



# Queensland Building and Construction Commission Form 36—Notice of no pool safety certificate

**Privacy statement:** The information collected on this form may be stored by the UOOO, and will be used for administration, compliance, statistical research and evaluation of pool safety laws. Your personal information will be disclosed to other government agencies, local government authorities and third parties for purposes relating to administering and monitoring compliance with the *Building Act 1975*. Personal information will otherwise only be disclosed to third parties with your consent or unless authorised or required by law.

**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*.

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 if a pool safety certificate is not in effect for the pool when:

- selling a premises with a regulated pool or
- entering into an accommodation agreement (e.g. lease) for premises associated with a shared pool.

N.B. This form *cannot* be used for an accommodation agreement for premises with a non-shared pool (e.g. a private pool). For such 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

(For example, the seller, lessor, hotel owner)

Title	First name	Middle name	Last name
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Preferred contact details of owner

Name of purchaser/s (if applicable)

Title	First name	Middle name	Last name
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Preferred contact details of owner

## 2. Location of the swimming pool

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

Street address

Suburb	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>

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)       Sale       Lease

#### 4. Non-shared pool - purchaser notice

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If no pool safety certificate is in effect for the pool at settlement, you 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 owner of a non-shared pool 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 commits an offence if they do not comply with their pool safety obligations, with penalties of up to 165 penalty units
- 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

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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 (unless the shared pool is used with short-term accommodation only)\* 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 or the date the accommodation agreement is entered into.
- 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 165 penalty units
- 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.

\*If the shared pool is used in association with short-term accommodation only, then only the pool owner and the purchaser are required to be notified.

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

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

Date

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#### 7. Property owner's statement

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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

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Signature/s

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Date

/      /
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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 QBCC
  - for shared pools, the pool owner (e.g. body corporate)
- before entering into an accommodation agreement (shared pools only)
  - the person who will be the occupier under the accommodation agreement (only for shared pools not used for short-term accommodation) and
  - the QBCC
  - the pool owner (e.g. body corporate).

**Queensland Building and Construction Commission**

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Penalties of up to 165 penalty units apply for noncompliance.