

Review of NSW Swimming Pool Barrier Requirements

By Dixie Fitzclarence

Pool safety is a major concern at this time of year. Pool deaths accounted for 39 out of a total of 266 drownings in the year ended June 30, 2014, according to the Royal Lifesaving Society of Australia. Of those who drowned in pools, 14 were children under four years of age.

The Office of Local Government is currently reviewing the regulatory framework for swimming pools, aiming to simplify the framework and encourage greater barrier compliance in order to reduce child drowning deaths and near drowning injuries.

The current standards are set out in the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008 in regard to safety requirements and in the Building Professionals Act in respect of accreditation and oversight of accredited pools.

The key responsibilities of pool owners include:

- Registering their pool on the state pool register;
- Providing valid compliance certificate for the pool before being able to sell or lease a property with a pool; and
- Determining the location of the pool barrier, consistent with barrier standards and ensuring that the pool barrier requirements are met.

The legislation has been criticized for failing to meet the fundamental objective of reducing child drowning; more than 90 per cent of the state's 380,000 pools fail to comply with the current requirements.

The Review is examining:

- Inspection and certification framework, in particular the requirement for compliance certificate for properties sold and leases;



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- Enforcement framework, and
- Barrier standards and exemptions, including adopting relevant Australian Standards.

Consideration is also being given to the enactment of a criminal offence where a person dies as a result of the negligence of a third party with respect to the maintenance or use of a private swimming pool.

Anyone with a pool should review the current requirements to make sure their pool is compliant and keep an eye out for changes arising from the Review.

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