

# Notice of no pool safety certificate

# 36

Version 2 effective 18 October 2011

This form is to be used for the purposes of sections 246ATF(b), (c) and 246ATI of the *Building Act 1975* and section 16(2) of the *Building Regulation 2006*.

The owner must complete this form when selling or entering into a accommodation agreement (e.g. lease) for a premises with a regulated pool if a pool safety certificate is not in effect for the pool.

This form cannot be used for an accommodation agreement for a premises with a non-shared pool (e.g. house) or a shared pool used for short-term accommodation (e.g. hotel, motel). For these premises, a pool safety certificate is required before an accommodation agreement can be entered into.

This form only needs to be completed once, unless the required information changes after the form is completed.

## 1 Property owner/s

(e.g. seller, lessor, hotel owner)

Name of owner/s

Preferred contact details of owner:

Name of purchaser/s:

(If applicable)

Preferred contact details of purchaser/s:

## 2. Location of the swimming pool

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

**Street address:** (include number, street, suburb/locality and postcode)

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

**Local government area:**

## 3. Shared or non-shared pool (please tick)

- Non-shared pool - go to section 4**  
(e.g. house)
- Shared pool for short-term accommodation - go to section 4**  
(e.g. hotel, motel, backpackers hostel)
- Other shared pool - go to section 5**  
(e.g. body corporate pool in a unit complex)

#### 4. Non-shared pool or shared pool used for short-term accommodation owner and purchaser notice

If no pool safety certificate is in effect for the pool at settlement, the purchaser and owner are notified that:

- the pool may not comply with the pool safety laws and may pose a safety risk to young children
- the pool owner must ensure the pool complies with the pool safety standard and obtain a pool safety certificate for the pool from a licensed pool safety inspector within 90 days of the settlement
- the pool owner must not enter into an accommodation agreement (e.g. a lease) for the property until the pool complies with the pool safety standard and a pool safety certificate is in effect for the pool
- the pool owner may incur costs in ensuring the pool complies with the pool safety standard and obtaining a pool safety certificate for the pool
- the pool owner may commit an offence if they do not comply with their pool safety obligations, with penalties of up to \$16,500 for individuals or \$82,500 for corporations
- the pool owner must ensure the pool complies with the previous pool safety laws applicable to the pool until a pool safety certificate is obtained for the pool within 90 days of the settlement

Go to section 6.

#### 5. Shared pool owner, purchaser and occupier notice

If no pool safety certificate is in effect for the pool at settlement or the date an accommodation agreement is entered into, the shared pool owner (e.g. body corporate), purchaser and occupier are notified that:

- the pool may not comply with the pool safety laws and may pose a safety risk to young children;
- the pool owner must ensure the pool complies with the pool safety standard and obtain a pool safety certificate for the pool from a licensed pool safety inspector by 30 November 2012
- the pool owner and purchaser may incur costs in ensuring the pool complies with the pool safety standard and obtaining a pool safety certificate for the pool;
- the pool owner may commit an offence if they do not comply with their pool safety obligations, with penalties of up to \$16,500 for individuals or \$82,500 for corporations; and
- the pool owner must ensure the pool complies with the previous pool safety laws applicable to the pool until a pool safety certificate is obtained for the pool by the required date.

#### 6. Proposed date of settlement or accommodation agreement

Date can be amended and initialled by the owner if the settlement or accommodation agreement date changes after this form is completed.

Date:

#### 7. Property owner's statement

It is recommended that the property owner/s keep a record of giving this form to the required parties.

I declare that the information provided in this form is true and correct to the best of my knowledge; there is no pool safety certificate in effect for the pool; and I will give this form to the required parties in accordance with the *Building Act 1975*.

Name of owner/s:

Signature/s:

Date:

**If no pool safety certificate is in effect for the pool, the property owner must give a copy of this notice to:**

- before entering a contract of sale of the premises
  - **the prospective purchaser**
- before settlement of a contract of sale for the premises
  - **the purchaser; and**
  - **the Department of Local Government and Planning; and**
  - **for shared pools, the pool owner (e.g. body corporate)**
- before entering into an accommodation agreement (shared pools not used for short-term accommodation only)
  - **the person who will be the occupier under the accommodation agreement and**
  - **the Department of Local Government and Planning; and**
  - **the pool owner (e.g. body corporate)**

**Penalties of up to \$16,500 for individuals or \$82,500 for corporations apply for noncompliance.**

**Attn: Building Codes Queensland**

**Department of Local Government and Planning**

**Post:** PO Box 15009 City East Qld 4002 Australia

**tel:** +61 7 3239 6369

**Deliver:** Ground floor 63 George Street Brisbane Qld 4000

**fax:** +61 7 3237 1248

(Office hours: 8:30 am-4:30 pm Monday-Friday)

**email:** [buildingcodes@dlgp.qld.gov.au](mailto:buildingcodes@dlgp.qld.gov.au)

**Privacy statement:** The information on this form is collected as required under the *Building Act 1975* (the Act). This information may be stored in the Local Government database and will be used for compliance, statistical research, information provision and evaluation of the pool safety laws.

Your personal information may be disclosed to other government agencies, local government authorities and third parties for purposes related to the pool safety program or monitoring compliance with the Act. Except in these circumstances, personal information will only be disclosed to third parties with your consent or in accordance with the *Information Privacy Act 2009*.

**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*.