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# Q&S CONVEYANCING UPDATE

ISSUE 41, 8 MARCH 2010

## QUEENSLAND SWIMMING POOL SAFETY

On 14 December 2008, Premier Anna Bligh announced a comprehensive review of Queensland's swimming pool safety laws.

The review incorporated the establishment of a Swimming Pool Safety Review Committee comprising various experts from state and local government, industry and child and water safety groups.

Following this review the Committee made 23 recommendations for improving Queensland's swimming pool safety laws. The report was released on 26 April 2009 for a six-week public consultation period, concluding on 5 June 2009.

The recommendations included (among others):

- replacing the 11 different sets of safety standards which then were in place with a single State based law to reduce confusion and promote uniformity;
- the capacity for local government to create local laws for swimming pool safety should be narrowed so that local laws do not apply to swimming pools covered by the state law;
- broadening the application of state pool fencing laws;
- building certifiers being required to undertake an inspection of the pool and pool fence within a set time frame after giving a building approval for a swimming pool;
- building certifiers having capacity to issue show cause and enforcement notices for pool safety law breaches;
- local governments being required to develop a register of swimming pools in their area.
- CPR signage around swimming pools to reflect the current CPR method that the Australian Resuscitation Council adopts.

Of particular interest to real estate agents, managing agents and body corporate managers is the recommendation for a mandatory point of sale and lease inspection system, namely where:

- a property has a pool, the owner (Seller or Lessor) must obtain a pool safety inspection and certificate before selling or leasing the property;
- the said property is a unit, apartment or townhouse in a community titles scheme with shared pool facilities, the body corporate will be responsible for obtaining the compliance inspection and giving a copy of the certificate to the Seller or Lessor within the complex.

**Offices at:**

**Brisbane**  
Level 28 Central Plaza One  
345 Queen Street  
Brisbane

**Beenleigh**  
99 George Street  
Beenleigh

**Caboolture**  
9 Elliott Street  
Corner Morayfield Road  
Caboolture

**Cleveland**  
141 Shore Street West  
Cleveland

**South Port**  
64 Marine Parade  
Southport

**Mermaid Beach**  
1/2406 Gold Coast Hwy  
Mermaid Beach

**Ipswich**  
55 Limestone Street  
Ipswich

**Telephone**  
Freecall 1800 652 969

mail@quinnscattini.com.au  
www.quinnscattini.com.au





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The Committee recommended a two stage process.

The stage 1 raft of recommendations will commence on 01 December 2009.

The stage 2 raft of recommendations will commence on 01 December 2010.

The mandatory point of sale and lease inspection system as highlighted above will form part of the stage 2 implementation.

No doubt further announcements will be made by the State government in due course regarding the mandatory point of sale and lease inspection system. In the interim, we suggest real estate agents, managing agents and body corporate managers familiarise themselves with stage 1 of Queensland's new swimming pool safety laws and ready themselves for the stage 2 implementation.

Penalties for non-compliant pool fencing will remain as they are, ranging from a \$500 on the spot fine, to a \$16,500 penalty imposed by the courts.

Members of our property law and conveyancing teams can assist with ensuring Contracts contain appropriate special conditions where the property sold includes a swimming pool.

### Raymond Duffy, Associate, Quinn & Scattini Lawyers

If you would like to ask any question about this or any other similar issue Raymond may be contacted on 5499 3622 between 8.00am to 5.30pm Monday to Friday or email [rduffy@quinnscattini.com.au](mailto:rduffy@quinnscattini.com.au)

This update is for your information and interest only. It is not intended to be comprehensive, and it **does not constitute and must not be relied on as legal advice**. You must seek specific advice tailored to your circumstances.

*In addition to Residential and Commercial Conveyancing Services, our team of experienced lawyers practice in Business Law, Commercial Litigation, Property Law, Wills & Estates, Criminal Law and Family Law.*

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