

Extending pool safety barrier requirements – Information for residents

This document provides information to affected residents on the consideration of the extension of safety barrier and inspection requirements for existing private swimming and spa pools (swimming pools) in areas of the State that are currently excluded. Affected residents are not just those who may have a swimming pool on their property. It also includes anyone in the community who may be concerned with child safety, is considering a new swimming pool, or has a view on this subject.

All new swimming pools that contain a depth of water of more than 30cm on completion and regardless of location, are required to have safety barriers that comply with the applicable building standard, restricting access of young children to the swimming pool area.

Existing swimming pools are, in addition to the requirements for new swimming pools, required to maintain these safety barriers and ensure they remain compliant with the specified building standard. Local governments monitor the compliance of these safety barriers at maximum four-year intervals. However, existing swimming pools located in certain prescribed areas of the State (typically regional or remote areas outside of townsites) are not subject to these same requirements.

Drowning is a leading cause of accidental death for children under the age of five (young children), with most deaths occurring in swimming pools.

Safety barriers are essential in the prevention and reduction of the drowning deaths of young children in swimming pools. Other factors include adult supervision, CPR and first aid skills, and swimming and water safety education.

Removing exclusions

The Ombudsman WA report, [Investigation into ways to prevent or reduce deaths of children by drowning \(Nov 2017\)](#), found excluded areas of the State to be a potential high drowning risk and recommended the consideration of extending the safety barrier requirements across all areas of the State.

In response, Building and Energy conducted a review of the swimming pool and safety barrier requirements in the [Building Regulations 2012](#) (the Regulations).

Building and Energy is now actively encouraging:

- affected local governments to consider removing exclusions so that safety barrier requirements for existing swimming pools apply throughout their entire district; and
- owners of existing swimming pools located in excluded areas to voluntarily install safety barriers where the local government decides to not apply the requirements across their entire district.

Your local government is now considering the potential extension of safety barrier requirements across their currently excluded areas.

What are the options that your local government is considering?

Local governments with excluded areas have two options to consider:

Option 1: Extend the safety barrier requirements to currently excluded areas

Swimming pools will be required to have a safety barrier that complies with building standards. Swimming pools that do not currently have a safety barrier will need to have one installed.

Guidance on the building standards can be found in Building and Energy's Rules for Pools and Spas publication.

Your local government will inspect the safety barrier for compliance with the technical requirements at least once every four years and can charge for these inspections.

All new swimming pools will require an inspection of the safety barrier once the building work for the swimming pool is complete.

Option 2: No change

No changes will be implemented and existing swimming pools located in those excluded areas will continue to be excluded from the regulatory requirements.

Local governments choosing this option are expected to actively encourage the voluntary provision of safety barriers within excluded areas.

Important:

Regardless of whether your swimming pool is located in an excluded area or not, if it doesn't have an effective safety barrier your local government may consider your swimming pool to be in a dangerous state and issue a building order to install a safety barrier. Failure to comply with a building order can result in significant penalties.

Consideration of the options

Prior to making any changes, local governments will consult with affected residents, local builders, and fencing suppliers and installers. Consideration will include, but not be limited to, costs, timeframes, the capacity of local services, the capacity of the local government, and related matters.

What happens next?

If you are affected by this potential change or have a view on this matter, you are encouraged to write to your local government expressing your views and the reasons for those views.

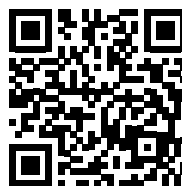
Once the local government has completed consultation and considered the feedback it will make a decision. Where a decision is made to amend the Regulations to extend safety barrier requirements into currently excluded areas, the local government will work with Building and Energy to plan the implementation of these changes, which will likely include a significant transition period.

Local government will inform affected residents and industry of the decision once made.

More information?

More information is available from your [local government](#) and from www.demirs.wa.gov.au/rules-for-pools

A list of areas that require safety barriers for swimming pools can be found in Schedule 5 of the [Building Regulations 2012](#). Areas not listed are excluded.



Disclaimer – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

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