

Changes to Pool Safety Rules

The Building (Pools) Amendment Bill was introduced for its first reading on 16 September, amending the Building Act 2004 and repealing the Fencing of Swimming Pools Act 1987.

This Bill has implications for all owners of pools as well as developments incorporating water garden features and stormwater retention ponds and local authorities, as it is intended to reduce compliance costs and improve consistency of application.

Since the Fencing of Swimming Pools Act was first enacted, the number of fatalities of children under 5 years old in residential swimming pools has dropped from about 10 per year to 3 per year. The Government is now proposing to repeal this legislation in a hope to create efficiencies whilst maintaining the same level of child safety.

The Bill seeks to remedy the inconsistencies in the way that pool safety is administered and complied with under the Fencing of Swimming Pools Act. Some of the current issues include:

- Some Councils granting exceptions for different types of 'pools' such as spa pools, water features, and stormwater ponds
- irregularity of inspections of pools by councils
- the requirement of a fence as the only type of barrier allowed (as opposed to different types of barriers provided for under the Building Code)
- No enforcement mechanisms

Under this Bill, clarification will be made to the definition of residential swimming pool to specifically exclude other waterbodies such as water garden features, stormwater retention ponds, hot tubs, and spa pools. The definition will capture swimming pools with a maximum depth over 400mm. Councils will also be required to inspect pools every 5 years to ensure pool barrier compliance. Currently there are no rules around the frequency of inspections; reports show that some councils carry out inspections as often as every three years, and others carry out none.

Pool retailers and manufacturers will be required to inform buyers of their legal obligation to ensure that young children's access is restricted in certain ways. To create consistency with the Building Code, any pool barrier will be permitted provided that meets the performance base standards of the Code. The Bill also introduces 'notices to fix' and 'infringement notices' as tools for compliance, and court prosecutions in the case of serious breaches of the Act

The Minister for Building and Housing, Dr Nick Smith, has referred the Bill to the Local Government and Environment Committee. Public submissions are due by **5 November 2015**.

For more information on the Bill, its implications, and assistance on making a submission contact one of our specialist [resource management](#) team.

Information on the first reading of the Bill is available [here](#).

The text of the Bill is available [here](#) and a PDF version of the Bill is available at: [Building \(Pools\) Amendment Bill update](#)