certificate, which certifies the pool was compliant on the date of inspection. The owner is responsible for ongoing pool safety compliance, which is where the property manager can assist. This checklist can help you when it comes to pool safety matters.

## What to look for when doing physical inspection

When inspecting a property where there is a pool, you should check:

- All climbable objects are at least 900mm away from the barrier on the outside.
- The pool gate must never be propped open.
- The pool gate self-closes and self-latches from every open position, without manual force.
- The pool gate should not swing inwards towards the pool.
- Make sure the pool fence measures up. The minimum height for a pool fence is 1200mm.
- Gaps under the fence are no more than 100mm high.
- A CPR sign is visible from the pool enclosure.

## What tenants need to know

When leasing a property with a pool, you must communicate to the tenant who is responsible for what, when it concerns pool safety matters.

## Who is responsible for compliance?

Responsibility for compliance with pool safety laws rests with the owner of the pool. Pool safety laws even apply to some portable swimming pools. If your portable pool can hold more than 300mm of water, it must be surrounded by a child-proof compliant barrier. Tenants who provide their own pool are legally responsible for its compliance.

## When does personal responsibility come into it?

Pool owners and tenants need to be aware that any person can be prosecuted and fined up to \$22,000 if they prop open a pool gate. The same penalty applies to any person who wilfully interferes with a barrier in a way that renders it non-compliant. The court can impose a fine of five times this amount for a corporation.

## Pool safety certificates

There should be a pool safety certificate in effect, before any new lease of a property with a non-shared pool. As a property manager, if you facilitate a lease without a pool safety certificate in place, you can face disciplinary action from your own industry regulator.

Tenants at properties with shared pools (for example, a residential unit complex) can expect to receive a copy of the certificate if there is one. If there isn't a pool safety certificate, the tenant can expect the landlord to provide a Notice of no certificate (form 36) about the new lease to them, the body corporate, and the Queensland Building and Construction Commission. On receipt of a form 36, the body corporate must get a new pool safety certificate within 90 days.

To learn more about pool safety and your legal obligations go to <https://www.qbcc.qld.gov.au/home-building-owners/pool-safety/overview>