



Form 26—Pool safety nonconformity notice

Privacy Statement: The Department of Housing and Public Works on behalf of the Pool Safety Council is collecting personal information as required under the *Building Act 1975*. This information may be stored by the Pool Safety Council, and will be used for administration, compliance, statistical research and evaluation of pool safety laws. Your personal information will be disclosed to other government agencies, local government authorities and third parties for purposes relating to administering and monitoring compliance with the *Building Act 1975*. Personal information will otherwise only be disclosed to third parties with your consent or unless authorised or required by law.

RTI: The information collected on this form will be retained as required by the *Public Records Act 2002* and other relevant Acts and regulations, and is subject to the Right to Information regime established by the *Right to Information Act 2009*.

This form may be used for the purposes of section 246AB of the *Building Act 1975*.

1. Pool owner/s _____

For a shared pool the owner is usually the body corporate.

Owner/s name:

2. Location of the swimming pool _____

Lot on plan details are usually shown on title documents and rates notices.

Street address

Suburb

State

Postcode

Lot/s on plan: (include all lots if the pool spans lot boundaries)

Local Government area:

3. Shared pool or non-shared pool (please insert an X in the relevant box) _____

Shared pool

Non-shared pool

4. How is the pool not a complying pool _____

Provide a brief description of how the pool does not comply with the pool safety standard - use attachments if required.

Description

5. Action required to make the pool a complying pool

Briefly describe what must be done to make the pool comply with the pool safety standard - use attachments if required.

Description

6. Date of pool inspection

/ /

7. Statement

Having inspected the swimming pool, I am not satisfied the pool is a complying pool under the *Building Act 1975* for the reasons stated in section 4 above.

Name

Pool safety inspector licence number

Signature

Date

/ /

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 2B and 2C of the *Building Regulation 2006* or visit www.hpw.qld.gov.au). Work valued at more than \$3300 can generally only be carried out by a person suitably licensed by the Queensland Building Services Authority.

3. The pool safety inspector must notify 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.

Penalties of up to \$5500 apply for non-compliance. 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 Pool Safety Council. If the Pool Safety Council 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 Pool Safety Council at:
Post: GPO Box 907, Brisbane QLD 4001 **Phone:** 1800 340 634 **Fax:** +61 7 3237 1248 **Email:** psc@qld.gov.au

5. The owner may appeal the pool safety inspector's decision in this notice to a building and development committee under the *Sustainable Planning Act 2009*. The appeal must be made 20 business days after this notice is given. For further information about how to appeal, please contact the Building and Development Dispute Resolution Committees at:
Website: www.hpw.qld.gov.au **Phone:** +61 7 3237 0403 **Fax:** +61 7 3237 1248 **Email:** registrar@qld.gov.au **Post:** GPO Box 2457, Brisbane QLD 4001

6. 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.