

# Swimming Pools and Spas



## Introduction

The State Government's pool safety laws have been implemented to reduce drowning and immersion injuries in swimming pools and spas, and apply across all Council Regions in Queensland.

All pools and spas in Queensland must be registered with the Queensland Building and Construction Commission (QBCC).

This information sheet provides a brief guide to Pool & Spa regulations. Please refer to related websites for detailed standards and legislation.

## Owner Responsibility

Pool safety laws require pool owners to construct and maintain a compliant fence around their swimming pool regardless of when the pool was installed.

If you have a swimming pool, you may be required to undertake work to achieve compliance with current pool safety standards. For example self-closing and self-latching doors from the dwelling used as a swimming pool barrier are no longer permitted.

## Definition of Swimming Pool

*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 paragraph (b) despite its current use;

and includes a spa pool, spa tub or similar thing (whether portable or fixed) and a wading pool (other than a portable wading pool), but does not include -

- a) a fish pond or pool solely or principally used, or designed, manufactured or adapted to be solely or principally used, for ornamental purposes; or
- b) 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
- c) a watercourse; or
- d) a portable wading pool; or
- e) a spa bath situated in a bathroom, other than a spa bath continually filled with water to a depth of more than 300mm; or
- f) a birthing pool used solely for waterbirths.

## Pool Fencing Regulations

There is now one pool safety standard for Queensland – The Queensland Development Code Mandatory Part 3.4.

This code is to be read in conjunction with Australian Standard 1926.1, Building Regulation 2021 and the Building Act 1975.

Some of the main requirements for pool fencing include:

- The pool fence shall be a permanent structure.
- The effective pool fence height shall be not less than 1200mm and shall include a continuous non-climbable zone.
- The maximum distance under the pool fence to the ground level is not to exceed 100mm.
- The minimum gap anywhere in the pool fence is not to exceed 100mm.
- All objects inside the pool fence that may provide footholds shall be moved a minimum of 300mm away from the fence.
- Pool gates need to open outwards away from the pool enclosure, and be self-closing and self-latching from all open positions.
- Direct access from a dwelling into a pool enclosure is not allowable. All entry to a pool must be through an approved pool gate.
- A building with windows that open more than 100mm directly into a pool enclosure must have a permanently fixed security screen fitted.

## Above Ground Pool

The walls of an above ground pool may form part of a pool barrier if they are a minimum of 1200mm above ground level and the sides of the pool do not have any climbable objects as defined in the pool standard. A designated swimming pool access point must be provided including an enclosed barrier with a compliant self-closing gate

## Portable (inflatable) Wading Pools

A portable wading pool or spa tub must comply with the following criteria not to require a complying pool fence:

1. It must not be capable of being filled with water to a depth greater than 300mm; and
2. has a volume of no more than 2000 Litres; and
3. Has no filtration system.

## Resorts, Hotels and Motels

All resorts, hotels, motels and caravan parks and other buildings providing short-term accommodation must comply with the pool safety standard.

## Public Spa Pool Safety

Worksafe Queensland outlines guidelines for management of risks associated with Spa Pools to alert obligation holders to the risk of entrapment and other hazards associated with spa pools.

To prevent tragic incidents employers and other obligation holders should:

- Ensure water velocities, outlet systems, outlet point covers and drain covers comply with Australian standard 1926.3.
- Measure pipe flow velocities immediately after installation and at regular intervals.
- Advise users against the practice of placing one's head below the water.
- Regularly check for obstructions of pipes.
- Consider suction cover design in regards to how it effects flow velocity and hair entanglement.
- Install an emergency stop switch controlling all spa pool pumps, blowers and heaters in vicinity of the spa pool area, in accordance with AS 2610.0.
- Install an alarm device so that on activation of the emergency stop switch, the alarm device sounds continuously and is audible in the main public area of the building in which the spa pool is situated.

The above actions should be conducted by competent persons such as trained workers, maintenance contractors or other competent persons.

It is also recommended that the following be managed in accordance with Australian Standard AS 2610.1 –

- Depth markings
- Points of entry and exit
- Surfaces, edges and protrusions
- Signage
- Safety rules
- Maintenance of spa pool and water quality

In addition manufacturers guidelines and procedures should be followed

## Dividing Fences

Often boundary fences form part of the pool barrier. In these cases the pool safety standard still applies to the part of the boundary fence being used as part of the pool barrier.

The wall of a common boundary may also be used as part of a pool barrier if it complies with the pool safety standard. Pool owners are encouraged to discuss the fencing work with their neighbours before making any decisions

Part 2A of chapter 8 of the Building Act provides the regime for pool owners who propose to use or construct a fence on a common boundary as a pool barrier. This should be read in conjunction with the Neighbourhood (Dividing Fences and Trees) Act 2011.

## Safety Signage

A current resuscitation sign must be displayed prominently in the pool area. See Building Regulation 2021 for specifications.

## Pool Safety Inspections and Certificates

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

A list of licensed pool safety inspectors can be found on the QBCC website.

## Non- Compliance

If a pool safety inspector determines that a pool fence does not comply, they must issue a Form 26-Pool Safety Non-Conformity Notice to the pool owner.

A Form 26 outlines the non-compliant items found and provides advice on how to rectify in order to meet compliant pool fence safety standards.

## Related Websites

QBCC – Qld Building and Construction Commission  
<http://www.qbcc.qld.gov.au/>

QDCMP3.4 – Queensland Development Code MP3.4

<http://www.hpw.qld.gov.au/SiteCollectionDocumen%20ts/QDCMP3.4SwimmingPoolBarriers.pdf>

Guidelines For Pool Owners & Property Agents  
<http://www.hpw.qld.gov.au/SiteCollectionDocumen%20ts/GuidelinesForPoolOwnersAndPropertyAgents.pdf>

Worksafe Queensland  
<https://www.worksafe.qld.gov.au/news-and-events/alerts/workplace-health-and-safety-alerts/2006/public-spa-pools>

Building Regulation 2021  
<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2021-0126>