



# Backyard *Pool Safety*

*for Western Australia Real Estate Agents,  
Property Managers & Landlords.*



**Royal Life Saving**

THE ROYAL LIFE SAVING SOCIETY WESTERN AUSTRALIA INC.



**REIWA**

REAL ESTATE INSTITUTE  
OF WESTERN AUSTRALIA



**SPASA**

**WESTERN AUSTRALIA**

SWIMMING POOL & SPA ASSOCIATION



# Backyard Pool Safety

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Evidence suggests that a large number of drowning deaths in pools are as a result of fencing that is faulty or non-compliant with Australian Standards. In Western Australia, rental property residents are at greater risk of experiencing a backyard pool drowning.

This Information Bulletin has been developed as part of the continued campaign by the Swimming Pool & Spa Association of WA (SPASA WA), Royal Life Saving Society WA (RLSSWA) & REIWA and is designed to provide you with pool safety information and advice to assist you in your role as a real estate agent or property manager.

Private swimming and spa pool barrier regulations have changed over time, and depending on when your swimming or spa pool was constructed, installed or approved, different requirements and standards may apply to the barrier.

### Pre- May 2016

Pre-May 2016 private swimming pools and spas must comply with regulations and AS1926.1 – 1993. A concession exists for pools that were constructed, installed or approved prior to 5 November 2001 that allows a wall that includes a door to be used as part of the barrier providing that door complies with AS 1926.1-1993.

### Post-May 2016

For Post May 2016 swimming pools and spas, the regulations require compliance with the Building Code of Australia (BCA), the BCA references AS1926.1-2012 which details the minimum requirements applicable to swimming pool and spa barriers and AS1926.2-2007 which details the barrier location requirements.

## Pool Fencing Laws

All swimming pools and spas on residential properties in Western Australia with a depth greater than 30cm (300mm) are required to be surrounded by a safety barrier (e.g.a pool fence). Pool owners/landlords have a legal requirement to install and maintain pool barriers and gates that meet the relevant Australian Standards.

## Common Non-Compliance issues with Swimming Pools & Spas

Pool and spa safety barriers are subject to damage from the elements and general wear and tear over time, which can affect their performance and the level of protection that they offer. It is important that pool and spa barriers are regularly inspected and maintained to assist in keeping children safe around water.

The top five issues that cause pool and spa barriers to be non-compliant with Australian Standards include:

### 1. Gates and doors that are no longer self-closing

The pool gate is usually one of the first areas where safety issues arise as it is the part of the barrier that is constantly used. This scenario is also commonly seen with doors that are able to be used as part of barriers for pools and spas that were installed pre November 5 2001.

### 2. Gates and doors that are no longer self-latching

General wear and tear of the locking mechanism means that many gates and doors will no longer self latch when they close. If the gate or door is not properly locked, children may be able to gain unsupervised access into the water area.

### 3. Gates that are propped open

Sometimes, especially during summer and pool parties, the pool gate is propped open (e.g. with a chair, pot plant or esky) to allow adults easy access to the pool area while they are carrying food and drink. This practice is dangerous as it also allows children unsupervised access to the water area. Pool gates should remain closed at all times



### 4. Ground movement

Ground movement may cause parts of the barrier, including the gate, to shift. Even a slight shift may mean that the gate no longer functions properly or that gaps appear in and under the barrier, which may allow children unsupervised access into the water area.

### 5. Climbable objects near the pool barrier

Objects located near the pool barrier on a boundary fence (e.g. BBQ's, pot plants, pool pumps, chairs etc.) may enable a child to climb over and gain access to the water area.

## Pools and spas in rental properties in Western Australia

Rental property residents may be at greater risk of experiencing a backyard pool drowning. Pool barrier checks and maintenance can often be overlooked in rentals as there are no permanent residents at the property. The issue of urgency to repair and maintain pool barriers or gates can also be overlooked through lack of communication about these issues.

## Practical resources for landlords and tenants

Below are some links to useful resources that you can provide to landlords and tenants (e.g. as part of tenant or landlord packs) to assist them in checking and maintaining their pool or spa areas, as well as keeping children safe around water (please click on the headings to access the resources).

### Building Commission of WA – Rules for Pools

Visit [www.spasawa.com.au/industry/pool-safety](http://www.spasawa.com.au/industry/pool-safety) to download your copy of Rules for Pools.

### SPASA WA Pools Safety Checklist

SPASA WA's checklist allows pool owners to conduct a self-assessment of the home pool and its surrounds to ensure it is safe for everyone to enjoy and minimises the risk of young children drowning. visit [www.spasawa.com.au/industry/pool-safety](http://www.spasawa.com.au/industry/pool-safety) to download your copy of the Pool Safety Checklist.



## Close the Gate on Backyard Pool Drownings

SPASA WA has partnered with a number of stakeholders as part of our campaign to encourage all pool owners to check the safety of their pool fences and surrounding areas before their child does.

## Rights and responsibilities of tenants and landlords

Landlords and tenants should ensure that a pool/spa barrier (that complies with Australian Standards and WA legislation) is installed and maintained around any pool or spa with a depth greater than 30cm (300mm). Landlords and tenants share the responsibility to ensure that pool barriers are in proper working order.

SPASA WA recommends that tenants regularly undertake checks of pool/spa barriers for common non-compliance issues like those listed in the section above. If a fault/non-compliance issue is identified with a pool/spa barrier, tenants should ensure their child cannot gain unsupervised access to the water area and contact their landlord or agent for urgent repairs. Any faults should be classified as an urgent repair and the landlord or owner must arrange for it to be fixed immediately.



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