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Proposed changes to pool and spa fencing

As Victoria's Building Regulations sunset every 10 years, this important legislation is currently being reviewed by the State Government.

"While most of the review deals with the nitty gritty details of constructing a home and the relevant planning permits, the Building Regulations also cover backyard pool and spa safety barriers," Real Estate Institute of Victoria (REIV) president, Joseph Walton, explained.

"A regulatory impact statement (RIS) is currently open for public consultation and includes proposed changes to pool and spa fence requirements."

At present, three standards of swimming pool and spa barriers apply with these dependent on the year the pool/spa was built. Pools constructed on or after May 1, 2010, require four-sided isolation barriers; pools constructed between April 8, 1991 and April 30, 2010, permit child-resistant window and door sets; and pools constructed before April 8, 1991, also permit

child-resistant window and door sets.

Proposed changes outlined in the RIS will require all Victorian homeowners with a backyard pool or spa to update their safety barrier to the most recent standard – which is a four-sided isolation barrier.

Owners will have until 2020 to comply with the retrospective standard.

"The problem with this proposal is that many pools built pre-2010 cannot accommodate a four-sided barrier due to its proximity to the house," Mr Walton said.

"It will also be a significant expense for many homeowners, particularly older Victorians still residing in the family home.

"More importantly, there is no evidence to suggest four-sided isolation barriers will reduce toddler drownings in backyard pools. According to coroner reports more than 20 Victorian toddlers have drowned in backyard swimming pools and spas since 2000. An even greater number of toddlers have suffered near-fatal incidents."

The REIV president says that the proposal also ignores the advice of numerous industry experts – including Life Saving Victoria, SPASA, the REIV and Kidsafe – which have urged Government to introduce mandatory barrier inspections for all residential properties with a pool or spa. The REIV has also called for safety certificates at the point of sale or lease.

Legislated in Western Australia since 1992, mandatory barrier inspections have reduced toddler and infant drownings in that state by more than 80 per cent. More recently both Queensland and New South Wales have also introduced mandatory barrier inspections.

"Given other relevant legislation – the Sale of Land Act 1952 and the Residential Tenancies Act 1997 – is also being reviewed for the first time in decades, the REIV is calling on the Andrews Government to introduce proven legislation which will deliver greater protection for Victorian toddlers," Mr Walton concludes.