

Initial inspections of safety barriers to private swimming pools

This fact sheet is for local governments and is intended to provide guidance on initial inspections of safety barriers to private swimming pools.

Initial inspections of safety barriers are required for:

- ***new private swimming and spa pools (swimming pools); and***
- ***existing swimming pools that have never been inspected before.***

When is an initial inspection required?

Once a local government becomes aware of a new swimming pool, or of a swimming pool that has otherwise never had its safety barriers inspected, it should organise and conduct an initial inspection of the safety barriers as soon as practicable, within the prescribed maximum of 30 days.

Local governments are encouraged to not be wholly reliant on the receipt of a BA7 notice of completion for a building permit as they are sometimes not submitted, despite being a legislative requirement. This could be as simple as contacting the owner and/or builder to find out if the building work is complete.

Note: The requirements for safety barriers and inspections under Part 8 Division 2 of the Building Regulations 2012 (the Regulations) are only applicable to a swimming pool that is complete and that has a depth of water that exceeds 300mm.

The inspection

The initial inspection monitors the compliance of the safety barrier (whether temporary or long-term) against the technical requirements in regulation 50A of the Regulations, known as the specified building standard. The inspection is not to verify compliance with the building permit, certificate of design compliance, or applicable building standards.

The inspector should take comprehensive photographic evidence of the installed safety barriers for record-keeping purposes.

Where the inspector is unable to verify compliance of the safety barrier by physical inspection alone, they should ensure that sufficient documentation is provided that demonstrates compliance.

Where this is not provided, the inspector should require the owner to obtain this from the installer.

At the completion of the initial inspection, the inspector should issue an inspection report and:

- where a long-term barrier has been determined as compliant, update the local governments records in preparation for future periodic inspections;
- where a non-compliant safety barrier has been identified, arrange for a re-inspection within a timeframe that accords with the local government's enforcement strategy, based on the individual circumstances and risk, and within the prescribed maximum period of 60 days; or
- where a compliant temporary safety barrier has been identified, arrange for a re-inspection within a suggested maximum period of 90 days.

Local governments may charge the property owner to help cover the cost of conducting the initial inspection. The charge must not exceed either the maximum charge detailed in regulation 53A(2)(b)(ii) of the Regulations or the estimated average cost to the local government of carrying out an initial inspection and any related re-inspections.

Collecting and assessing compliance documentation for long-term barriers

In addition to the physical inspection of the safety barrier, the inspector should collect and assess necessary compliance documentation.

Most elements of a safety barrier can and should be verified as being compliant through physical inspection (dimensional measurement and informal indicative testing). Generally, inspectors should favour an inspection over documentation verification.

However, for those elements that cannot be verified as compliant through inspection, documentation should be required. Appendix A lists safety barrier elements and indicates through which method (physical inspection or documentation verification) compliance may be able to be ascertained.

Typically, the inspector should collect the following documentation from the owner:

1. AS 1926.1 Section 3 compliance reports.
2. For glass fence panels a certificate from the installer that includes:
 - company name, contact phone number and email address;
 - date and address of installation;
 - description of works covered by this certificate;
 - confirmation the glass is Grade A safety glass;
 - name, qualifications, and experience of person signing the certificate; and
 - verification the glass pool fence system complies with:
 - AS 1288 and AS/NZS 2208; and/or
 - a local government approved performance solution.

The inspector may be able to verify compliance of these documents themselves or may need to seek guidance from a third party, such as a building surveyor. The inspector should ensure that the documentation provided matches the installed products, for example for glass fence panels by checking that the details in the certificate align with the markings on the glass.

Where an inspector considers that it is beyond doubt that a safety barrier complies with a particular requirement, they may decide that compliance documentation for that particular requirement is unnecessary. For example, where an open-style fence has rigid vertical members that do not flex easily and are conservatively spaced apart, the inspector may consider that it would easily comply with the requirements in clause 3.1 of AS 1926.1-2012 and as such not require evidence of compliance.

It is critical that where compliance documentation is necessary, it is collected, verified and a record kept. While it is the owner's responsibility to provide and maintain a compliant safety barrier, it is unrealistic

to expect owners to retain compliance documents indefinitely, especially where properties are sold.

Where the installer is unable to provide suitable evidence of compliance, owners should be referred to Consumer Protection (1300 30 40 54). Depending on the circumstances, owners may also be able to lodge a building services complaint with Building and Energy.

Temporary barriers

Temporary barriers will often be encountered at the initial inspection as they are commonly used to secure the swimming pool area immediately after construction of the swimming pool has been completed, until the long-term safety barrier can be installed.

Due to temporary barriers generally carrying more risk than long-term barriers, even where temporary barriers are assessed as being compliant, local governments are strongly encouraged to re-inspect the temporary barrier at intervals not exceeding 90 days. 90 days is the suggested maximum, and it is expected that inspectors will re-inspect at periods far less than this, as the local government considers appropriate, taking into account the individual circumstances of the site. Given temporary barriers are typically installed for an average period of 30 days, local governments might consider 30 days as being an appropriate re-inspection interval.

Ensuring the safety of new swimming pools and temporary barriers is important due to the increased risk of young children drowning associated with them. Sometimes when a long-term barrier is installed, the local government might not be informed in a timely manner, and the long-term barrier may go uninspected for some time. Frequent re-inspections of temporary barriers help reduce that period and the inherent risk.

For temporary barriers, particular attention should be given to the means of access, its resistance to tipping over, the securing of the panels together or to the posts, and the gap and surface below the panels.

Loose soil under a temporary barrier may be less likely to be easily excavated if a line of pavers or a length of carpet, or similar, is provided directly underneath it.

Note: During construction, the swimming pool area must comply with Work Health and Safety (WHS) legislation. On and after completion of construction, the swimming pool area must comply with building legislation.

It is not the purpose of inspections under the Regulations to monitor compliance with WHS legislation. However, if an inspector identifies a swimming pool under construction that they believe to be a safety risk, the inspector should lodge a complaint with WorkSafe (1300 307 877). Additionally, the local government may be able to take action through a building order.

Long-term barriers

A long-term barrier is typically installed once work around the swimming pool, such as paving, has been completed.

The owner should be encouraged to immediately contact the local government to organise an inspection of the long-term barrier once it has been installed. Many local governments send a letter to the owner advising this at the time the building permit is granted to the builder.

The initial inspection of a long-term barrier should be conducted with a high level of care and thoroughness.

This is important as the safety barrier will be periodically inspected thereafter, at maximum four-year intervals, and it is problematic if future inspections identify non-compliances that were previously missed. The identification of non-compliant elements at future inspections may result in:

- a safety risk for young children;
- additional costs for the owner;
- embarrassment and liability for the inspector and local government; and
- undermining the confidence of the local government and the safety barrier inspection program.

Appendix A – Compliance verification through physical inspection and documentation verification

AS 1926.1-2012 Clause and item		Physical inspection	Documentation verification
2.1	Barriers - General	✓	✗
2.2	Non-climbable zones (NCZ)	✓	✗
2.2.1	NCZ General	✓	✗
2.2.2	NCZ barrier < 1800mm	✓	✗
2.2.4	Boundary barrier	✓	✗
2.2.5	Intersecting barriers	✓	✗
2.3.1	Features and objects near	✓	✗
2.3.2	Perforated materials or mesh	✓	✗
2.3.2 (e)	Perforated materials or mesh 'stability' check	✓	✗
2.3.3	Glass barriers	✓ General condition, no sharp edges, secure, glass marking if not already removed. Note: Polarised glasses may assist in identification of toughened glass.	✓ Report from installer verifying compliance with AS 1288, AS/NZS 2208, type A safety glass.
2.3.4	Surface projections and indentations	✓	✗
2.3.5	Horizontal components	✓	✗
2.3.6	Vertical components	✓	✗
2.3.7	Ground clearance	✓	✗
2.4.1.1	Operation of gates	✓	✗
2.4.1.2	Self-closing device	✓	✗
2.4.1.3	Security of closure	✓ Apply appropriate indicative controlled force.	✗
2.4.2.1	Latch - General	✓	✗
2.4.2.2	Location of latch	✓	✗
2.4.2.3	Shielding of latch	✓	✗

AS 1926.1-2012 Clause and item		Physical inspection	Documentation verification
2.4.3	Gate hinges	✓	✗
2.5	Other	✓	✗
2.5.4	Permanent bodies of water	✓	✓ Advice from relevant authority. In most instances this will be unnecessary.
2.6	Child-resistant openable portion of windows	✓	✗
2.7	Child-resistant doors	✓	✗
2.8	Balcony balustrades	✓	✗
2.9	Above ground pools	✓	✗
3.0	Loading requirements	Most of these tests are for manufacturers, not for in-field testing. Inspector to be mindful of the loads, the methods, and limitations.	Inspector to use discretion and only request documentation where necessary.
3.1	Strength and rigidity of openings (Appendix A)	✓ Inspector's indicative assessment. <ul style="list-style-type: none"> Assess strength and rigidity of openings. Flexibility of vertical members by hand. 	✓ Document, if reasonably suspected to be non-compliant.
3.2	Strength of posts and footings (Appendix B)	✓ Inspector's indicative assessment. <ul style="list-style-type: none"> Assess strength and stability of posts. See Note 2 of clause 3.2, AS 1926.1. 	✓ Document, if reasonably suspected to be non-compliant.
3.3.1	Strength of barrier components: Rigid components (Appendix C)	✓ Inspector's indicative assessment. <ul style="list-style-type: none"> Assess strength of components. Pull against components with a controlled force (33kg). 	✓ Document, if reasonably suspected to be non-compliant.
3.3.2	Strength of barrier components: Flexible material and components (Appendix D)	✓ Inspector's indicative assessment. <ul style="list-style-type: none"> Assess general condition 	✓ Document, if reasonably suspected to be non-compliant.
3.4	Closing and latching of gates (all gates)	✓ Inspector's indicative assessment. Assess the closing and latching of gate after 25kg downward load has been applied in the open and closed positions.	✗

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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