



FORM 26
POOL SAFETY
NONCONFORMITY NOTICE

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.

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

1. POOL OWNER/S For a shared pool the owner is usually the body corporate.

Owner/s name [text box]

2. LOCATION OF THE SWIMMING POOL Lot on plan details are usually shown on title documents and rates notices.

Street Address [grid]
Suburb [grid]
State [text box] Postcode [grid]

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

[text box]

Local Government area:

[text box]

3. SHARED POOL OR NON-SHARED POOL (please insert an X in the relevant box)

[checkbox] Shared pool [checkbox] Non-shared pool

4. HOW IS THE POOL NOT A COMPLYING POOL

Provide a brief description of how the pool does not comply with the pool safety standard - use attachments if required.

[grid for description]

OFFICE ONLY CRN: Licence No:
Receipt Amount \$ Receipt No:

5. ACTION REQUIRED TO MAKE THE POOL A COMPLYING POOL

Briefly describe what must be done to make the pool comply with the pool safety standard - use attachments if required.

6. DATE OF POOL INSPECTION

D	D	/	M	M	/	Y	Y	Y	Y
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7. STATEMENT

Having inspected the swimming pool, I am not satisfied the pool is a complying pool under the *Building Act 1975* for the reasons stated in section 4 above.

Name

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Pool safety inspector licence number

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Signature

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Date

D	D	/	M	M	/	Y	Y	Y	Y
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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 2B and 2C of the *Building Regulation 2006* or visit www.hpw.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 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 **Fax:** +61 7 3225 2999 **Email:** poolssafety@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 *Sustainable Planning Act 2009*. The appeal must be made 20 business days after this notice is given. For further information about how to appeal, please contact the Building and Development Dispute Resolution Committees, Department of Housing and Public Works.

Website: www.hpw.qld.gov.au **Phone:** 1800 804 833 **Fax:** +61 7 3237 1248 **Email:** registrar@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.

PRIVACY STATEMENT: The information on this form is collected as required under the *Building Act 1975*. 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.

- Information collected may be requested by government agencies which have certain powers to request this information or disclosed by order of a court or tribunal of competent jurisdiction.
- All information held by the QBCC may be subject to application for access under the *Right to Information Act 2009*. Information may be released in accordance with the *Right to Information Act 2009* and QBCC's Right to Information Policy.