

# safety products



This information is general in nature and is to provide an overview of the various regulations governing Pool fencing in the various states & territories within Australia. The information provided was obtained from the various state and territory websites and may well be updated at any time and as such we recommend you to check the current information for your state and or territory. The information is only provided to highlight areas for consideration with regard the latching, hinging and locking of pool fencing and does NOT cover the extensive rules and regulations requiring compliance.



AS 1926.1 - 2007 (incorporating Amendment no 1) is the Australian Standard for Swimming Pool Safety with Part 1 : Safety barriers for swimming pools being of particular relevance. To purchase a copy email: [sales@sai-global.com](mailto:sales@sai-global.com)

## ACT

### Swimming pools and spas

#### Fencing

Fencing and other safety barriers for a swimming pool or spa that requires building approval and that is associated with a residential building must comply with the Building Code of Australia (BCA).

An outdoor pool area must not be accessible through a door, a pool gate is required, and a hinged door accessing an indoor pool area must swing away from the pool area.

ACT Government Environment and Sustainable Development Factsheet pools [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

## Northern Territory

### New pools and spas

(installed after 1 January 2003) must be certified as complying with the Modified Australian Standard or the Non-Standard Safety Provision. The Australian Standards that are called up by the Swimming Pool Safety Regulations are AS 1926.1-1993 "Swimming Pool Safety Part 1: Fencing for swimming pools" and AS 1926.2-1995 "Swimming Pool Safety Part 2: Location of fencing for private swimming pools".

### Existing pools and spas

(installed before 1 January 2003) can either comply with the Modified Australian Standard (MAS) or the Community Safety Standard (CSS) which is a self declaration process.

Tenants also have a responsibility to ensure pool and spas are kept safe. These responsibilities are outlined in Fact Sheet 3: Pools and Spas on Rental Properties.

For more information: see Pool safety standards; read the Swimming Pool Safety Act; or contact the Swimming Pool Fencing Unit.

## NSW

The Swimming Pools Act 1992 and its regulations work together with Australian Standard 1926 (AS1926) to establish the safety standards for 'backyard' swimming pools. These documents have been updated a number of times and, as a result, apply differently at different points in time.

The legislation can be found:

- Swimming Pools Act 1992
- Swimming Pools Regulation 2008

The Australian Standard (AS1926) is a document protected by copyright and cannot be reproduced here. Your local council should have a copy of the Standard available for viewing. The relevant versions of the Australian Standard are dated 1986, 2007 and 2012.

According to the Swimming Pools Act 1992, swimming pools must be surrounded by a Child-Resistant Barrier. It is the pool owner's responsibility to ensure your swimming pool barrier is in good repair and good working condition.

The Swimming Pool Act 1992 and Swimming Pools Regulation 2008 apply

to all swimming pools on premises where there is a residential building, a movable dwelling (eg. caravan), a hotel or a motel.

Local Council and NSW Acts and Regulations can be downloaded from the NSW Government website:

[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

**Swimming Pool Laws (Important Dates)**

The requirements for child-resistant barriers on premises where there is a residential building vary according to when the pool was constructed. See the below important dates to determine what Legislative Requirements apply to each circumstance.

**For pools built before 1 August 1990**

The means of access from the residential building to the pool must be restricted at all times. The standard for restriction, eg. by complying windows and doors, is set out in the Regulation.

**For pools built after 1 August 1990 but before 1 July 2010**

The pool must be surrounded by a child-resistant barrier that separates the pool from any residential building situated on the premises and from any place adjoining the premises.

Automatic exemptions apply from the four-sided barrier for pools on very small properties (less than 230 square metres), large properties (2 hectares or over) and waterfront properties.

**For pools built after 1 July 2010**

The amended swimming Pools Act 1992 removes automatic exemptions from the four-sided barrier requirement for new pools on very small properties (less than 230 square metres), large properties (2 hectares or over) and waterfront properties.

All new pools must be separated by a complying barrier from the house and adjoining properties. The general requirement for child-resistant barriers on residential properties is for the pool to be separated by a complying barrier from the house, adjoining properties and public spaces at all times. Direct access from the house to the outdoor pool area is not permitted unless an exemption applies.

**Pool Fence & Gate – Maintenance**

The owner of the premises on which a child-resistant barrier is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier as well as keeping the child-resistant barrier maintained.

**NOTE:**

Maintenance of the Pool Barrier includes but is not limited to the following:

Consumers should be encouraged to seek the advice and/or services of a Licensed Pool Technician, Builder or Fencing Contractor.

**Pool – Gates, Self Closing & Latching Devices**

Australian Standard AS 1926.1 stipulates that Gates shall be hung so that they ONLY swing outwards. i.e. away from the pool area.

The gate must be able to swing freely through its arc of operation.

All gates must be fitted with a Self Closing Device that will return the gate to a closed position from any position without the use of manual force.

All Gates must be fitted with a Latching Device that will automatically operate on the closing of the gate and prevent the gate from being reopened without being manually released

**NOTE:**

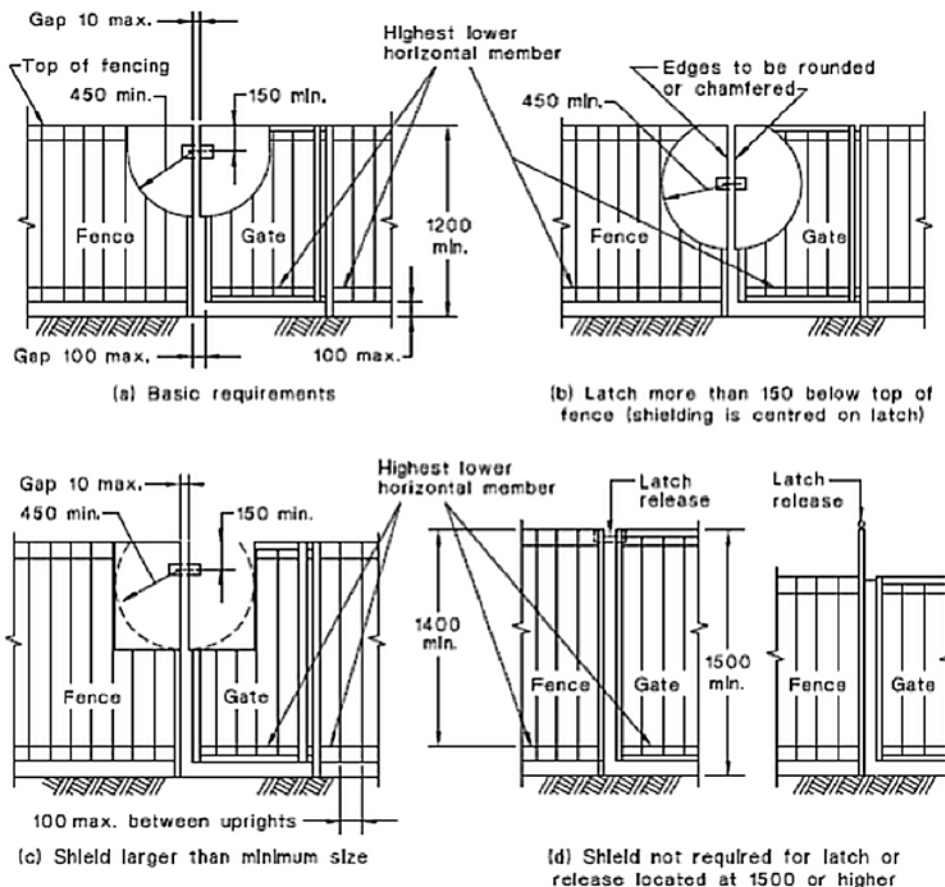
A Pool Gate that is not Self Closing or does not have a Latching Device should be permanently secured until such time as the device/s can be installed. Self Closing and Latching Devices can be purchased from most pool shops and hardware shops and are relatively easy to install.

**Pool Fence - Latching Device Location**

Australian Standard AS 1926.1 stipulates Latching Device Locations.

Acceptable basic Latching Device Locations are:

Where a latching device is located less than 1500mm then the following applies:



**NOTE:**

A Pool Gate which has its Latching Device at the incorrect location can easily be relocated with the use of some very basic tools to the correct location. If in doubt, consumers should be encouraged to seek the advice and/or services of a Licensed Builder, Pool Technician or Fencing Contractor.

**Wall of House used as a Barrier**

The Swimming Pool Act 1992 stipulates that the wall contains no opening through which access may at any time be gained to the swimming pool.

The wall must contain no door, window or other opening through which access may at any time be gained to the swimming pool.

**Windows forming part of the Barrier**

Windows which form part of the Child Resistant Barrier shall be fixed to the building with fasteners that can only be removed by the use of a tool. eg. a screwdriver or spanner, and will only open to a maximum m of 100mm.

**Child Resistant Doorset**

Australian Standard 1926.1 stipulates Doorsets accessing indoor pools must comply with the following:

**NOTE:**

Direct access from the house via a doorset to the outdoor pool area is not permitted unless an exemption applies.

**Spa Pools**

The Swimming Pool Act 1992 stipulates that a Spa Pool is not required to be surrounded by a child resistant barrier so long as access to the spa pool is restricted as per the Swimming Pools Regulation 2008.

The Swimming Pools Regulation 2008 stipulates that a spa pool is not required to be surrounded by a child resistant barrier so long as access to the water contained in the spa pool is restricted, in accordance with the Swimming Pools regulation 2008

Swimming Pools regulation 2008 states that Spa pools must be covered and secured by a lockable child-safe structure such as a door, lid, grill or mesh.

Australian Standards 2610.1 and 2610.2 stipulates:

**Above Ground Pools**

The Swimming Pools Regulation 2008 stipulates that for Above Ground Pools, including Inflatable Pools, the walls of the pool shall NOT be considered an effective child-resistant barrier.

**NOTE:**

Consumers need to be aware that an Above Ground Pool requires a Licensed Builder to install the Above Ground Pool. In addition, Above Ground Pools are treated in the same way as any other Swimming Pool under the Swimming Pool Act 1992, Swimming Pools Regulations 2008 and Australian Standards AS 1926.1.

**CPR Sign**

The Swimming Pools Regulation 2008 requires all pool owners to have a CPR

Sign situated in a prominent position in the immediate vicinity of the pool. All signs need to be of a size which allows it to be read from a distance of 3 metres.

**NOTE:**

If you do not have a CPR chart in the pool area then they can be purchased from your local SPASA NSW Pool Shop, Council or Community Organisations such as The Royal Life Saving Society, St John's Ambulance and the Australian Red Cross.

**Pool Owners:**

- Swimming pool owners are required to register their swimming pools on an online register to be provided by the NSW State Government.
- Swimming Pool owners will be required to self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool.
- There is a penalty for owners who fail to register a swimming pool (penalty notice amount of \$220).
- Swimming pool owners will be required to provide a valid swimming pool compliance certificate before being able to sell or lease a property with a pool.
- Accredited certifiers under the Building Professional Act 2005 may conduct swimming pool inspections initiated by the pool owner.

**Councils:**

- Councils are required to:
  - develop and implement a swimming pool barrier inspection program in consultation with their communities
  - report annually on the number of pool inspections undertaken and the level of compliance with the requirements
  - inspect pools associated with tourist and visitor accommodation and multi-occupancy developments at three year intervals
  - at the request of a pool owner, inspect pools prior to sale or lease
  - issue compliance certificates after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance certificates are valid for three years.
- A swimming pool subject to an occupation certificate is exempt from an inspection program for three years from the date of issue of the occupation certificate.
- Councils may inspect any swimming pool that is the subject of a complaint to the council.
- Council powers of entry will be consistent with the Local Government Act 1993.
- Councils may charge a fee for each inspection undertaken (up to a maximum of \$150 for the first inspection and \$100 for one re-inspection resulting from the first inspection).

Staged implementation provisions:

The Act includes a staged implementation process to facilitate:

- the development and implementation

of the Swimming Pools Register (to commence by no later than 29 April 2013)

- registration by pool owners of pools (after the register commences and by no later than 29 October 2013)
- councils' inspection programs (to be developed in consultation with the community, adopted and commenced by no later than 29 October 2013)
- mandatory inspections by councils of tourist, visitor and multi-occupancy developments, and pools associated with property sale and lease (to commence by no later than 29 April 2014). (now 29 April 2015)

Further information will be available as the legislative amendments are implemented.

To check if a pool meets legislative requirements, pool owners and occupiers should contact their local council in the first instance.

**The Swimming Pools Act**

In NSW, private or 'backyard' swimming pool safety is legislated by the Swimming Pools Act 1992 (the Act) and the Swimming Pools Regulation 2008 (the Regulation). The legislation also applies to moveable dwellings, hotels and motels.

The Swimming Pools Act 1992 prescribes the fencing requirements of backyard swimming pools in NSW. Some other safety requirements are prescribed including the requirement for a CPR sign to be displayed near the pool.

**QLD**

For more specific information about pool safety requirements, contact your local council or a private building certifier.

To have your swimming pool fence inspected contact your local council.

Copies of Queensland building legislation can be obtained by visiting [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

These guidelines are not intended to be, and should not be relied upon as, the ultimate and complete source of information on swimming pool fencing.

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[buildingcodes@dip.qld.gov.au](mailto:buildingcodes@dip.qld.gov.au)  
[www.dip.qld.gov.au/poolfencing](http://www.dip.qld.gov.au/poolfencing)

**SA**

From 1 January 2014 amendments to the Development Regulations 2008 will require councils to inspect all new pools for compliance. Building Advisory Notice Council inspections of new swimming pools provides information explaining the new requirements.

For an alternative version of the documents on this page contact Building Policy services.

**Swimming pool safety**

As a swimming pool or spa owner you are responsible for safety.

Drowning is the biggest cause of accidental death for young children. Most occur in



private backyard swimming pools. You can reduce the risk of accidents occurring in your swimming pool by adequately fencing your pool and ensuring young children are supervised at all times.

In a life-threatening or urgent situation phone the emergency services on 000.

### Fencing

All swimming pools must have a continuous safety barrier maintained by the pool owner that restricts access by young children to the pool.

If you are a property owner and are selling a property with a pool built before July 1993 you must make sure that the safety barrier meets today's standard for new pools. Fencing must be constructed in such a way to make sure that:

Gates to the pool area must:

- swing outward from the pool area
- be self-closing from any position
- be fitted with a latching device out of reach of small children at least 1.5m above ground level.

### Maintenance

As a swimming pool owner you must make sure that all required swimming pool safety features are maintained in working order at all times. Gates should never be propped open and it is very important that a gate closes and latches every time it is opened.

### Swimming pools built before 1 July 1993

If you are selling your property with a swimming pool, you are responsible for making sure that current safety requirements for swimming pool safety are met. This may mean you have to upgrade fencing or barriers.

If the property where a swimming pool is located is not for sale, the swimming pool can continue to comply with the old Swimming Pools Safety Act 1972. The Act requires a swimming pool owner to ensure that the swimming pool is enclosed by a fence, wall or building to restrict access by young children.

If the property is sold after 1 October 2008, the child-safety barriers must comply with Minister's Specification SA 76D before settlement. This means that barriers must be installed to separate the pool area from the house where ever possible.

### Swimming pools built on or after 1 July 1993

Swimming pools built on or after 1 July 1993 must comply with the rules that were current when the application for construction was submitted. This includes the provisions of the Development Act 1993 and the Building Code of Australia to restrict access to the swimming pool from the house, garage, street and any adjoining properties.

### Getting a pool inspected

You don't have to get a swimming pool inspected when selling a property with an existing pool.

Some council officers, building consultants and private certifiers are able to inspect pools and can give advice about whether they are compliant with the relevant legislation.

Only council officers have legislative authority under the Development Act 1993 to enforce requirements for swimming pool safety.

Find your local council on the Local Government Association of South Australia

Legislation

Development Act 1993  
Swimming Pools Safety Act 1972

## Tasmania

In Tasmania building permits are required and obtained from your local council for the installation of all swimming pools above and below ground where the maximum water surface area is greater than 9 metres and maximum water depth is greater than 300 millimetres. Swimming pools must provide child resistant safety fencing.

All access doors or gates are to be fitted with child-resistant self-closing and latching devices and where incorporating an external wall of a building, any doors and openable windows to the pool area should be fitted with self-closing and latching devices that are child-resistant.

Options for the location of pool safety fencing include isolating the swimming pool from all parts of the allotment, buildings and neighbouring allotments using an enclosure of safety fencing. Alternatively the pool can be isolated from other parts of the allotment, buildings and neighbouring allotments utilizing the existing boundary fencing and walls of buildings on the allotment provided there is no climbing points for access on the boundary fencing or access from the building to the pool area. If access is provided from the building to the pool area any access door and window opening to the pool area must be protected with child-resistant doorsets and child-resistant openable portions of window.

Swimming pool safety fencing should be designed and constructed so as to be non-climbable by young children having regard to the height of the fence, any horizontal climbable members, openings and footholds in the fence and the operation of self-closing and latching gates.

Additional requirements for swimming pools, which will effect design considerations and include provisions for drainage of swimming pools, water recirculation and inlet and outlet openings and skimmer boxes.

### Swimming pool safety fencing

Swimming pool safety fencing is to be installed in accordance with the Building Code of Australia and Australian Standard 1926.1 – Swimming Pool Safety.

### Gates and fittings

Gates and fittings must comply with the Building Code of Australia and Australian Standards 1928.

1. Installation includes:

- Gates must swing outwards from the pool area.
- Gates must be fitted with a self-closing device that will return the gate to the closed position and operate the latching device from any position from resting on

the latching mechanism to fully open and from a stationary start without the application of a manual force.

- Gates must be fitted with a latching device that will automatically operate on the closing of the gate and prevent the gate from being re-opened without manual release and cannot be inadvertently adjusted in operation or adjusted without the use of tools.

## Victoria

### Swimming Pool and Spa Safety

#### GENERAL REGULATORY REQUIREMENTS

#### Purpose

The purpose of this practice note is to inform owners, occupiers, people who build swimming pools and spas, and building surveyors, about their responsibilities in relation to minimum safety requirements of a swimming pool or spa over its lifetime.

#### Objective

The objective of the minimum requirements for swimming pools, spas and safety barriers is to minimise harm to children under five years of age from death and drowning injury. A secondary objective of the minimum requirements is to minimise harm to people from the entrapment of hair on a swimming pool or spa water reticulation system.

#### Application

All swimming pools and spas with a depth of water more than 300 mm (referred to as "pool" throughout this document) associated with Class 1, 2 and 3 buildings and a Class 4 part of a building, or a children's service, must have safety barriers to restrict access by children under five years of age to the pool area.

#### When is a safety barrier required

Generally safety barriers are required for pools containing water to a depth greater than 300 mm of water, as follows:

- In-ground pools and spas
- Above-ground pools, including inflatable pools
- Indoor pools and spa pools
- Children's paddling and wading pools
- Spas, jacuzzis, hot tubs and swim spas (including portable spas)

Safety barriers are not required for structures not used principally for swimming, paddling or wading, such as:

- Pools or spas listed in the paragraph above and not capable of containing water to a depth greater than 300 mm
- Baths and spas used for personal hygiene and emptied after each use (such as a spa bath in a bathroom or ensuite)
- Fish ponds
- Fountains
- Bird baths
- Water supply/storage tanks
- Dams

### Safety barrier maintenance

An occupier of an allotment or building containing a pool must:

- maintain and ensure that the swimming pool barrier, door, gate lock, latch, catch, bolt or fly screen restricting access to the swimming pool or spa area is maintained and operating effectively at all times; and
- ensure that any gate or door forming part of a swimming pool or spa barrier or fence that provides access to the swimming pool or spa is in the closed position except when a person is in the act of entering or leaving the swimming pool or spa.

When a safety barrier is replaced, a new building permit will be required. The safety barrier will need to comply with the current technical standard at that time.

Practice Note 2014-05

### Operation of gates and doors

The gate or door must close and latch from any position from resting on the latching mechanism to fully open, under both of the following conditions: the natural weight of the gate or door; and after a mass of 25 kg supported by the top rail is placed at a point 100mm from the outer edge of the locking stile of the gate or door.

This requirement is intended to indicate whether the automatic closing and latching mechanism is likely to remain effective after the gate or door has been subject to deflection, either under its own weight or as a result of children swinging on it.

The latching device and posts of the fencing to which the gate or door is attached must be capable of retaining the gate in a closed position when tested.

If you have a technical enquiry please email:

technicalenquiry@vba.vic.gov.au  
or phone 1300 815 127

Victorian Building Authority  
733 Bourke Street Docklands VIC 3008  
Practice Note 2014-05

Issued August 2014  
www.vba.vic.gov.au

## WA

### Rules for pools and spas

Drowning is the most common cause of preventable death of children aged 0–5 years. Over the past five years, 16 toddlers have drowned in Western Australia. For every drowning death, it is estimated that 10 children are admitted to hospital following a near-drowning incident (160 children over the past five years).

In WA, domestic swimming pools are the most common site in which drowning for children aged 0–5 years occurs, with 94 per cent of drowning incidents at locations in and around the home. Of that 94 per cent, 31 per cent occurred at a relative or neighbour's home.

These tragic incidents can be significantly reduced if we are all aware of the potential hazards of water in our everyday life, use simple prevention methods and learn the life saving skill of resuscitation.

There are specific laws in WA that mandate the installation of a safety barrier to enclose private swimming and spa pools.

The laws are intended to protect the safety of young children by restricting their access to the area containing the swimming or spa pool.



## Child Safety Gate Latch

- vertical and horizontal adjustability to compensate any sagging of the gate
- trouble free operation in any climate
- tamper-proof latch pin



## Child Safety Gate Latch Kit

- includes the Trio Safety Products Child Safety Gate Latches as well as two self-closing hinges



## Heavy Duty Self-Closing Hinge

- suitable for left and right applications
- self-closing with adjustable tension



## Heavy Duty Self-Alignment Self-Closing Hinge

- suitable for left and right applications
- self-closing with adjustable tension
- added strength



## Gravity Gate Latch

- 5 pin rekeyable lock
- right and left handed gate applications



## Gravity Double Gate Latch

- accessible & key lockable from both sides
- 5 pin rekeyable lock
- right and left handed gate applications



## Side Pull Gate Latch

- magnetic latching
- slotted holes for universal size fitting and horizontal / vertical alignment



## Polymer Finish

- Doesn't crack and is unaffected by moisture
- Is very strong and highly resilient to impact