

Swimming Pools & Spas

FACTSHEET

Pool safety laws have been implemented by the State Government to reduce drowning and immersion injuries in swimming pools and spas. The laws apply across all Council regions in Queensland.

Laws

Queensland State Government laws affect new and existing pools. All pools and spas in Queensland must be registered with the Queensland Building and Construction Commission (QBCC) in the Pool Safety Register –

<https://www.qbcc.qld.gov.au/your-property/swimming-pools/register-pool>



New Swimming Pools and Spas

All new swimming pools and spas require building approval from a Private Building Certifier.

The Private Building Certifier who issues the building approval must inspect and certify the pool safety barrier, and the pool must not be filled to a depth of 300 mm or more until a satisfactory inspection is carried out and a Final Inspection Certificate ([Form 17](#)) has been issued by the Certifier.

Before purchasing a swimming pool, including a portable pool or spa, you should ensure that you are aware of pool fencing requirements.

Existing Swimming Pools and Spas

When selling or leasing a property that contains a pool, a Pool Safety Certificate (Form 23) is required from a licensed pool safety inspector – fees apply.

Information on inspection and certification of pools, including a list of pool safety inspectors is provided by the QBCC website:

<https://www.qbcc.qld.gov.au/your-property/swimming-pools/inspect-certify-pool>

Please note that if you are not selling or leasing your house, a pool safety certificate is not required.

For recently built pools, a Final Inspection Certificate ([Form 17](#)) issued by the Building Certifier can be used as a pool safety certificate for two years (one year for shared pools, such as in a multi-unit accommodation building).

Fencing Requirements

There is now one pool safety standard for Queensland, the Queensland Development Code Mandatory Part 3.4 (QDC MP3.4). A copy of which can be obtained from

www.hpw.qld.gov.au/SiteCollectionDocuments/QDCMP3.4SwimmingPoolBarriers.pdf

This Code is to be read in conjunction with Australian Standard 1926.1.



Frequently Asked Questions

Council has compiled some frequently asked questions which may assist you to ensure that your swimming pool or spa complies with current standards.

Q. What is the definition of a swimming pool?

A. The *Building Act 1975* defines a “swimming pool” as an excavation or structure:

- (a) Capable of being filled with water to a depth of 300mm or more; and
- (b) Capable of being used for swimming, bathing, wading, paddling or some other human aquatic activity; and
- (c) Solely or principally used or designed, manufactured or adapted to be solely or principally used, for the purposes mentioned in (b), despite its current use.

The swimming pool definition also includes spa pools, spa tubs or similar (whether portable or fixed) and a wading pool (other than a portable wading pool), but does not include—

- (d) a fish pond or pool solely or principally used, or designed, manufactured or adapted to be solely or principally used, for ornamental purposes; or
- (e) a dam or tank solely or principally used, or designed, manufactured or adapted to be solely or principally used, for aquaculture, marine research or storage of water; or
- (f) a watercourse; or
- (g) a portable wading pool; or
- (h) a spa bath situated in a bathroom, other than a spa bath continually filled with water to a depth of more than 300mm; or
- (i) a birthing pool used solely for waterbirths.

Please Note: if a structure meets the definition of a “swimming pool”, a compliant pool safety barrier must be erected in accordance with a development approval for building works, and a [Form 17](#) Final Certificate must be issued by a Building Certifier prior to filling the pool to a depth greater than 300mm.

Q. What are the pool fence specifications?

A. For further information and downloadable guidelines / checklists pertaining to pools, spas and pool fencing standards visit the QBCC website:

<https://www.qbcc.qld.gov.au/your-property/swimming-pools/pool-safety-standard>

Q. Does an above-ground swimming pool or spa require a fence?

A. Yes. The sides of your above-ground pool or spa can be used as part of the fence if they are:

- at least 1200mm high
- non-climbable on the outside with no bracing or supports within the [non-climbable zone](#).

You must have a designated access point (such as a ladder) and this must be surrounded by a permanent fence and gate that complies with the pool safety standard.

Q. What size portable (inflatable) wading pool does **not** require a building approval and pool fence?

A. A portable wading pool must meet [all 3](#) of the following criteria so as not to require a building approval or a complying fence:

- (a) It must not be capable of being filled with water to a depth of more than 300 mm; and
- (b) It must have a volume of no more than 2000 Litres; and
- (c) It must have no filtration system.

Q. How do I know if my pool is compliant?

A. **Step 1** – contact Council to check records for any existing development approval permits by phoning 1300 79 49 29.

Step 2 – refer to guidelines for [Pool Owners and Property Agents QDC MP3.4](#).

Step 3 – complete a free self-assessment using the [QBCC’s simple checklist](#).

Step 4 – engage the services of a suitably qualified pool safety inspector to advise you on pool compliance.