

POOL SAFETY COUNCIL NEWS

Investigations

The Pool Safety Council (PSC) recently finalised three complaints about pool safety inspectors (PSIs). In these cases the PSC decided to impose a monetary fine on one PSI in the sum of \$400, suspend the licence of another PSI and found the complaint was unsubstantiated in the third case. The PSC would like to remind you that if a complaint is made about a PSI, the PSI will receive a letter advising them of the allegations and inviting a response.

Audits

Over 150 PSIs have now been audited and generally the standard of performance has been high.

Compulsory professional development

In October we will have the first PSI licences due for renewal. A number of enquiries have been received about professional development requirements when applying for renewal of licences. Section 246BN(3)(e) of the BA requires evidence of continuing professional development prescribed under a regulation. Currently no professional development requirements are prescribed under a regulation. Although the PSC encourages personal and professional development, there are currently no specific requirements that must be met for the purposes of renewing your PSI licence. When this changes you will be notified and allowed time to comply.

CPR signs

The PSC has received a number of telephone enquiries about the use of CPR signs. The matter was discussed at the recent PSC meeting. The PSC acknowledges that there have been changes to the Australian Resuscitation Council (ARC) guidelines, reversing the order of giving breaths and compressions during CPR.

The PSC continues to support and prefer the practice outlined in section 13A of the *Building Regulation 2006*. The PSC believes that [Guideline 7—cardiopulmonary resuscitation](#) published by the ARC in February 2006 provides guidelines specific to water incidents.

Pool safety register

The PSC has received feedback and suggestions for improving the pool safety register. In light of this feedback the PSC is improving various functions including some of the following:

- providing information that a PSI has commenced the inspection process for a particular property
- rectification of pool safety certificates issued between 1 December 2010 and 1 February 2011 (for shared pools) to show they are effective for two years
- to allow emails to be sent direct to PSIs advising them of the renewal date for their licence.

BUILDING CODES QUEENSLAND NEWS

Pool safety and the fire safety laws

Section 231C of the *Building Act 1975* (BA) outlines the functions of a pool safety inspector (PSI). These functions include inspecting a regulated pool to decide whether to give a certificate that states the pool is a complying pool. In deciding whether a regulated pool is a complying pool the PSI must ensure the requirements of the pool safety standard (QDC, part MP3.4 and Australian Standards 1926, parts 1 and 2) are met.

Pool owners must ensure that pool safety barriers are compliant with the pool safety standard without contravening fire safety laws. There will be some circumstances where the pool safety laws may impact upon fire safety measures, in particular, fire exits. In these cases, more detailed analysis is required to develop a solution that accommodates the separate laws. For example, if a fire exit for a building provides direct access to an outdoor pool area, a barrier may be required between the pool area and fire exit to satisfy the pool safety standard.

Fire doors and exits are clearly marked in accordance with the Building Code of Australia. Under no circumstances should a fire door or exit be locked or blocked in order to meet the pool safety requirements. If a PSI is unsure whether the pool safety requirements will interfere with fire safety measures in particular instances, they should contact a building certifier for specific advice.

In certain cases where it is impossible to meet the requirements of both the pool safety laws and the fire safety laws, s245 of the BA enables a pool owner to make an application for an exemption from a part of the pool safety standard, to their local government on the basis of impracticality, and request an exemption from a particular part of the pool safety standards.

Notice of no pool safety certificate (form 36)

The Department of Local Government and Planning has commenced issuing infringement notices to pool owners who have failed to obtain a pool safety certificate within 90 days of settlement, after the sale of a property. PSC staff have received a number of calls where the pool owner alleges their PSI has advised them they have 90 days from the issue of a nonconformity notice (form 26), to obtain a pool safety certificate.

There are two separate issues in this situation that PSI's should communicate to the pool owner. If the property has recently been sold and the pool does not have a pool safety certificate by date of settlement, the purchaser has 90 days to ensure a pool safety certificate is obtained. There is no flexibility with this 90 days and the issue of a form 26 will not extend this time frame.

Issuing a form 26 will give the pool owner three months (reinspection period) to ask the PSI to reinspect the pool. This is a separate matter to the purchaser who had the 90 days from date of settlement.

Indemnity insurance

There have recently been some enquiries from PSI's about professional indemnity requirements, including where multiple people are included on a single policy. Section 16B of the Building Regulation 2006 (the Regulation) states that a PSI must have 'a minimum limit of indemnity of \$1 million during one period of insurance that may arise from the performance by the PSI of a pool safety inspection function'. The department will be checking policies at the time of renewal to ensure strict compliance with this provision.

INDUSTRY NEWS

Professional associations

The Australian Institute of Building Surveyors (AIBS) have recently decided to establish a separate branch of affiliate members for PSI's. For further enquiries contact the branch's office on 07 3891 5855.

Another association has been registered called the 'Association of Pool Safety Inspectors'. Expressions of interest can be sent to apsi.apsi@optusnet.com.au

Training

Two additional course providers have been approved by the PSC. These providers are the Melbourne City Institute of Education and National Swimming Pool Institute (NSPI). Full details of these providers can be found at www.dlgp.qld.gov.au/pool-safety/pool-safety-inspection-system.html

NSPI has commenced training for strength and rigidity testing of fences. This course has not been approved through the PSC, however may assist PSIs in the performance of their functions.

Review of Australian Standards

The Australian Standards Committee is currently reviewing 1926.1 and 1926.2 of 2007. In the near future there may be changes to the Australian Standards however, this will not impact on your functions or the standard you apply when inspecting a pool barrier for compliance against the pool safety standard.

PSIs are reminded that pursuant to section 231D of the BA, the pool safety standard consists of the Queensland Development Code (QDC), part MP 3.4. The QDC incorporates the Australian Standards, however mentions an actual version of the Australian Standard which includes the current parts. Therefore unless the QDC is amended the current standard will apply in Queensland.

LATEST POOL FIGURES

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| Registered pools | 292 000 |
| Licensed pool safety inspectors | 1 149 |
| Pool safety certificates | 25 566 |

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