



THE SERIOUS STUFF

INVESTMENT PROPERTY COMPLIANCE

RCDs, SMOKE ALARMS, SECURITY,
BLIND CORDS, POOLS AND SPAS





Residual current devices (RCDs)

All home sellers and landlords must ensure that RCDs are installed in accordance with the Wiring Rules to protect all power points and lighting circuits.

RCDs save lives

RCDs cut the electricity supply instantly if a person touches a live part and receives a shock. By installing two or more RCDs, the property's circuits can be divided evenly between them, ensuring some light and power remains if one RCD operates. Multiple RCDs also avoid nuisance operation caused by appliances with low-level leakage currents. All properties constructed after 2000 should already have two RCDs fitted.

Homes for sale

If you are planning to sell your home, RCDs must be fitted to protect all circuits supplying power points and lights before the land title is transferred. If two or more RCDs protecting all power points and lighting circuits are not installed, you will need to engage a licensed electrical contractor to install them to comply with the Wiring Rules (AS/NZS 3000).

Renting a home

Landlords must ensure RCDs are installed in accordance with the Wiring Rules on the switchboards of their rental premises. If RCDs are not fitted, tenants should contact the managing agent or landlord and request that RCDs be installed as required.

Number of RCDs

The regulations require RCDs to be installed on the main switchboard in accordance with the Wiring Rules. Two is a required minimum but more than two may be needed. A licensed electrical contractor will install the correct number and rating of RCDs to ensure your premises complies with the regulations.

Testing RCDs

All RCDs have a test button (the round blue buttons in the illustration) which should be pressed every three months as a minimum to verify they are functioning properly. When the button is pressed, the RCDs switch should snap into the 'off' position instantly.

Moving the RCDs switch back into the 'on' position can be done immediately. You may wish to switch off your computing equipment before doing the test. Timing devices and clocks will need to be reset.



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Translating and Interpreting Service (TIS) 13 14 50

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Smoke alarm laws

Western Australia's Building Regulations 2012 (the Regulations) require the owner of a dwelling to have compliant smoke alarms installed:

- i) prior to the sale or transfer of ownership;
- ii) where a dwelling is rented under a residential tenancy agreement or made available for such rental; and
- iii) where a dwelling is made available for hire.

What is a compliant smoke alarm?

To comply with the Regulations, owners must ensure that the smoke alarm(s):

- are in accordance with the Building Code of Australia (BCA) applicable at the time of the installation of the alarms. (The BCA specifies the relevant edition of the Australian Standard for residential smoke alarms (AS 3786) and location the smoke alarms must comply with);
- are not more than 10 years old at the time of the transfer of ownership, or making the dwelling available for rent or hire;
- are in working order; and
- are permanently connected to consumer mains power (hard-wired).

The BCA requires smoke alarms to be interconnected where there is more than one alarm. However interconnection of smoke alarms is not applicable to a dwelling that was constructed on an application for a building permit made before 1 May 2015.

What types of dwellings need to comply?

The Regulations apply to the following residential buildings as classified in the BCA:

Class 1a – A single dwelling being a detached house, or row houses, duplexes, town houses, terrace houses or villa units where attached dwellings are separated by a fire resisting wall.

Class 1b – Includes the following:

- boarding houses, guest houses, hostels or the like in which not more than 12 people would ordinarily be resident and with a total area of all floors not exceeding 300m²; or

- four or more single dwellings located on one allotment and used for short term holiday accommodation. This includes dwellings in tourist parks, farmstays, holiday resorts, cabins in caravan parks and similar tourist accommodation.

Class 2 – Dwellings such as apartments and flats in a building containing two or more units.

Class 4 – A residential unit in a non-residential building if it is the only dwelling in the building, for example, a caretaker's residence.

Do park homes need to comply?

All dwellings with the above classifications, that are subject to sale, transfer of ownership, rent or hire, need to comply. The relevant local government (Shire/Council) can advise you on the classification of the particular 'park home' in question.

Smoke alarm location

The location of smoke alarms must be in accordance with the BCA applicable at the time of installation of the alarms. The number of smoke alarms to be installed depends on the classification of the dwelling and its general layout and size.

In order to reduce the likelihood of nuisance alarms, the smoke alarm should not be located near cooking appliances and bathrooms. However if it is necessary to locate alarms in these positions, an ionisation type alarm is more suitable near bathrooms, while a photoelectric alarm may be used near cooking appliances.

The smoke alarm requirements for a Class 1 building can be found in Part 3.7.2 of BCA volume two. A reference to a Class 1 building includes a Class 1a dwelling and a Class 1b dwelling (refer to diagrams on page four of this document).

In a Class 1a dwelling smoke alarms must be installed on or near the ceiling in:

- (a) storey containing bedrooms –
 - between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
 - where bedrooms are served by a hallway, in that hallway; and

- (b) any other storey not containing bedrooms, even if those storeys consist only of carparking, bathrooms, laundries and the like.

In a Class 1b dwelling smoke alarms must be installed on or near the ceiling:

- (a) in every bedroom; and
- (b) in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
- (c) on each other storey, even if those storeys consist only of carparking, bathrooms, laundries and the like.

The favoured location for smoke alarms on other storeys (not containing bedrooms) is in the path of travel that people will most likely take to evacuate the building.

For the proper mounting of smoke alarms, electricians and installers should refer to Part 3.7.2 of the BCA volume two.

Class 2 and Class 4 dwellings

The smoke alarm requirements for a Class 2 dwelling unit and a Class 4 dwelling can be found in Specification E2.2a of BCA volume one. In general the location of smoke alarms inside the dwelling/unit is similar to the examples for a Class 1a dwelling.

You must always refer to the BCA for smoke alarm requirements. Further explanatory information on smoke alarms can also be found in the BCA which is available free of charge at www.abcb.gov.au

If you are unsure whether your dwelling complies, you may wish to engage the services of a qualified building surveyor, either employed by a local government or a private registered building surveying contractor.

Are battery powered smoke alarms permitted?

Battery powered smoke alarms may be installed without local government approval where:

- mains power is not connected to the dwelling; or
- where there is no hidden space in the existing dwelling in which to run the necessary wiring for hard wired smoke alarms and there is no appropriate alternative location, for example where there is a concrete ceiling.

The use of battery powered smoke alarms in any other circumstance must be approved by the local government. Battery powered smoke alarms must have a non-removable 10-year life battery.

Where a two-storey dwelling is permitted the use of a battery powered smoke alarm because the ground floor ceiling is concrete, the owner must not (for the sake of convenience) install a battery powered smoke alarm on the upper floor ceiling where there is sufficient roof space to run the electrical wiring.

What type of smoke alarm is acceptable?

There are two types of residential smoke alarms, ionisation and photoelectric. Both types are acceptable providing they comply with the relevant edition of AS 3786 as referenced in the BCA at the time of installation of the smoke alarms.

Ionisation smoke alarms use a small amount of radioactive material to create an electrical current, when smoke enters the detection chamber it impedes the flow of the current and causes the alarm to sound.

Photoelectric smoke alarms have a chamber with a light source. As smoke enters the detection chamber it interferes with the light beam which causes the alarm to sound.

The Department of Fire and Emergency Services recommends the use of photoelectric smoke alarms.

In circumstances where the BCA requires a smoke alarm in a Class 10a part of a Class 1 building (such as in a private garage) it is permitted to use any other alarm, such as a heat alarm, that complies with Australian Standard AS 1670.1 provided that smoke alarms complying with AS 3786 are installed elsewhere in the Class 1 building.

This is because a smoke alarm can give spurious alarms if the atmosphere contains particles which obscure vision, which may occur in a private garage for example.

A Class 10a building is a non-habitable building such as a private garage.

Will a smoke alarm in a home security system comply?

Smoke alarms that are powered through a home security system in dwellings that are subject to sale, transfer of ownership, rent or hire may not comply with the smoke alarm laws. While the home security system may be on 240 volt from the consumer mains power, a feed of 12 volt to the smoke alarm would not comply with the requirement for smoke alarms to be permanently connected to consumer mains power.

In other words, the power for the smoke alarms must be separate to the power source for the home security system and the smoke alarms permanently connected to consumer mains power.

Are there any exemptions for proposed demolition?

The current owner of a dwelling that is subject to transfer of ownership may choose not to install smoke alarms if the new owner intends to demolish the dwelling and has provided a *declaration of intended demolition* to the current owner before the transfer of ownership.

A *declaration of intended demolition* is a statutory declaration made by the person to whom the ownership is to be transferred (the new owner) declaring that the person intends to demolish the dwelling within six months beginning on the transfer day (being the day on which ownership is transferred).

If the property is not demolished, the new owner must install the required number of smoke alarms in the dwelling within six months of the transfer.

This does not remove the requirement for the new owner to install smoke alarms should he or she subsequently decide to rent or hire the dwelling after the transfer.

Who can install smoke alarms?

Smoke alarms required to be permanently connected to the mains power supply require a licensed electrician to either connect or disconnect the smoke alarm. Where the Regulations permit a battery powered smoke alarm to be fitted instead of one connected to mains power, a licensed electrician is not required to fit the battery powered smoke alarm.

Requirement to maintain smoke alarms

Owners who rent or hire their dwelling are required by law to maintain the smoke alarms. This includes ensuring the smoke alarm:

- is in working order;

- is permanently connected to mains power;
- is less than 10 years old, or has not reached its expiry date if one is provided on the alarm; and
- if the use of a battery powered smoke alarm has been approved under the Regulations, the alarm has a 10-year life battery that cannot be removed.

How to maintain smoke alarms

For smoke alarms to remain in working order they should be tested and maintained regularly. The Department of Fire and Emergency Services recommends the following maintenance routine:

- Testing once per month to ensure the battery and the alarm sounder are operating.
- Check the smoke alarm for any build-up of dust and cobwebs and clean with a vacuum cleaner at least every six months.
- Vacuum with a soft brush attachment around the smoke alarm vents.
- Use a surface insect spray around the smoke alarm to prevent insects nesting inside.
- Replacing batteries annually (mains powered smoke alarms generally have back-up batteries).
- Smoke alarms should never be painted.

Are there penalties for non-compliance?

Yes, local governments have the power under the *Building Act 2011* and the Regulations to either issue an infringement notice or prosecute an owner who fails to have compliant smoke alarms installed prior to selling, transferring ownership, renting or hiring the dwelling. A penalty of \$5,000 applies for owners who fail to comply.

Further information

Issue	Contact
Smoke alarm location	Register online to view the BCA at www.abcb.gov.au , or engage the services of a registered building surveying contractor or local government that provides this service. You can check whether a building surveying contractor is registered on our website at www.commerce.wa.gov.au/building-commission/find-registered-building-service-provider
Smoke alarms, smoke alarm maintenance, fire safety around the home	Department of Fire and Emergency Services 9395 9816 or www.dfes.wa.gov.au
<i>Building Act 2011</i> Building Regulations 2012	Parliamentary Counsel's Office www.legislation.wa.gov.au
Australian Standard for residential smoke alarms – AS 3786	Refer to the BCA for the relevant edition of AS 3786 that applies to your dwelling at the time of installation of the smoke alarms. Your local government may have a copy of the Standard that you can view at their front counter or library, or you can purchase a copy from SAI Global at www.saiglobal.com The Standard can also be viewed at the Department of Mines, Industry Regulation and Safety library in Cannington.
Statutory Declaration	Visit www.courts.dotag.wa.gov.au

Diagram 1. Example of smoke alarm location in dwelling with bedrooms grouped together.

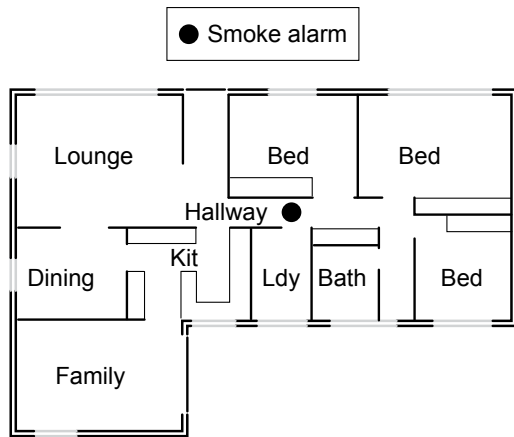


Diagram 2. Example of smoke alarm locations in dwelling with separated sleeping areas.

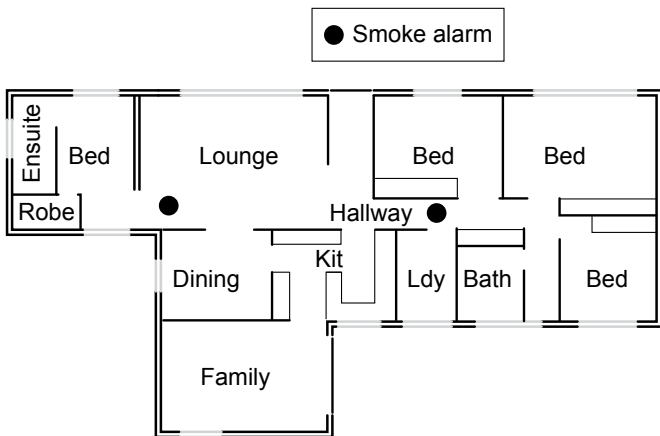


Diagram 3. Cross section of dwelling showing smoke alarms on every storey.

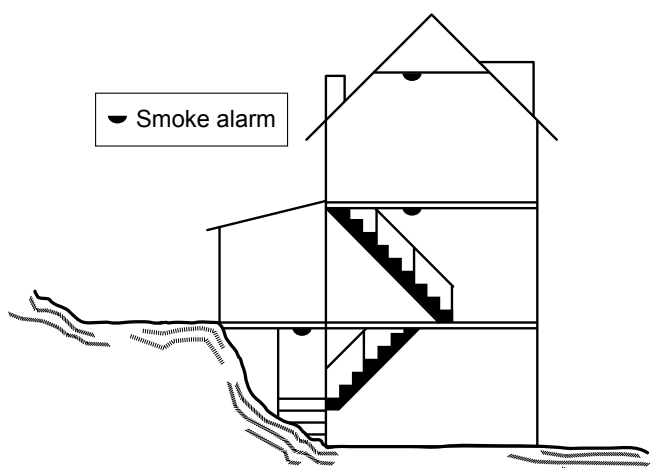
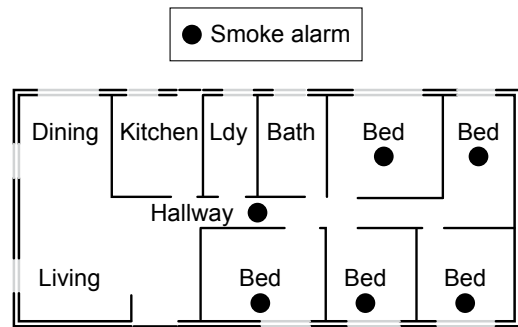


Diagram 4. Example of smoke alarm locations for small boarding houses, guest houses, hostels, B&Bs etc.



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Minimum levels of security

The lessor is responsible for the rental property having a minimum level of security in place. Minimum security standards apply to door locks, window locks and exterior lights. The locks and devices required are specified in the Residential Tenancies Regulations 1989. It is illegal for a lessor to remove or change any locks without getting the consent of the tenant first.

Additional security and family violence prevention

In most circumstances, tenants must get the lessor's permission to change any locks or fit additional security. Sometimes tenants and lessors agree to share the cost of upgrading security above minimum standards. If this happens it's important to put it in writing and make sure both parties sign the agreement.

Tenants affected by [family violence](#), however, can change locks at their own expense without prior permission. They must provide the lessor a copy of the new key(s) within seven days unless the lessor is the alleged perpetrator. The lessor is prohibited from giving a copy of the key(s) to anyone the tenant has specifically instructed them in writing not to.

Tenants affected by family violence can also make prescribed security upgrades without prior permission as long as the tenant tells the landlord beforehand that they intend to make the security upgrades, they're done by a qualified tradesperson, the tenant (or a funding assistance scheme) pays for the upgrades, and the landlord receives a copy of any invoice. All upgrades should comply with strata by-laws and take into consideration the age and character of the property.

At the end of the tenancy, the landlord can ask the tenant to restore the rental property to its original condition.

Frequently asked questions

These frequently asked questions are designed to assist you in understanding how the laws may apply to your rental premises.

What security must be installed on all rental properties?

Main entry door

The minimum required security is a:

- deadlock; or
- a key lockable security screen door that complies with AS 5039-2008.

Additional information

The deadlock can either be a single cylinder or double cylinder deadlock. A single cylinder deadlock can be opened from the inside simply by turning the handle or a knob, reducing the risk of a person being unable to exit the house quickly in case of an emergency.

The deadlock can be separate to the door handle or it can be incorporated into the handset.

These are either/or requirements. If there is a key lockable security screen compliant with Australian standards already fitted to the front entry door, there is no requirement to retrofit a deadlock. Likewise, if there is a deadlock fitted, you are not required to fit a security screen door.



All other external doors
The minimum required security is a:
<ul style="list-style-type: none">• deadlock; or• if a deadlock cannot be installed, a patio bolt lock; or• a key lockable security screen door that complies with AS 5039-2008.
Additional information
The same requirements as above apply. If there is a need to install a patio bolt, it does not need to be lockable by key.



Windows
Minimum required security
Windows need to be fitted with a lock, whether or not there is a key lock that prevents the window from being opened from outside the premises.
Additional information
This does not mean having to install keyed window locks, but that window latches, closers or locks are fitted and are in working order to reduce the risk of a window being forced open from the outside. If the window is fitted with a security screen compliant with Australian standards (AS 5039-2008), there is no requirement to retrofit a window lock.



External lighting
Minimum required security
An electrical light at, or near, the main entry that is capable of illuminating the main entry to the premises and is operable from the inside.
Additional information
This won't apply if the property is a flat or apartment and the lighting is the responsibility of the strata body.



How were the minimum standards of security decided?

The former Department of Commerce consulted with industry representatives, property owners and tenants. The Department also sought advice from the Office of Crime Prevention.

The minimum levels of security reflect a position of agreement reached with the majority of stakeholders.

I own an apartment that is not on the ground floor. Do I still need to comply with these requirements?

You will need to meet the minimum security requirements in relation to the main entry door. If there is a door onto a balcony, you do not need to install the required security if the balcony can only be accessed from inside the premises.

You do not need to install window locks if the windows are not easily accessible from outside of the premises.

You do not need to meet the requirement for an entry light if the external lighting is the responsibility of the strata body of owners rather than the individual owner.

Do the minimum standards of security apply to my two storey house?

Yes, but only to some of the doors and windows. The required locks will need to be applied to all entry doors and windows on the ground floor. If there is a door onto a balcony, you do not need to install the required security if the balcony can only be accessed from inside the premises. The requirements also do not apply to any window that is situated on the second storey or above in a multi-storey home and is not easily accessible from the outside.

My property has louver windows. Do I need to install window locks on these?

Louver windows rely on an internal lever to move them into the open and closed position. This lever, when pushed into the fully closed position, locks the louver window. If this locking mechanism is not functioning, you will need to install another mechanism that will allow this lever to be locked in the fully closed position.

Do the minimum standards of security apply to rural properties?

If the property is on land zoned for agricultural or rural use, you will not be required to meet the minimum security standards. You will still be required to provide and maintain locks or other devices to ensure the rental premises are 'reasonably secure'.

The property I own is heritage listed and I am not allowed to install deadlocks. What can I do?

Properties listed on the State Heritage Register are exempt from these requirements. You will still be required to provide and maintain locks or other devices to ensure the rental premises are 'reasonably secure'.

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Obligations of landlords - Corded internal window coverings

What types of internal window coverings are a safety hazard for children?
Blinds and curtains with loose cords or chains can strangle young children.

Since the early 1990s, at least 18 children have tragically died in Australia this way. A child can place a loop over their head or get tangled in loose cords or chains when:

- sleeping in a cot or bed where cords or chains are hanging;
- playing near cords or chains; or
- standing on furniture (chair, sofa, bed, table etc.) or climbing using something like an overturned toy box/crate to look out of a window that has blind or curtain cords or chains.

Do landlords have obligations to ensure internal window coverings are safe?

Yes. Under section 42(2)(c) of the *Residential Tenancies Act 1987*, the landlord (lessor) is required to ensure that all aspects of the premises comply with laws relating to buildings, health and safety. Product safety laws for internal window coverings have applied in Western Australia since 23 January 2004, so landlords need to ensure that blind/curtain cords and chains supplied after this date meet the national product safety requirements.

If blinds/curtains were bought before January 2004, it is strongly recommended that landlords ensure blind/curtain cords or chains on their rental premises are safe for children. Under common law, a landlord has a duty of care to tenants, as well as anyone the tenant invites into the property, and must ensure the premises are safe to live in. If a child dies or is injured on the rental premises as a result of a blind/curtain cord or chain injury, the landlord may be sued for negligence. Even if the tenants do not have children, a court could consider that it was reasonably foreseeable that the tenants may have children visiting the home from time to time.

How do I know if cords or chains are unsafe?

If a cord or chain for a blind or curtain hangs lower than 1.6m from the floor then it must be secured by a safety device.

Will I have to replace all my curtains and blinds?

No. Product safety laws have required that curtain/ blind suppliers and shops provide window coverings with any necessary safety devices to secure loose cords or chains, installation instructions and a warning label and tag. If your blinds/curtains were supplied from January 2004 onwards then they should meet the product safety and installation standards.

However, if any blinds/curtains bought from January 2004 onwards are unsafe, alert your tenants, advise them to immediately tie the cords or chains out of reach and move away any furniture that children might climb on to reach the cords or chains. As soon as possible contact the supplier and Consumer Protection to discuss. If product safety standards were not met then the suppliers are required to rectify the work at no cost under the Australian Consumer Law (ACL).

What if the blinds/curtains were bought before January 2004?

If blinds/curtains were bought before January 2004, it is strongly recommended that you alert your tenants, advise them to immediately tie any cords or chains so they are out of reach and move away any furniture children might climb on to reach the cords or chains. It is also recommended that you arrange to:

- buy and install cleats or tensioning devices from a hardware store or curtain and blind shop and use at least two screws to fix them in place; or
- cut the cords or chains to prevent them causing a loop if these are not essential to the working of the blind.

How can I make loose cords or chains safe?

You can buy safety devices from hardware stores or curtain and blind shops to secure loose cords and chains.

If a “cleat” is used (i.e. a device to wind the cord or chain around to keep it out of reach) then it must be secured at least 1.6m from the floor level because children can be capable of unwinding a cord or chain from a cleat. Another option is a tie down or tension device to pull a looped cord or chain tight and secure it to the wall or floor.

The safety device must be firmly secured with at least two screws (not double-sided tape or glue) to prevent a child from being able to remove the cord or chain.

If the cord or chain is not essential to the working of the blind, you may want to consider cutting it to 1.6m above the floor.

Cords or chains that hang 1.6m or more above the floor when fully extended do not need to be secured.

Curtains and blinds without cords or chains do not require safety devices.

Are there any obligations on curtain and blind shops and other commercial suppliers of curtains and blinds to ensure they are safe?

Yes. Product safety laws have applied to suppliers in Western Australia since January 2004. The current Commonwealth product safety standard for suppliers requires that all looped cords or chains must:

- have warning labels attached;
- include installation instructions;
- have safety devices designed to withstand a 7kg force applied for 10 seconds; and
- prevent the possibility of a loop of 22 cm forming at a height less than 1.6m from the ground.

Fines may be issued if blinds are not supplied in accordance with the mandatory standard.

If traders do not supply blinds/curtains which meet the requirements of the product safety standard, they are required to meet their legal obligations under the ACL. Consumer Protection can take complaints about traders who do not follow the product safety standards.

Are there any obligations on commercial installers of curtains and blinds to ensure installation requirements are followed?

Yes. From 1 January 2015, commercial installers in Australia must follow the safe installation instructions

and install blinds so that dangerous loops and loose cords or chains cannot be formed. The Australian Competition and Consumer Commission is working with businesses and industry groups to help them to understand and comply with the new requirements.

If traders do not follow the mandatory safety standards when installing blinds/curtains, the installer is required to rectify the work at no cost under the ACL. Consumer Protection can take complaints about installers who do not follow the product safety standards. Penalties apply for non-compliance.

What are the obligations of my property manager?

As a matter of best practice when inspecting properties, property managers are advised to check that all internal window coverings in a rental property are as safe as possible for children. Where a hazard exists, the tenants should be advised to secure loose cords or chains so they are out of reach of children and the owner should be advised that a more permanent solution is needed to ensure compliance with the mandatory standards.

What if my tenant asks for permission to install curtains/blinds?

In some circumstances, a tenant may ask for permission to install curtains or blinds in your rental premises. If you provide permission, it is advisable to inform the tenant in writing to install blinds/curtains as required by the national mandatory product safety standards www.productsafety.gov.au. Alternatively, you may wish to specify that only curtains/blind without cords or chains should be installed.

How do I choose safe blinds and curtains?

- All new blinds and curtains available in Australia must now comply with safety standards.

Further information

Further information is available from:

- Department of Commerce website (www.commerce.wa.gov.au/blindcordsafety).
- Australian Competition and Consumer Commission product safety website: www.productsafety.gov.au – search for “blinds and curtains”.

National Relay Service: 13 36 77
Quality of service feedback line: 1800 30 40 59
Translating and Interpreting Service (TIS) 131 450

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DO YOU HAVE A POOL OR SPA?

Please provide your compliance certificate.



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