

## → FENCING OF SWIMMING POOLS COMMENCED OR INSTALLED PRIOR TO 1 AUGUST 1990

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For complete information on this subject please read the Swimming Pools Act 1992, Swimming Pool Regulation 1998 and AS1926-1986 Fences and Gates for Private Swimming Pools.

### WHAT IS AN EXISTING SWIMMING POOL?

An existing swimming pool as defined by the Swimming Pools Act 1992 is a swimming pool whose construction or installation had begun or was completed before 1 August 1990.

### DO I NEED TO FENCE MY POOL?

Where a swimming pool, being an excavation, structure or vessel capable of being filled to a depth of 300 mm or greater and is **proposed to be used primarily for swimming, wading, paddling or any other human activity**, the swimming pool **must** at all times be surrounded by a child-resistant barrier. The barrier must:

- a separate the swimming pool from any residential building situated on the premises and from any place (public or private) adjoining the premises; and
- b be designed, constructed, installed and maintained in accordance with the standards set out by the Swimming Pools Act 1992 and the Swimming Pool Regulations 1998.

(this information can be accessed via the Internet at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

Ponds and water features in rear and/or front yards should not be greater than 300 mm deep to minimise the risk to children. However, they do not form part of the Swimming Pool Act 1992.

### HOW MAY THE BARRIER BE FORMED?

The owner of the pool may wish to fence the pool in accordance with the current requirements or alternatively comply with the requirements of existing swimming pools as outlined in the Act and Regulations.

A child-resistant barrier surrounding a swimming pool is to be designed, constructed, installed and maintained in accordance with the requirements of AS1926-1986 – Fences and Gates for Private Swimming Pools.

Existing swimming pools have been granted an exemption under clause 8 of the Swimming Pool Act 1992. The following applies:

The child resistant barrier surrounding the swimming pool is not required to separate the swimming pool from any residential building situated on the premises as long as the means of access to the swimming pool from the building are at all times restricted in accordance with clause 6 of the Swimming Pools Regulation 1998, namely:

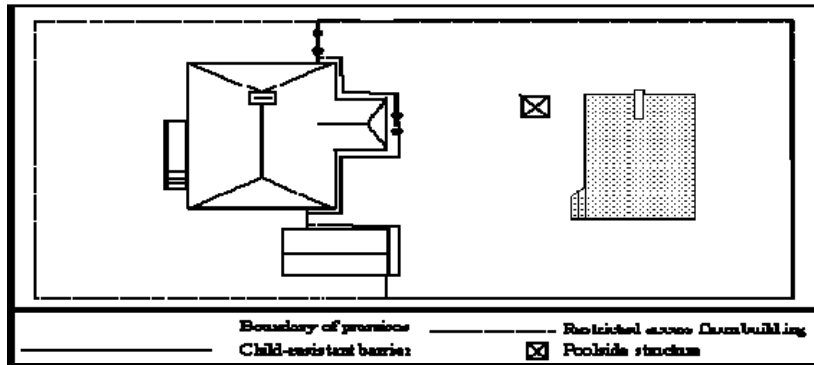
1. The door (this can either be the security door or other external door) must be child safe and must be kept child safe by a lock, latch, bolt, chain or other child resistant device located a minimum of 1.5 metres above the finished floor level of the room.
2. The door and/or the door frame is not to contain any footholds greater than 10 mm anywhere within 100 mm of the finished floor level of the room and the release device located a minimum of 1.5 metres above the floor level.
3. In relation to a window providing access to the pool, the lowest portion of the openable part of the window is to be a minimum of 1.2 m above the finished floor level of the room with no footholds exceeding 10 mm in width within 1.1 m of the bottom of this panel.

The window requirements above do not apply to a child-safe window or to a window that is totally enclosed by a child-safe grille or by a fixed child-safe flyscreen.

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### *Option 3 - Perimeter fencing and wall of house used as barrier in existing dwellings*

This option includes perimeter fencing and gates that restrict access to the property (generally the backyard). The owner must then also ensure the back wall of the home, windows and doors are child safe.



### WHAT DOES CHILD SAFE MEAN WHEN USING THE WALL OF THE DWELLING AS PART OF THE CHILD RESISTANT BARRIER?

Child safe is defined as the following:

- Walls shall be a substantial construction having vertical sides and having a height of at least 1.2 metres (in the case of a wall which has a gap of 105 mm or more above it) and having no footholds wider than 10 mm within 1.1 metres of the top of the wall.
- Doors shall be of substantial construction and when the door is locked, latched, bolted, chained or otherwise secured have no opening below 1.5 metres above finished floor level either in the door or between the door and the doorway greater than 105 mm.
- Windows shall be of substantial construction and so fixed by means of a keyed locking device or other child-resistant device so there is no opening greater than 105 mm. A child-safe grille or a fixed child-safe flyscreen is also acceptable and can permit the openable section of the window to be within 1.2 metres of the finished floor level.
- In any other case being of substantial construction and having no opening through which it is possible to pass a round bar having a diameter of 105 mm.

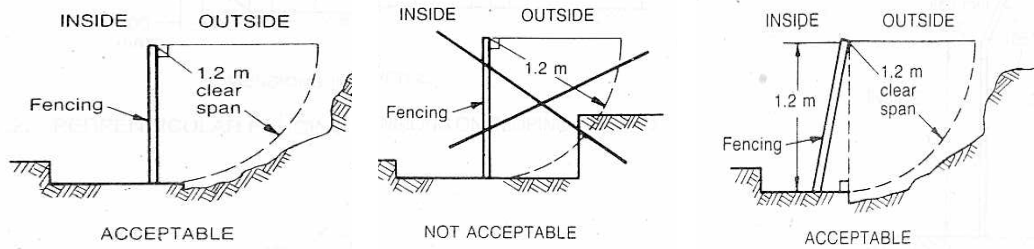
### WHAT FENCING IS CONSIDERED ACCEPTABLE?

Fencing surrounding a swimming pool including boundary fencing shall comply with the provisions of AS1926-1986. The following information is an extraction from the standard for assistance with the design and installation of pool fencing. The fencing is to be designed taking into consideration the following:

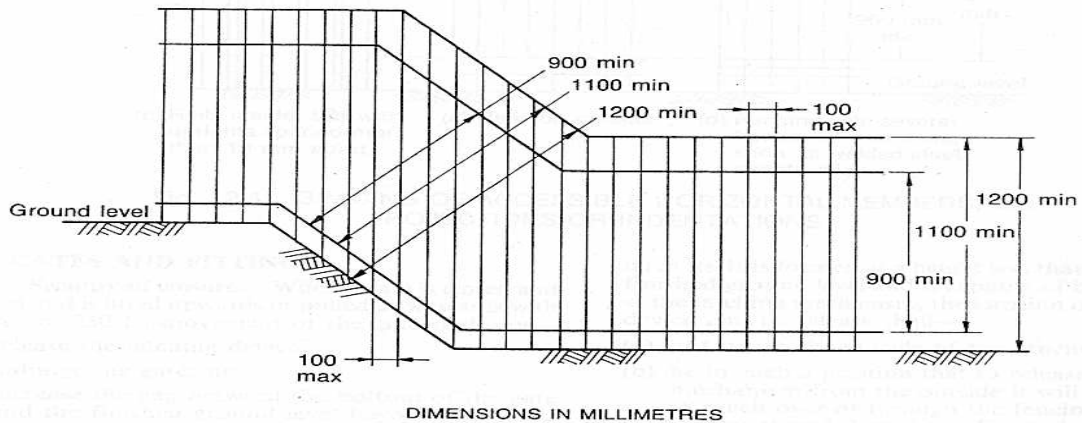
- An effective perpendicular height from the ground level of a minimum of 1.2 m measured from the outside of the pool fencing.
- The height of the opening between the bottom of the fencing and the ground level immediately below shall not exceed 100 mm.
- Any horizontal rails, rods, wires or bracing that could be used as a foothold for climbing should be placed on the inside of the fence.
- The spacing between any adjacent members such as palings, rods or wires shall not exceed 100 mm at any point.
- The gate(s) are to be outward swinging and self closing with the latching device a minimum of 1.5 m above finished ground level.
- An indentation or projection from the fence shall not exceed 10 mm as it acts as a foothold for climbing.

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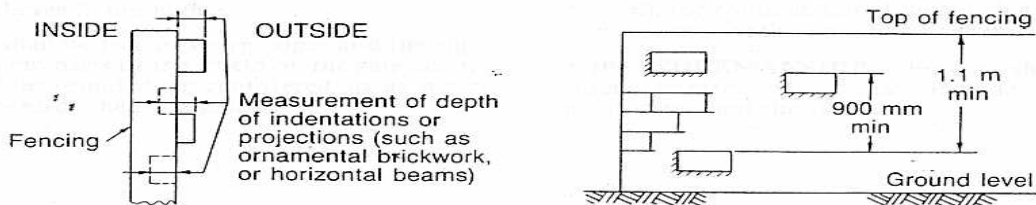
The following shows diagrammatically the requirements outlined above



The diagrams above show the distances and method measurement the fencing is to be from outside surfaces and projections



The diagram above shows numerically the specifications of the fencing design.



The diagrams above show the different types of fencing used and the method of compliance with the fencing requirements

### DO I NEED WARNING SIGNS?

Warning signs must be provided in a prominent position in the immediate vicinity of the swimming pool. It is preferable this be displayed adjoining the shallow end of the pool, containing the words 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL' together with details of resuscitation techniques associated with infants, children and adults.

### WHAT IF I DON'T HAVE ANY CHILDREN LIVING AT MY HOUSE?

All swimming pools capable of being filled to a depth of 300 mm or greater **must** comply with the Swimming Pools Act 1992 and the Swimming Pools Regulation 1998 and must be fenced as detailed above.

### WHAT IF IT IS ONLY A TEMPORARY OR INFLATABLE POOL?

All pools capable of being filled to a depth of 300 mm or greater are required to have a child-resistant barrier, including temporary and inflatable pools. It is the responsibility of the owner(s) to ensure a child-resistant barrier is **provided and maintained** to the pool. Failure to do so can not only lead to a child's life being put at risk but also an on-the-spot fine.

### WHAT IF IT IS A SPA POOL

A spa pool is not required to be surrounded by a child-resistant barrier so long as access to the water is restricted by a cover secured by a child-safe structure such as a door, lid, grill or mesh that is fastened to the spa pool by a child-resistant device.

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### GENERAL CHECKLIST

**ALL POOLS** - excluding those on large allotments (ie 2 hectares or more) and/or waterfront properties

#### Pool Gates

- Is the pool gate at least 1.2 m high?
- Is the pool gate never propped open or tied back?

#### Does the pool gate:

- Close by itself from any open position?
- Latch by itself when it closes?
- Open outwards, away from the pool?
- Never get propped open or tied back?
- Have a latch release at least 1.5 metres above ground or shielded (so that a small child cannot open the gate)?

#### Resuscitation Sign

- Is there a resuscitation sign in the immediate vicinity of the pool area? (Where possible erected adjacent to the shallow end of the pool.)
- Is the chart legible, complete and up to date?
- Does it require replacing?
- Does it say 'Young children should be supervised when using this swimming pool'?

**Note:** These notices are available from the Royal Life Saving Society, St John Ambulance, or your local swimming pool equipment shop.

**POOLS BUILT BEFORE 1 AUGUST 1990 – OR** on very small properties (an area of less than 230 square metres); on large properties (an area of 2 hectares or more); on waterfront properties.

**DOORS** - are all doors that could allow a child to go from your house directly to the pool:

- Fitted with locking mechanisms which are located at least 1.5 metres above the finished floor level (out of a small child's reach)?
- Made of substantial construction?
- Built with no opening greater than 100 mm?
- Free of any footholds wider than 10 mm between the release mechanism for the door and any point 100 mm above finished floor level.
- Is each child-safe door, kept child safe by means of a lock, latch, chain or other child-resistant device which is at least 1.5 metres above floor level?

**WINDOWS** - do all windows that give access to the swimming pool comply with the following?

- Made of substantial construction?
- The bottom of the lowest opening panel of the window must, when closed, be at least 1.2 metres above floor level?
- Be fixed by a keyed locking device or other device not allowing an opening greater than 100 mm?
- There must not be any footholds wider than 10 mm between the bottom of the lowest opening panel of the window and any point within 1.1 metres below the bottom of that panel.

**Note:** The above requirements for windows do not apply if it is a child-safe window or is totally enclosed by a child-safe grille or fixed child-safe flyscreen.

**WALLS** - Does each wall that is used as a barrier between a pool and adjacent properties comply with the following?

- The wall must be of substantial construction.
- Have vertical sides-of at least 1.2 metres in height.
- Have no footholds wider than 10 mm within 1.1 metres of the top of the wall.

#### Disclaimers

This information was believed to be correct at the date of its publication.

This information is for general information purposes only and should not be relied upon for legal advice.