

Backyard Pool Safety Information Kit for Victorian Real Estate Agents, Property Managers and Landlords



Drowning is one of the leading causes of death for Australian children under 5 years of age. Backyard swimming pools are the most common location where child drowning incidents occur.

Evidence suggests that a large number of drowning deaths in pools are as a result of fencing that is faulty or non-compliant with Australian Standards.

In Victoria, evidence also suggests that rental property residents are at greater risk of experiencing a backyard pool drowning.

This kit has been developed as part of Kidsafe's 'Closing the Gate on Backyard Pool Drowning' campaign and is designed to provide you with pool safety information and advice to assist you in your role as a real estate agent or property manager.

Pool fencing laws

All swimming pools and spas on residential properties in Victoria with a depth greater than 30cm (300mm) are required to be surrounded by a safety barrier (e.g. a pool fence). Pool owners/landlords have a legal requirement to install and maintain pool barriers and gates that meet the relevant Australian Standards.

There are currently 3 sets of requirements for pool/spa barriers in Victoria - these are based on when the pool or spa was constructed:

- Before 8th April 1991
- Between 8th April 1991 - 30th April 2010, and;
- After 30th April 2010

Below are some links to information on the laws and requirements for swimming pool and spa barriers:

[Pool Fencing Laws – Kidsafe Victoria](#)

[Victorian Building Authority Practice Notice – Swimming Pool and Spa Safety](#)

[Victorian Building Authority – About Swimming Pools, Spas and their Safety Barriers](#)

[SPASA Victoria – Safety Barriers](#)

Common non-compliance issues with swimming pool and spa barriers

Pool and spa safety barriers are subject to damage from the elements and general wear and tear over time, which can affect their performance and the level of protection that they offer. It is important that pool and spa barriers are regularly inspected and maintained to assist in keeping children safe around water.

The top five issues that cause pool and spa barriers to be non-compliant with Australian Standards include:

1. Gates and doors that are no longer self-closing
The pool gate is usually one of the first areas where safety issues arise as it is the part of the barrier that is constantly used. This scenario is also commonly seen with doors that are able to be used as part of barriers for pools and spas that were installed pre 2010.



2. Gates and doors that are no longer self-latching
General wear and tear of the locking mechanism means that many gates and doors will no longer self-latch when they close. If the gate or door is not properly locked, children may be able to gain unsupervised access into the water area.

3. Gates that are propped open

Sometimes, especially during summer and pool parties, the pool gate is propped open (e.g. with a chair, pot plant or esky) to allow adults easy access to the pool area while they are carrying food and drink. This practice is dangerous as it also allows children unsupervised access to the water area. Pool gates should remain closed at all times.



4. Ground movement

Ground movement may cause parts of the barrier, including the gate, to shift. Even a slight shift may mean that the gate no longer functions properly or that gaps appear in and under the barrier, which may allow children unsupervised access into the water area.

5. Climbable objects near the pool barrier

Objects located near the pool barrier or on the neighbour's side of a boundary fence (e.g. BBQ's, pot plants, pool pumps, chairs etc.) may enable a child to climb over and gain access to the water area.



Pools and spas in rental properties

In Victoria, evidence suggests that rental property residents are at greater risk of experiencing a backyard pool drowning.

Pool barrier checks and maintenance can often be overlooked in rentals as there are no permanent

residents at the property. The issue of urgency to repair and maintain pool barriers or gates can also be overlooked through lack of communication about these issues.

Rights and responsibilities of tenants and landlords

Landlords are required to ensure that a pool/spa barrier (that complies with Australian Standards and Victorian legislation) is installed and maintained around any pool or spa with a depth greater than 30cm (300mm).

Landlords and tenants share the responsibility to ensure that pool barriers are in proper working order. Kidsafe Victoria recommends that tenants regularly undertake checks of pool/spa barriers for common non-compliance issues like those listed in the section above.

If a fault/non-compliance issue is identified with a pool/spa barrier, tenants should ensure their child cannot gain unsupervised access to the water area and contact their landlord or agent for urgent repairs. Any faults should be classified as an urgent repair and the landlord or owner must arrange for it to be fixed immediately.

For more information on swimming pool and spa safety for rental properties, please visit the [Consumer Affairs Victoria website](#).

Practical resources for landlords and tenants

Below are some links to useful resources that you can provide to landlords and tenants (e.g. as part of tenant or landlord packs) to assist them in checking and maintaining their pool or spa areas, as well as keeping children safe around water (please click on the headings to access the resources).

'Closing the Gate on Backyard Pool Drowning' campaign website

The Closing the Gate on Backyard Pool Drowning campaign website contains a range of information, tips and advice, including information on pool fencing laws, renters and landlords rights and responsibilities, pool fencing inspections, first aid/CPR, portable pool safety and the importance of supervision in keeping children safe in and around water.

[‘Closing the Gate on Backyard Pool Drowning’ DL Information Card](#)

This resource provides pool and spa owners with an overview of the five common non-compliance issues with pool and spa barriers and provides links to Life Saving Victoria’s comprehensive Home Pool Safety Assessment. Copies of the DL information card are also available in Arabic, Dari, Hindi, Chinese and Vietnamese.

[Life Saving Victoria – Home Pool Safety Assessment](#)

Life Saving Victoria’s online Home Pool Safety Assessment tool can assist you to assess the safety and compliance of your home pool against the Australian Standard. The tool also provides detailed information to help you assess your pool chemical settings and guidance to provide appropriate supervision of children around water.

[Royal Life Saving Society Australia – Home Pool and Spa Safety Checklist](#)

Royal Life Saving’s checklist allows pool owners to conduct a self-assessment of the home pool and its surrounds to ensure it is safe for everyone to enjoy and minimises the risk of young children drowning.

[Royal Life Saving Society Australia - Portable Pool Safety](#)

Royal Life Saving’s ‘Make It Safe’ campaign encourages families who own a portable pool to take five simple safety steps to reduce the drowning risk for their children.

Closing the Gate on Backyard Pool Drowning Campaign

Kidsafe Victoria has partnered with a number of stakeholders as part of our ‘Closing the Gate’ campaign to encourage all pool owners to check the safety of their pool fences and surrounding areas before their child does. Campaign stakeholders include (click on the logos below for more information on each stakeholder):

