

### POOL SAFETY NON-CONFORMITY NOTICE

#### **EFFECTIVE SEPTEMBER 2021**

#### 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 4 of the Building Regulation 2021 or visit epw.qld.gov.au). Work valued at more than \$3,300 can generally only be carried out by a person suitably licensed by the Queensland Building and Construction Commission (QBCC).

- 3. The pool safety inspector must notify and provide a copy of this notice to 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.

Maximum fines of 50 penalty units apply for noncompliance. 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 QBCC. If the QBCC 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 Queensland Building and Construction Commission at:

Post: GPO Box 5099, Brisbane QLD 4001 Email: poolsafety@qbcc.qld.gov.au 5. The owner may appeal the pool safety inspector's decision in this notice to a building and development dispute resolution committee under the *Planning Act 2016*.

The appeal must be made 20 business days after this notice is given. For further information about how to appeal, please contact the Development Tribunals, **Department of Energy and Public Works**.

Website: epw.qld.gov.au Phone: 1800 804 833

Email: registrar@hpw.qld.gov.au Post: GPO Box 2457, Brisbane QLD 4001

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.



## FORM 26 POOL SAFETY NONCONFORMITY NOTICE

#### **GOVERNING LEGISLATION**

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

#### **IMPORTANT**

The pool owner is responsible for ensuring the barrier is compliant with the pool safety standard at all times, even after receiving this Form 26. Failing to do so can result in penalties.

#### **COMPLETING THIS FORM**

- Use BLACK pen only
- Print clearly in BLOCK LETTERS
- DO NOT use correction fluid any amendments should be crossed out and initialled
- Please complete all fields.

1. POOL OWN	<b>ER/S</b> (For a share	ed pool the own	er is usually th	ne body cor	porate)									
Owner's full														
name														
2. LOCATION OF THE SWIMMING POOL														
	etails are usually s	hown on title d	ocuments and	I rates notic	es.			T						
Street address														
Suburb							F	Postcode						
Lot details				Plan d	letails									
Local Government														
Area														
3 SHARED PO	OOL OR NON-SHA	RED POOL												
			a a l											
Shared p	3001	Non-shared po	001											
4 HOW IS TH	F POOL NOT A CO	MPI YING POO	ı											
<ul><li>4. HOW IS THE POOL NOT A COMPLYING POOL</li><li>Provide a brief description of how the pool does not comply with the pool safety standard - use attachments if required.</li></ul>														
055105	CRN				Licen	ice number								
OFFICE USE ONLY	Receipt amount					ipt amount								
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SBF26\_v11\_09/21 Page 2 of 3



# FORM 26 POOL SAFETY NONCONFORMITY NOTICE

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SBF26\_v11\_09/21 Page 3 of 3