

Building (Swimming Pool Safety–CPR Signs) Amendment Regulation 2016

Explanatory notes for SL 2016 No. 192

made under the

Building Act 1975

General Outline

Short title

Building (Swimming Pool Safety–CPR Signs) Amendment Regulation 2016.

Authorising law

Sections 231D(1)(b), 231D(2)(a) and 261 of the *Building Act 1975*

Policy objectives and the reasons for them

Summary

The objectives of the *Building (Swimming Pool Safety–CPR Signs) Amendment Regulation 2016* (BA Regulation) are to:

1. reference the version of the Australian Resuscitation Council (ARC) guideline, that is Guideline 8, with which cardiopulmonary resuscitation (CPR) signs must comply
2. allow current pool owners to continue to display their current CPR sign until such time as the sign becomes illegible
3. require that pool fences constructed after 1 January 2017 or if a sign is being replaced, display a CPR sign that is compliant with ARC Guideline 8.
4. allow owners of existing and new pools who are replacing / installing a CPR sign prior to 1 January 2017 to display a CPR sign which complies with either ARC Guideline 7 or 8.

Background

Pool safety laws in Queensland are aimed at saving the lives of young children and are given effect via the *Building Act 1975* (Building Act). Under the Building Act, pool owners must comply with the pool safety standard which is defined as the Queensland Development Code, part MP3.4 and any other standard prescribed under a regulation, which can include the form of a resuscitation sign and the way it must be displayed.

The *Building Regulation 2006* (Building Regulation) requires a cardiopulmonary resuscitation (CPR) sign to be displayed near a regulated pool. Under the Building Regulation, the sign must show information about the procedures for providing first aid, including performing CPR in the way stated in the document called ‘Guideline 7 – cardiopulmonary resuscitation’ published by the Australian Resuscitation Council (ARC) in February 2006. This guideline provides that breaths must precede compressions.

Guideline 7 was the current ARC guideline when the current pool safety standard commenced on 1 December 2010. The amendment will reference the current ARC guideline, Guideline 8.

Achievement of policy objectives

The BA Regulation will require that pool fences constructed after 1 January 2017 or if a sign is being replaced, display a CPR sign that is compliant with ARC Guideline 8.

The BA Regulation will include a transitional provision to allow current pool owners to display their existing Guideline 7 compliant CPR sign until the sign becomes illegible, at which time they will be required to update to a new sign complying with Guideline 8.

The transitional provision also allows owners of existing and new pools who are replacing / installing a sign between the date the amendment to the Building Regulation commences and 1 January 2017 to use a sign complying with either Guideline 7 or 8. This will provide pool and spa shops with time to exhaust their existing Guideline 7 compliant signs while new stock of Guideline 8 compliant signs is acquired. It will also afford pool owners greater choice should their local pool shop only stock a Guideline 7 or Guideline 8 compliant sign in the transitional period.

Consistency with policy objectives of authorising law

The BA Regulation is consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The BA Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

No administrative costs will be associated with implementing the BA Regulation.

Providing the Building Regulation with an appropriate transitional provisions will allow retailers sufficient time to deplete any stock of CPR signs that are compliant with Guideline 7 and minimise any financial losses. The transitional provisions will also reduce costs to current pool owners by allowing them to display a CPR sign compliant with either Guideline 7 or Guideline 8 until such time as the sign becomes illegible.

Consistency with fundamental legislative principles

The approach taken is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

Key industry bodies and stakeholders such as pool and spa companies were consulted on the proposed amendments. All parties consulted supported the proposed amendments.