



# Swimming Pools, Spas and Other Bodies of Water – Information Sheet

The Department of Communities (the Department) is committed to placing children in the Chief Executive Officer (CEO) of the Department's care in a safe living environment.

Drowning is the leading cause of preventable death and injury in children under five years of age in Australia, particularly in home swimming pools. Almost all cases of drowning of young children in Australia, active supervision and adequate fencing were absent.

Foster, family and significant other carers (carers) and applicants should be made aware that, after private swimming pools, inflatable or portable pools and bathtubs are the most significant risks for young children drowning. Therefore, constant supervision is required for young children in or near a portable pool or bathtub, and these must be emptied immediately after use and put away from where they can be accessed by young children.

This information sheet applies to all approved carers and applicants, living in both urban and rural properties, including areas where the local government council does not require swimming pools or spas to be fenced. It also provides direction around safety standards for all children in the CEO's care regarding swimming pools, spas and other bodies of water in and around a carer or applicant's home.

This information sheet is used to:

- inform carers and applicants of the Department's expectations regarding the management of risk associated with swimming pools and other bodies of water;
- enable clear and consistent decision-making in assessment (within existing relevant legislation) at the homes of carers and applicants; and
- provide clear and consistent advice for carers and applicants in respect to safety standards, including supervision around swimming pools and other bodies of water for children in the CEO's care.

## Legislative framework for swimming pools and spas

All private swimming and spa pools (including inflatable and portable) that contain water more than 300mm (30cm) deep must have a compliant barrier to be installed around private swimming and spa pools that restricts access to the pool by young children.



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The legislative framework that mandates this requirement in Western Australia (WA) comprises:

- The Building Act 2011 (WA) (the Building Act); and
- The Building Regulations 2012 (WA) (the Regulations).
- Barriers to pre-May 2016 pools:
  - Australian Standard AS 1926. 1-1993 Part 1: Fencing for Swimming Pools (incorporating Amendment no.1 only).
- Barriers to post-May 2016 pools:
  - Australian Standard AS 1926. 1-2012 Part 1: Safety barriers for swimming pools and AS 1926.2-2007 Part 2: Location of Safety Barriers for Swimming Pools [incorporating Amendment Nos 1 and 2].

### Compliant Barriers

There are specific requirements for a compliant barrier (including stipulations on spacing between segments and door/latch requirements). Some of the more general requisites include:

- The barrier may be made of any materials providing they are of a durable nature and the components that make up the barrier, when finished, comply with the requirements contained within AS 1926.1-2012 and AS 1926.2-2007, in particular, strength and rigidity of openings.
- Safety barriers must be permanent in nature, which means unable to be removed without the use of tools.
- All parts of a barrier must have an effective height at least 1200mm from the top of the barrier to the ground.
- Where internal pool barriers are less than 1800mm in height, they must have compliant non-climbable zones.
- There must be no objects, steps, retaining walls or ground level changes within 500mm of the barrier that would reduce the minimum height of the barrier as required on that side.

A building permit is required under the Building Act and the Regulations prior to installing, constructing or altering swimming and spa pool barriers, including windows, doors and gates that restrict access to a swimming or spa pool area.



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The local government (as the permit authority) is responsible for monitoring compliance with the requirements that apply to a swimming or spa pool barrier. The local government will receive and process building permit applications, arrange and conduct inspections at least once every four years and issue infringement notices for barriers found to be non-compliant.

For specific information on fencing requirements including design and construction requirements, refer to the Department of Commerce Rules for Pools and Spas:

[https://www.commerce.wa.gov.au/sites/default/files/atoms/files/rules\\_for\\_pools\\_and\\_spas\\_a4\\_booklet\\_june\\_2016\\_web.pdf](https://www.commerce.wa.gov.au/sites/default/files/atoms/files/rules_for_pools_and_spas_a4_booklet_june_2016_web.pdf)

## Other bodies of water

Other bodies of water such as ponds, lakes and dams should also be considered as hazardous to the safety of children. Any vessel holding water to a depth of more than 300mm needs to have mechanisms in place to ensure safety. There are options other than outlying barriers available to ensure pond safety, these include installing rigid mesh, with a weight rating capable of holding a child (placed at a depth of not more than 300mm) or a rigid cover for the entire surface of the pond.

In respect to natural bodies of water that may be present on a property, these should be assessed on an individual basis and approval will be dependent on the distance from the body of water to residence and the degree of difficulty needed to access it.

## Responsibilities of carers and applicants

The carer or applicant is responsible for installing a barrier around a swimming pool or to any other bodies of water in and around the home, or erecting a barrier between a body of water and the home.

If there are bodies of water such as dams or lakes on or near the property that cannot be fenced, there must be a safely fenced play area adjoining the home, for example a barrier between the body of water and the home.

## Staff guidance

It is the responsibility of the Department worker undertaking the assessment to sight and record the local government authority's current pool compliance certificate to confirm that applicants comply with this guidance.



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The worker undertaking the assessment is responsible for confirming that foster care applicants comply with this guidance before the assessment report is provided to the Cross-sector Foster Carer Panel.

The worker undertaking the assessment is responsible for confirming family and significant other carer applicants comply with this guidance prior to submitting documents to the assistant district director or district director requesting approval of an urgent placement or approval of a family carer.

The worker carrying out the annual foster carer review must confirm in the review report compliance with the requirements set out in this guidance.

Assistant district directors/district directors are responsible for approving care arrangements for children in the CEO's care with an existing carer. If there is a body of water in or around the existing carer's home, the worker responsible for organising the care arrangement must make sure the property complies with this guidance.

## Water safety awareness and supervision

Carers and applicants must be made aware of general water safety practices, including:

- never propping the pool gate open or leaving objects that could be climbed on near the fence;
- regularly checking the pool fence, gate (including locks) and surrounds to confirm the strength and integrity of the structure has not weakened over time or through exposure to the elements;
- swimming lessons and/or being familiar with water are not a substitute for adequate supervision;
- for a young child, supervision means being within arm's reach of a suitable adult while the child is in or around water;
- an older child is not a suitable person to supervise a young child around water; and
- flotation devices on their own are not enough to ensure the safety of a child. Basic water safety education must be considered as part of the child's care plan.

## Matching Considerations

The Department worker undertaking the assessment of the applicant or reviewing an approved carer needs to consider, on a case by case basis and in any matching of carer and child(ren), if the carer's approved pool/barrier may pose a risk to a particular child(ren)



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(such as age of children needing to be placed, disability etc.). This information must be noted in the assessment report and inform all care arrangement decisions/matching of carer and child(ren).

Consideration must be given to different types of barriers, as per the Department of Commerce Rules for Pools and Spas; a compliant barrier includes windows, doors and gates that restrict access to a swimming or spa pool area.

## Water Safety Resources

Department staff and carers or applicants can refer to the following water safety resources for further information:

- Royal Life Saving Society Australia: Drowning Prevention resources at [www.royallifesaving.com.au/](http://www.royallifesaving.com.au/)
- Raising Children: Water Safety for Children: [http://raisingchildren.net.au/articles/safe\\_fun\\_with\\_water.html](http://raisingchildren.net.au/articles/safe_fun_with_water.html)
- Kids Health: Water Safety <http://kidshealth.org/en/parents/water-safety.html>
- Kidsafe WA: Water Safety Factsheet: <http://www.kidsafewa.com.au/fact-sheets-at-home>
- Kidsafe WA Farm Safety (including water safety) [www.kidsafewa.com.au/ literature\\_151500/Farm\\_Safety\\_Fact\\_Sheet](http://www.kidsafewa.com.au/literature_151500/Farm_Safety_Fact_Sheet)
- Farmsafe Australia Inc: Safe Play Areas (including farm dam safety): <http://www.farmsafe.org.au/Safe-Play-Areas>