

IS YOUR POOL SAFE?

HOW TO KEEP YOUR POOL SAFE

- Always keep your fence in good repair and gates and doors and window locks in good working condition.
- Always leave your filter covered so small children can't get into it.
- Don't leave objects near the fence as children may use them to climb over.
- Don't leave any gates or doors propped open. Small children are curious.
- A secure pool is no substitute for responsible adult supervision. Children in or around the water must be watched at all times. No matter what their swimming ability, children should always be supervised.
- It is essential that children are taught to swim from an early age. NSW Sport & Recreation conducts learn to swim classes at most major pools. Please contact them for further details.
- Training in resuscitation techniques will give adults the skills required for emergency situations.

WHAT'S YOUR COUNCIL'S RESPONSIBILITY?

Your council has responsibility for administering the Swimming Pools Act and Regulation in its area. Under the Act your council must ensure it is notified of all swimming pools in its local area, which are covered by the Act. Your council is also responsible for promoting awareness of the requirements of the legislation in relation to swimming pools.

To check if your pool meets the requirements of the Act you should contact your local council. At a cost, not exceeding \$70, the council can grant you a certificate of compliance if your swimming pool complies with the requirements of the Act.

BE POOL WISE SUPERVISE!

If your pool does not comply with the requirements of the Act then your council will advise you of which steps you would need to take in your particular circumstances. A council may serve you with a notice requiring you to comply within a reasonable time. In any notices your council must give reasons for its decision to issue you with the notice. You are entitled to appeal against these notices to the Land and Environment Court.

A council may appoint an inspector to inspect swimming pools and barriers.

USEFUL CONTACTS

- **Division Local Government
Department of Premier and Cabinet:**
Phone: (02) 4428 4100
Website: www.dlg.nsw.gov.au
- **Communities NSW
NSW Sport & Recreation (Learn to Swim Program):**
Phone: 13 13 02
Swimsafe programs cater for children from 18 months to adults – beginner to advance levels. Information on the programs is available at: www.dsr.nsw.gov.au
- **The Royal Life Saving Society:**
Phone: (02) 9634 3700
Website: www.royalnsw.com.au
- **St John Ambulance:**
Phone: (02) 9212 1088
Website: www.stjohnnsw.com.au

The Swimming Pools Act 1992 and the Swimming Pools Regulation 2008 can be viewed and downloaded online at:
Website: www.legislation.nsw.gov.au

SWIMMING POOL LAWS

Every year a number of children drown in backyard swimming pools.

The Swimming Pools Act 1992 was introduced to improve pool safety for children. However, the provision of pool barriers and warning notices are only part of proper pool safety procedures.

The most important aspect is adult supervision of young children in and around swimming pools.

Swimming classes for children and the training of adults in resuscitation techniques are other important aspects of water safety.

Remember – children can drown in fenced pools.



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WHAT'S YOUR RESPONSIBILITY UNDER THE SWIMMING POOLS ACT?

The Swimming Pools Act 1992 and the Swimming Pools Regulation 2008 apply to all swimming pools (both indoor and outdoor) on premises where there is a residential building, a movable dwelling (eg caravan), a hotel or a motel. These laws contain penalties ranging from \$110 to \$1,100 for not complying with the requirements of the legislation.

If you are the owner of premises on which a swimming pool is situated you must ensure that the pool is at all times surrounded by a child-resistant barrier consisting of fencing and/or child-safe windows and doors on your house. You must always keep your fence in good repair and gates and doors in good working condition. It is important that you ensure that doors and gates providing access to the swimming pool are kept securely closed at all times when not in actual use. Do not leave any gates or doors open, as small children are curious.

The requirements for child-resistant barriers on premises where there is a residential building vary according to when the pool was constructed and where the pool is located:

- For pools built on residential land **after** 1 August 1990 but **before** 1 September 2008, 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. The child-resistant barrier must be designed, constructed, installed and maintained in accordance with the Australian Standard for Fences and Gates for Private Swimming Pools – AS1926-1986. For pools built **after** 1 September 2008, the appropriate standard is the Australian Standard for Swimming Pool Safety – Safety Barriers for Swimming Pools – AS1926.1-2007.

- For pools on residential land constructed **before** 1 August 1990, the pool must either be surrounded by a child-resistant barrier (as above) or the means of access from the building to the pool must be restricted at all times. The standard for restriction, eg by child-safe windows and doors, are set out in the Swimming Pools Regulation 2008. However, any barrier in existence on 1 August 1992, must be maintained in existence and in good repair.

You can decide the exact location of the barrier, which need not closely surround the pool provided it meets the requirements of the Act and Regulation. Perimeter boundary fencing and certain types of structures within the pool area are permitted.

Under the Act and Regulation special requirements apply to indoor pools, spas, pools situated on premises that have moveable dwellings, hotels or motels, premises having an area less than 230 square metres, large properties having an area of 2 hectares or more, and properties having frontage to any large body of water. **Please contact your local council for details about these special requirements.**

All pool owners must display a prescribed warning notice in a prominent position in the immediate vicinity of the swimming pool. The sign gives a supervision warning and the details of resuscitation techniques. These signs are readily available from many councils and community organizations such as The Royal Life Saving Society and may also be obtained from pool shops and other outlets. **Please display the warning notice where it can be easily seen.**

Serious penalties apply if you do not comply with the prescribed requirements of the Act.

SWIMMING POOL LAWS

WHAT'S YOUR RESPONSIBILITY IF YOU'RE RENTING A PROPERTY WITH A POOL?

If you are renting a property under a residential tenancy agreement, the Residential Tenancies Act provides that:

- The landlord is responsible for providing and maintaining the premises in a reasonable state of repair.
- The tenant is not to intentionally or negligently damage the premises and the tenant must notify the landlord of any damage.
- The tenant may carry out urgent repairs and be reimbursed up to \$1,000 for any fault or damage that causes premises to be unsafe.



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