

FACT SHEET 2 • MANDATORY BARRIER INSPECTIONS AND POOL SAFETY

Pools & spas are great fun and very tempting for curious children. Every pool & spa must have a barrier and every child must be supervised

NEW LAWS TO IMPROVE SWIMMING POOL AND SPA SAFETY

On 1 December 2019, laws to improve swimming pool and spa safety came into effect in Victoria.

As of 1 December 2019, it is mandatory for owners of land where a swimming pool or spa is located, to register their pool or spa with their relevant council. Owners are now also required to have their safety barriers inspected every 4 years and to lodge a certificate of barrier compliance with their council.

REGISTRATION OF POOLS AND SPAS

Victorian backyard pool and spa owners have until 1 November 2020 to register their pool or spa with their local council for a one-off fee of up to \$79.

For pools and spas constructed prior to 1 November 2020 that have an unknown construction date, an information search fee may be charged.

Pool owners have 60 days to bring their pools into compliance, if an inspector identifies any non-compliant safety concerns.

INSPECTION AND LODGEMENT OF CERTIFICATE OF BARRIER COMPLIANCE FOR POOLS AND SPAS

- For pools and spas constructed on or before 30 June 1994, a certificate of barrier compliance must be lodged by 1 November 2021
- For pools and spas constructed between 1 July 1994 and 30 April 2010, a certificate of barrier compliance must be lodged by 1 November 2022
- For pools and spas constructed between 1 May 2010 and 31 October 2020, a certificate of barrier compliance must be lodged by 1 November 2023

For pools and spas constructed on or after 1 November 2020, a certificate of barrier compliance is due within 30 days of occupancy permit or certificate of final inspection. This certificate must accompany an application for registration. The next certificate of compliance is due 4 years after registration.

Hefty fines apply for pool and spa owners who do not register their pool or spa.

The fee for lodging a certificate of pool and spa barrier compliance is up to a maximum of \$20.50, with certificates of compliance being required to be lodged **once every four years.**

SPASA VICTORIA GUIDELINES

The backyard swimming pool is an Australian icon that for many years has provided good times and healthy recreation for people of all ages.

While swimming pools allow us to get together with our friends and family to share fun, fitness and relaxation, they can also pose a risk. There are some easy to remember rules that need to be followed to ensure the safe use of swimming pools and spas at all times.

SPASA Victoria recommends these safety guidelines be followed at all times:

- Supervise children at all times around water. If you need to leave the pool or water area, even for a moment, take the child with you
- Make sure your pool or spa has compliant fencing and child-proof locking gates. Always remember that a swimming pool fence is not a substitute for supervision
- Don't leave furniture or other items that children can climb on near your pool or spa fence
- Be aware that hair, bathing suit strings and tassels or body parts can become entangled in an improperly covered drain or suction point
- Display a resuscitation chart on your pool fence and take a CPR course so you will know what to do in an emergency
- Familiarise children with water by taking them to swimming lessons at the local pool
- Make sure all pool users are warned against sitting on, or covering, a drain or suction point. This can cause injury, or in extreme cases, death
- Empty paddling pools, baths, basins, sinks and troughs when they are not in use



- Never take your eyes off children when they are in or around water. It only takes a few seconds for a child to drown
- Alcohol and swimming don't mix. Never drink around water
- Most backyard pools are too shallow for diving. Place "No Diving" signs prominently around your pool
- Be aware that poorly designed pools and spas can create an entrapment hazard. Ask a Registered Pool Builder or Building Surveyor to check your pool or spa to ensure safety, replace broken or missing suction covers and have anti-entrapment covers fitted if needed
- Never put your head under water when in a spa

The following websites are also recommended for more useful information:

www.royallifesaving.com.au/programs/home-pool-safety
www.kidsafevic.com.au
www.watersafety.vic.gov.au
www.lifesavingvictoria.com.au
www.vba.vic.gov.au

SAFETY BARRIERS

Pool and spa barriers are required by legislation for any swimming pool or spa in excess of 300mm in depth and must be maintained for the life of the pool or spa, this includes keeping the area around the safety barrier free from climbable objects or plants that can be used to gain access to the pool area.

The key elements of the relevant Australian Standard, A.S. 1926.1-2012 are designed to restrict access by unsupervised young children, especially those under 5 years of age, to the swimming pool area.

Essentially, a safety barrier can be made of any material that has a reasonable life span when exposed to the likely conditions of weather, pool chemicals, pollution, decay, insects, salt water spray, impacts, etc.

Property owners and occupants are responsible for making sure pool barriers are maintained, repaired and kept in working order.

A new outdoor pool or spa must not have direct access from any building.

Barriers are required for:

- In-ground pools and spas
- Above-ground pools and spas, including inflatable pools, holding more than 300 mm (30 cm) of water
- Indoor pools and spas
- Bathing and wading pools containing more than 300mm (30cm) of water.

Barriers aren't required for:

- Bird baths
- Fountains
- Water supply/storage tanks
- Fishponds
- Dams
- Baths used for personal hygiene and emptied after each use
- Pools or spas which cannot contain a water depth of more than 300 mm (30 cm)
- Inflatable swimming pools (typically toddler or wading pools) which cannot contain a water depth greater than 300 mm (30 cm)
- Spas inside a building used for personal hygiene (a spa bath in a bathroom that's emptied after each use).

Safety barriers must have an effective perpendicular minimum height of 1.2 metres. Existing boundary fences can be used as a safety barrier provided that they are well maintained, at least 1800mm high measured on the inside of the barrier to a solid finished surface and have no climbable elements within 900mm measured from the top of the inside of the fence.

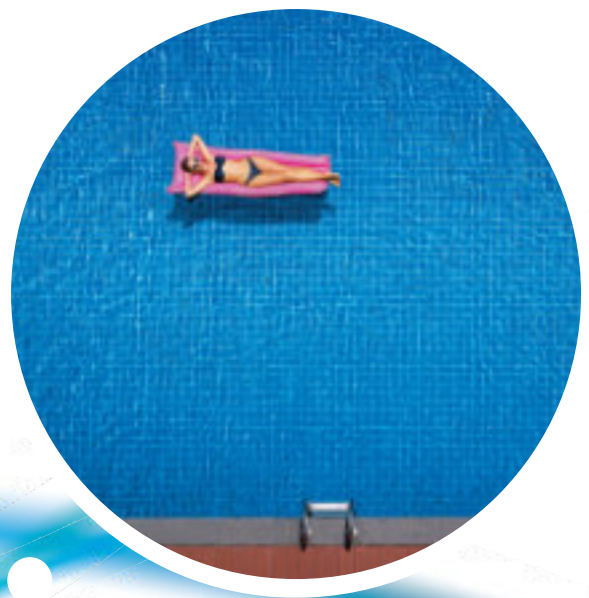
GATES

These must open outward only (away from the pool area) and have an effective perpendicular minimum height of 1.2 metres.

They must return to the closed position and engage the latch automatically from any position and not re-open without using the manual release mechanism. The latch release must be at least 1.5 metres above ground level unless it (i) is inside the fence (ii) can only be reached over or through a fence higher than 1.2 metres or (iii) is 300mm below the fence top (no hand hole) or at least 150mm away from the edge of any hand hole opening. Latch releases less than 1.5 metres above ground level must be shielded so that no opening greater than 10mm is closer than 450mm. Any hand hole shall be at least 1.2 metres above ground level.

Self-Assessment Checklists

www.vba.vic.gov.au/consumers/safety-guides/swimming-pools



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WALLS

External walls of a building can be used as swimming pool barriers so long as they do not contain any doors opening into the pool area and windows are treated to prevent access to the pool area.

POOL COVERS

Pool covers are not designed to stop children getting into the pool. Rigid covers may provide a greater barrier but even they are not totally child-proof. Soft covers can give the illusion of being solid but if a child walks on them they will sag and create a pond deep enough to be dangerous.

When the pool is being used, the cover should never be left partially over the pool. If trapped under the cover a child may not be seen.

Remember pool covers should never be considered a substitute for a fence or proper supervision.

TEMPORARY BARRIERS

During construction, if the new pool is filled with water more than 300 mm (30 cm) deep it must be guarded against being a danger to life and safety with a temporary safety barrier as required by the Relevant Building Surveyor.

A temporary barrier should be installed where a pool is not self-draining and could collect rainwater during construction.

This is especially important where the site is occupied during construction.

No pool or spa should be filled until the building surveyor has completed their final inspection.

RESPONSIBILITY FOR MAINTAINING TEMPORARY BARRIERS

Property owner not living on site

When the builder responsible for the work has vacant possession (where nobody is living on the site), they must maintain the temporary pool barrier.

Property owner is living on site

If anyone is living at the property during the construction work, the pool builder is responsible for maintaining the temporary pool barrier while they're on site. The occupant may be responsible for maintaining the temporary barrier when the builder isn't on the site depending on responsibilities set out in the building contract.

ONGOING MAINTENANCE OF POOL AND SPA BARRIERS

The owner of the pool or spa is responsible for ensuring that the barrier and any gates are operating effectively, and that the barrier is properly maintained once the certificate of final inspection has been issued.

Gates must be self-closing and latching and must not be propped open. No climbable objects should be located near the barrier and any gaps or weak spots in or around the barrier must be repaired.

Occupants of a rental property must take all reasonable steps to ensure that the barrier is operating effectively and should report any faults with a barrier to their landlord.

The VBA has produced checklists to help pool and spa owners check the compliance of pool barriers.

While these precautions go a long way to protect children, always actively supervise children around water.

DOORS & WINDOWS

Doors from a dwelling are prohibited from opening into a swimming pool area. The only exception is for doors opening directly to an indoor swimming pool or spa.

Acceptable window fixing treatments are as follows:

- Those totally enclosed by screw fixed security screens that can only be removed by the use of a tool
- Those that are fixed so the window cannot open more than 100mm max
- Those with a lowest opening panel not less than 1.8 above the ground level to the pool area
- Those that have firm fixed metal fly-wire installed that is fixed to the building with fasteners that can only be removed by the use of a tool

This is only a general summary of A.S 1926.1. Please refer to your local SPASA Victoria member or the VBA for more information.

