

# Protect Your Pool, Protect Your Kids Checklist

In NSW, 12 children under five years of age drowned in 2010-11, with a further 64 children being admitted to hospital for near drowning. Children under five years of age have the highest drowning rate out of any age group, with approximately 50% occurring in swimming pools.

Inadequate pool fencing continues to be a major factor in the rate of drowning and near drowning among children under five years of age. Pool fencing gives added protection by restricting access to the pool area.

All pool owners should check their swimming pool regularly throughout the year, especially in the months leading up to summer.

Please be aware that pool fencing legislation is different in all the states and territories within Australia and this checklist relates to NSW only.

Serious penalties apply for anyone who does not comply with the *Swimming Pools Act 1992* (NSW).



For more information please visit <http://kidshealth.schn.health.nsw.gov.au> and click on the drowning prevention link under the projects tab.

**kids health**  
the children's hospital at Westmead  
Child Health Promotion Unit

**ctcper**  
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The Centre for Trauma Care, Prevention,  
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NSW  
GOVERNMENT

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## Swimming Pool Laws and Your Circumstances

The *Swimming Pools Act 1992* (NSW) requires private swimming pool owners to ensure that their pools is at all times surrounded by a child-resistant barrier that separates the pool from any residential building on the property as well as from any public or private place adjoining the property.

Generally, a compliant barrier is a four-sided fence to a specified standard that surrounds the pool.

However, various standards and certain exemptions apply depending on when the pool was built and the nature of the property on which your pool is located. For example, these may allow use of child-resistant doors and window locks to separate the residence from the pool in limited circumstances.

Contact your local council for advice on the type of barrier your pool requires and the standard to which it must be built.

## Swimming pool register

As of 29 October 2013, all swimming pools must be registered on the state-wide pool register. The pool register will be available from 29 April 2013. As part of the registration process, pool owners must certify to the best of their knowledge that their pool barrier complies with the regulations. Fines apply for pool owners who do not register their swimming pool.

After 29 April 2013 - Have you registered your pool on the state-wide pool register?

Yes

No- Contact your local council, private certifier or visit the online website provided by the NSW State Government to register your swimming pool.

## Swimming pool inspections

As of 29 April 2014, all tourist and visitor accommodation or properties where there are more than two dwellings must have a swimming pool inspection at least once every three years.

*Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile. This includes town houses/ villas, residential flats and apartments. Common pools in housing estates, community estates, caravan parks, camping grounds etc. with a pool.*

All local council swimming pool inspection programs for their local area commence no later than 29 October 2013. Local councils can charge pool owners up to \$150 for the first inspection and up to \$100 if a second inspection is needed (if faults are identified at the first inspection). Contact your local council for further information.

As of 29 April 2014, all residential properties with a swimming pool must have a valid certificate of compliance before the property can be leased or sold.

From 1 May 2012 pool owners may engage either the local council or an accredited certifier to inspect the pool barrier for the issue of a certificate of compliance. Certificates of compliance are valid for three years.

## Skimmer boxes

Since 1993, all pools and spas in NSW are required to have safe skimmer boxes due to the severe internal injuries that can occur from sitting on the pool's skimmer box, especially the old 'potty' style skimmer boxes.

Does your skimmer box have a permanent dome shaped protective lid and a safety skirt that can only be removed by the use of a tool?

Yes

No- Fix a permanent protective lid to the filter inlet. Manufacturers or repairers of fibreglass pools should be able to carry out these repairs (you can find them in the Yellow Pages). Also, your local swimming pool supplier may have a low cost conversion kit for the old style skimmer box.



*Dangerous skimmer box*



*Safe modified skimmer box*

## New Swimming Pools

Under the *Work Health and Safety Regulations 2011* (Cth), temporary fencing is required on all new pools under construction to avoid risks to health and safety arising from the excavation work. This includes stopping children falling into an empty pool, or drowning if water is present in the pool after it rains.

Do you have temporary fencing around your pool as it's being built?

Yes

No- Install temporary fencing

Have you received approval from your local council before building a new swimming pool?

Yes

No- Contact your local council or private building certifier.

Have you spoken to your local council about where your permanent fence is going to be located?

Yes

No- Contact your local council to make sure the location of your permanent pool fence meets council guidelines.

Have you had a final inspection by your local council or private building certifier as soon as possible after the permanent compliant fence is installed?

Yes

No- Contact your local council or private building certifier to arrange a final inspection.

### Pool Internal Fence- Height—see separate section for boundary fences

Is your pool fence at least 1.2m above the ground from finished ground level?

Yes

No- Contact a Licensed Builder, Pool Technician or Fencing Contractor straight away.

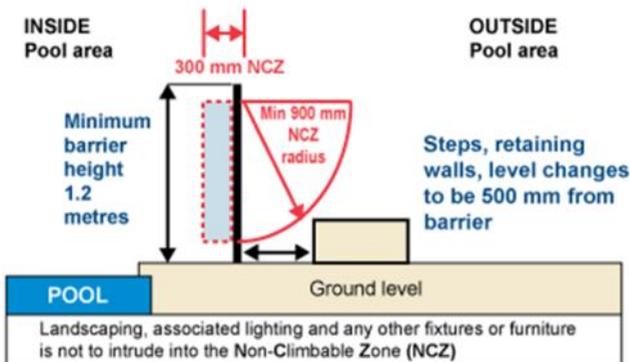
### Pool Fence- Non Climbable Zone

Have you made sure trees, shrubs or any other objects such as a BBQ, pot plants, toys, ladders and chairs are outside of the 90cm Non Climbable Zone? (*measured in an arc shape from the top of the outside of the pool fence arching towards the ground*)

Yes

No- Trees or shrubs near the pool barrier and other objects such as a BBQ, pot plants, toys, ladders and chairs should not come within the 90cm non climbable zone so a child can not use them to climb over the fence.

There must be no permanent structures in a 30cm non climbable zone on the inside of the pool fence. Non-pool structures such as garages, pergolas, clothes-lines, boatsheds, ramp/pontoon or sheds are not allowed to be within the pool area.



### Pool Fence- Vertical Gaps

If the fence contains vertical bars, are the gaps between these bars no more than 10cm?

Yes

No- Contact a Licensed Builder, Pool Technician or Fencing Contractor straight away.

*Note: Maximum 10cm spacing to allow for flex of bar and usually measures less than 9cm*

### Pool Fence- Horizontal Climbable Bars

Are the horizontal bars on the fence at least 90cm apart from each other?

Yes

No- Contact a Licensed Builder, Pool Technician or Fencing Contractor straight away.

### Pool Fence- Gap at the Bottom of the Fence

Is the gap at the bottom of the pool fence no more than 10cm from finished ground level?

Yes

No- Contact a Licensed Builder, Pool Technician or Fencing Contractor straight away.



### Pool Fence and Gate- Maintenance

Are all fence bolts, screws and fasteners tight and in good order?

Yes

No- Any loose bolts, screws and fasteners should be tightened or replaced.

Do you spray self closing gate hinges, locks and latches with lubricating oil or silicone?

Yes

No- Manufacturers of the pool fence and gate should provide you with written instructions on how to maintain your pool fence and gate. This may include the regular replacement of springs and regular spraying of self closing gate hinges, locks and latches with lubricating oil or silicone that can help to prevent many of the faults relating to self closing and self latching gates.

### Pool Fence – Gate Latching Device Location

Is your pool gate non shielded latching device located at least 150cm above ground level?

Yes

No- If your latching device is less than 150cm above ground level, it must be located on the inside of the pool fence, at least 15cm below the top of the gate, with a shield fitted around the latch of at least 45cm radius.

### Cardio-Pulmonary Resuscitation (CPR) Sign

Do you have a CPR sign in your pool area that is in good condition and can be read from a distance of 3 metres?

Yes

No- Buy and install a CPR sign from your local Pool Shop, Council or Community Organisations such as St John Ambulance the Australian Red Cross or The Royal Life Saving Society.

*Note: The CPR sign may need replacing from time to time if fading occurs.*

## Pool- Gates, Self Closing & Latching Devices

Does your pool gate swing outwards (away from the pool area)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No- The pool gate must be re-hung so it swings outwards (away from the pool area).
Does your pool gate automatically shut without having to forcibly close it from any open position?	<input type="checkbox"/> Yes	<input type="checkbox"/> No- The pool gate should be permanently fastened until a new lock and closing device can be installed. Self closing and self latching devices can be purchased from most pool shops and hardware shops and are fairly easy to install.
Does your pool gate automatically lock (self latch) when the gate closes?	<input type="checkbox"/> Yes	
Do you make sure you never prop your pool gate open?	<input type="checkbox"/> Yes	<input type="checkbox"/> No- Always shut the gate and never prop the gate open.

## Boundary Fence Used as Part of the Pool Fence

If you have any horizontal bars on the inside of the boundary fence, are they outside of the 90cm Non Climbable Zone? ( <i>measured in an arc shape from the top of the inside of the pool fence arching towards the ground</i> )	<input type="checkbox"/> Yes	<input type="checkbox"/> No- Contact a Licensed Builder, Pool Technician or Fencing Contractor to provide you with a compliant solution.
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## Child Resistant Windows - Window Sills Less Than 180cm Above the Ground

Swimming pools and barriers constructed prior to 1 September 2008 may have child-safe windows as part of the pool fence or barrier. The requirements for older pools including <b>child-safe</b> windows are different to the requirements for new pools including <b>child-resistant</b> windows. If the windows as part of the pool barrier are not maintained according to the appropriate standard, then you may be required to comply with current child-resistant window requirements. Barriers that are altered or rebuilt may also be required to comply with current child-resistant window requirements. Please check with your local council.		
If you have <b>child-safe</b> windows that form part of a pool barrier, do they have a locking device or a security screen that prevents them from opening more than 10cm ?	<input type="checkbox"/> Yes	<input type="checkbox"/> No- The exemption of <b>child-safe</b> windows is no longer allowed to be installed. You are required to comply with current child-resistant window requirements.
If you have <b>child-resistant</b> windows that form part of a pool barrier, is the openable part of the window covered by permanently fixed bars or a mesh screen?	<input type="checkbox"/> Yes	<input type="checkbox"/> No- Install bars or a mesh screen (maximum gap 10cm) to cover the window opening. Bars and mesh screens can be purchased from your local hardware store, but you should also seek advice from your local council or a licensed builder.

## Child Resistant Doors

Some older swimming pools might include doors as part of the pool fence or barrier. This is no longer allowed in the building of new pools or barriers that are altered or rebuilt.

If you have a door that forms part of a pool barrier, does it self close?	<input type="checkbox"/> Yes	<input type="checkbox"/> No The exemption of child-safe doors is no longer allowed to be installed. You may be required to install a four sided fence around your swimming pool. Please check with your local council.
If you have a door that forms part of a pool barrier, does it self latch?	<input type="checkbox"/> Yes	
If you have a door that forms part of a pool barrier, is the latching device located at least 150cm off the floor and able to be operated from both sides of the door ?	<input type="checkbox"/> Yes	
If you have a door that forms part of a pool barrier, have you made sure there are no footholds wider than 1cm on the door or its frame between the floor and 100cm above the floor?	<input type="checkbox"/> Yes	
If you have a door that forms part of a pool barrier, have you made sure there are no pet doors?	<input type="checkbox"/> Yes	

## Above Ground Pools and Inflatable Pools

If you have an above ground pool, does it have a fence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No- Install a child resistant fence.
If you have an inflatable or portable pool that is capable of being filled with more than 30cm of water, does it have a fence?	<input type="checkbox"/> Yes	



## Spa Pools

Does your spa pool have a fence around it?

Yes

No- Install a child resistant fence OR you must ensure that the spa is covered and secured by a lockable child-safe structure (such as a door, lid, grille or mesh) when the spa is not in use.

## Other checks

Have you checked that all electrical components and pumps meet electrical safety requirements and are properly covered?

Yes

No- Check that your spa is marked with a mandatory electrical safety approval number or a Regulatory Compliance Mark. This mark usually includes a capital letter for your state or territory in Australia (for example, N for NSW), and a certificate number.

Do you have a CPR sign near your spa that is in good condition and can be read from a distance of 3 metres?

Yes

No- Buy and install a CPR sign from your local Pool Shop, Council or Community Organisations such as St John Ambulance the Australian Red Cross or The Royal Life Saving Society.



## Renters

All rental agreements should include the responsibilities for the maintenance of the swimming pool. The tenant must notify the landlord of any damage or repairs needed. The tenant may carry out urgent repairs that causes the premises to be unsafe (which would include faults to the swimming pool fence) if the landlord or agent cannot be contacted or does not carry out urgent repairs within a reasonable time.