

Pool fencing guidelines

Interpreting swimming pool fence requirements

Third edition
March 2008

Further information

For more specific information about pool fencing requirements, contact your local council or a private building certifier.

To have your swimming pool fence inspected contact your local council.

Copies of the relevant Australian Standards (see section 1.7) can be obtained by contacting:

SDS Express
Ground Floor, Mineral House
41 George Street, Brisbane Qld 4001
Phone: (07) 3224 7150
Fax: (07) 3210 1961

Copies of Queensland building legislation can be obtained by visiting www.legislation.qld.gov.au or by contacting:

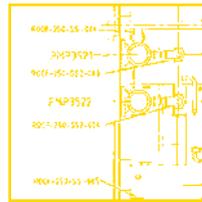
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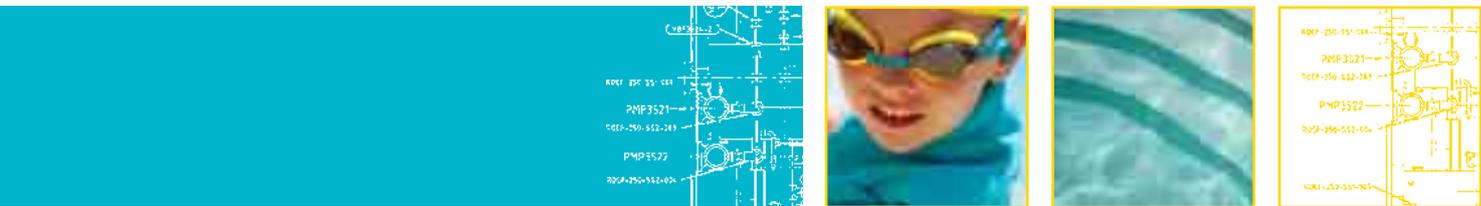
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Part 1: Introduction

1.1 Background

Residential swimming pools should be safe places for families to relax and have fun. Tragically, toddlers drown in Queensland swimming pools every year and many more suffer serious injuries as a result of near-drowning incidents. Many of these incidents could be prevented by providing adequate pool fencing. The Queensland Government is committed to making pool fencing legislation as strong as it can be.

Current legislation was introduced to reduce incidences of toddler drownings and the risk of injury to young children. All pool owners must comply to the legislation including those without young children, as children may visit their property with or without permission.

1.2 Swimming pools covered by the legislation

The legislation applies only to outdoor swimming pools on residential land. It generally requires that fencing enclose a pool to prevent unsupervised access by young children.

Portable wading pools do not need to be fenced if they hold no more than 2000 litres of water that is less than 450 mm deep and have no filtration system. All other portable wading pools require a fence. Indoor pools that are completely enclosed by the walls of a building are also excluded from pool fencing laws.

1.3 Why the state regulates residential swimming pool fencing

In Queensland, drowning accounts for one-quarter of pediatric injury deaths, and is the most common cause of traumatic death in children aged under five years. Around half of the children under five who drown in Queensland do so in residential swimming pools.

It is also estimated that for every child who drowns, there are up to 14 others taken to hospital emergency departments, and four admissions to hospital following a near-drowning experience, one in five suffer brain damage due to lack of oxygen.

In the 16 years from 1991 to 2007, 93 children drowned in residential in-ground and above-ground swimming pools in Queensland. That equates to an average of around five drownings each year.

The pool fencing legislation introduced in 1991 has been instrumental in reducing toddler deaths, despite pool numbers doubling since the laws were introduced. It has been estimated that at least 70 toddler drowning deaths may have been prevented by the introduction of the pool fencing legislation.

Nevertheless, a significant number of children are still drowning in swimming pools. Most of these drownings occur in unfenced pools or in pools with defective fencing.

1.4 Legal obligations of pool owners

Pool fencing laws require pool owners to construct and maintain a fence around their swimming pool regardless of when the pool was installed. For in-ground pools, the pool owner is generally the owner of the land. If a person renting a property buys a portable pool that requires fencing, they are considered to be the pool owner and must ensure the pool is fenced.

Before a pool is filled with water to a depth of 300 mm or more, the fencing must comply with the pool fencing standards and a building certifier must inspect the pool and its fencing and issue the owner with a final certificate.

If a substantial portion of a pool fence is demolished or removed, it must be replaced with a new fence. The new fence must comply with current pool fencing standards and not the standard that applied when the original fence was built. If a substantial portion of a pool fence is in such a state of disrepair that it cannot be practicably repaired, it must be replaced with a new fence that complies with current pool fencing standards. If only a small part of the existing fence is in a state of disrepair, it may be repaired to the same standard that applied to the existing fence.

If pool owners are unsure if their pool fence complies, they should contact their local council. Penalties of up to \$12 375, and on-the-spot fines of up to \$525, may be imposed in cases of non-complying pool fences.

1.5 Exemptions to pool fencing standards

Local councils can grant exemptions to pool fencing standards. Circumstances for exemptions are limited.

Since 1 October 2003, a person can only apply to the local council for an exemption from the requirements for swimming pool fencing where it would not be practicable to provide access in accordance with the pool fencing standards because of a disability of an occupant of the building. If the need for the exemption ceases to exist, for example if the person with a disability no longer occupies the premises, it is mandatory for pool fencing to be reinstated, fully compliant with the nominated standard.

For example, a person with a mobility disability may apply for an exemption to allow a pool gate to open towards the pool area—rather than away from the pool as required by the pool fence standard—to facilitate access into the pool area. If an exemption is granted, the local council may impose any conditions it considers appropriate to prevent a young child gaining access to the pool area unsupervised.

1.6 Terms and abbreviations used in the guidelines

Class 1 building Houses, townhouses, villas, units and duplex buildings

Class 2 building Buildings containing separate, self-contained units located above or below other units and high-rise apartment buildings (not motels or hotels)

Class 10 building Garden sheds, garages and storage sheds

Existing building Class 1 or 2 buildings for which approval to construct was obtained under the *Building Act 1975* before 1 April 1992

Existing swimming pool Outdoor swimming pools where:

- (a) the construction or installation of the pool started before 1 February 1991, or
- (b) approval to construct or install was given under the *Building Act 1975* before 1 February 1991.

Fencing standards For outdoor swimming pools on residential land

- (a) for a pool constructed before 1 October 2003—the requirements prescribed by the legislation which was applicable at the time the swimming pool was constructed.
- (b) for a pool constructed on or after 1 October 2003—the standards prescribed by section 14 of the *Building Regulation 2006*.

However, if on 1 October 2003, an existing outdoor swimming

pool on residential land was not fenced, or the fencing did not comply substantially with fencing standards (a), the fencing standards for the pool are those prescribed under (b).

Indoor swimming pool

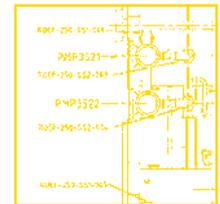
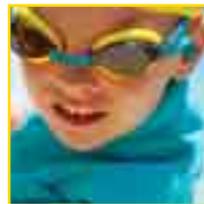
- (a) Before 30 September 2003—a swimming pool wholly enclosed by the walls of a building, or on a building
- (b) From 1 October 2003 to 30 August 2006—a swimming pool completely enclosed by the walls of a building
- (c) After 1 September 2006—a swimming pool completely enclosed by the walls of a building or a swimming pool on a deck or roof top of a building if the pool is under the usual ways of entering or leaving the building, or only accessible from the inside of the building.

Outdoor swimming pool Swimming pools other than indoor swimming pools.

Pool owner The owner of the residential land on which there is an outdoor swimming pool. However, if a non-owner occupant of the land on which an outdoor swimming pool is situated is the owner of the pool, the occupier, and not the land owner, is the pool owner.

Portable wading pool A pool that:

- (a) is capable of being filled with water to a depth of no more than 450 mm



- (b) has a volume of no more than 2000 litres
- (c) has no filtration system.

Protected opening

- (a) A door
 - (i) fitted with a self-closing and self-latching device complying with the standards prescribed under the Standard Building Law
 - (ii) with no footholds more than 100 mm above the floor
 - (iii) with the latching mechanism not less than 1500 mm above the floor
 - (iv) that does not swing into the fenced area around the pool.
- (b) a window
 - (i) enclosed by grilles, or fixed in such a way that will not allow a round bar of 105 mm to pass through
 - (ii) that has its lowest opening panel located at least 1200 mm above the floor and no footholds more than 100 mm above the floor.

Residential land means land on which a class 1 or 2 building is constructed, or is to be constructed, and includes land

- (a) adjacent to the land
- (b) in the same ownership as the land
- (c) used in association with the land.

Resuscitation sign means a sign showing procedures for providing first aid, including, for example, expired air resuscitation and external cardiac compression.

Swimming pool means an excavation or structure

- (a) capable of being filled with water to a depth of 300 mm or more
- (b) capable of being used for swimming, bathing, wading, paddling or some other human aquatic activity
- (c) solely or principally used—or designed, manufactured or adapted—for the above purposes despite its current use. This includes spa pools, spa tubs or similar things (whether portable or fixed) and wading pools (other than portable wading pools).

A swimming pool does not include:

- (d) a fish pond or pool solely or principally used—or designed, manufactured or adapted—for ornamental purposes
- (e) a dam or tank solely or principally used—or designed, manufactured or adapted—for aquaculture, marine research or storage of water
- (f) a watercourse
- (g) a portable wading pool.

Watercourse means

- (a) a canal, creek, river or stream in which water flows permanently or intermittently
- (b) a lake or other natural collection of water (whether permanent or intermittent).

Abbreviations

- BA *Building Act 1975*
- IPA *Integrated Planning Act 1997*
- LGA *Local Government Act 1936*
- SBB *Standard Building By-laws*
- SBR *Standard Building Regulation 1993*
- BR *Building Regulation 2006*

1.7 Applicable Australian standards

AS 2818–1986 and AS 2818–1993: *Guide to swimming pool safety* provide guidance on the prevention of accidental drowning and injuries in private swimming pools and spa pools, and identifies potential hazards in the use and maintenance of private swimming pools.

AS 1926–1986 and AS 1926.1–1993: *Swimming pool safety—Part 1: Fencing for swimming pools* and AS 1926.2–1995: *Swimming pool safety—Part 2: Location of fencing for private swimming pools* specify requirements for the design, construction and performance of fences, gates, retaining walls, windows, door sets and balconies intended to form part of a barrier that will restrict the access of young children to swimming pools.

Part 2: Fencing requirements for swimming pools built before 1 February 1991

2.1 Applicable legislation and standards

The following legislative requirements are relevant to swimming pools constructed before 1 February 1991.

- Amendments to the *Local Government Act 1936*, which commenced on 1 February 1991 and 14 September 1991.
- Amendments to the *Standard Building By-laws* on 14 September 1991.
- Section 9 of *AS 2818–1986: Guide to swimming pool safety*.
- *AS 1926–1986: Swimming pool safety—Fencing for swimming pools*.

2.2 All swimming pools must be fenced

The 1991 amendments to the *Local Government Act* and the *Standard Building By-laws* required every swimming pool, regardless of when the pool was constructed, to have a complying pool fence around it unless the local council granted an exemption. The fence could be in the form of a complete isolation fence (i.e. four-sided) or a fence that incorporated protected openings in the external walls of buildings on the site. The minimum standard of fencing that applied was dependent on whether the local council had additional regulations (local law) addressing the construction of fencing around swimming pools.

2.3 Local governments with swimming pool fencing laws

Some local councils have local laws that specify pool fencing standards. If the local laws of the time allowed fencing to be of a lesser standard than the state laws, the local laws did not apply. For example, the state legislation required all openings in the external wall of a building giving access to the pool area to be protected. If a local council's law did not require the openings in the external wall of a building to be protected, the state law would override local law.

If a local council's laws were more stringent than the state legislation, the local laws applied. For example, if local law did not permit direct access from the house to the pool area, where state legislation permitted direct access, the local requirement would prevail over the state legislation.

2.4 Local governments without swimming pool fencing laws

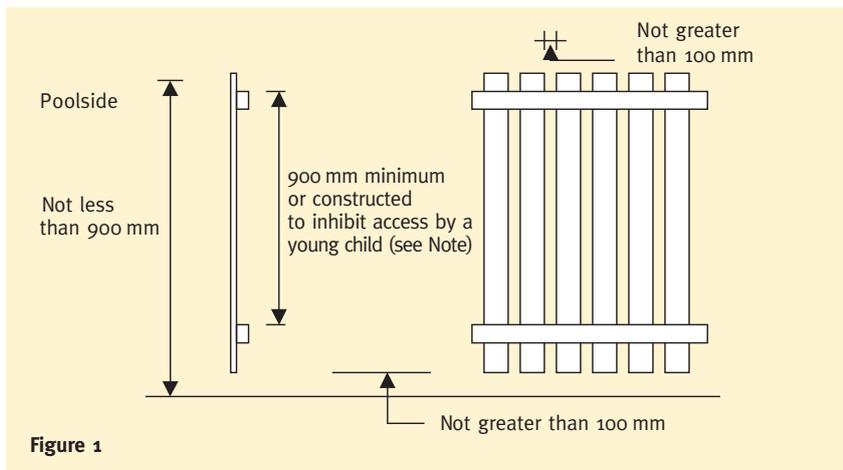
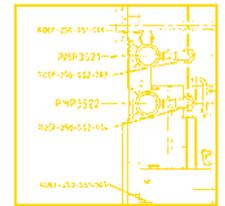
If a local government did not have a local law specifying fencing standards for swimming pools prior to 1 February 1991, the minimum fencing standards detailed below apply.

2.5 Summary of fencing standards

For a swimming pool constructed before 1 February 1991, compliant pool fences:

- must be at least 900 mm in height and constructed to inhibit access by young children to the pool area (see figure 1)

- can have horizontal rails closer than 900 mm if the fence was constructed in a way that was likely to inhibit children from climbing over it (see figure 1)
- can have vertical poles greater than 100 mm apart if the fence was constructed in a way that was likely to inhibit young children accessing the pool area
- must have the top of the fence set at least 900 mm away from the ground or the closest point of any object which could provide a foothold (see figure 2)
- must protect all openings from a building giving access to the pool area so that they inhibit access by young children from a building to a swimming pool (see figures 3–5 and definition of protected opening)
- can incorporate openings that were lawfully constructed according to a local council law existing before 1 February 1991, provided the local law related to inhibiting access by young children from a building to a swimming pool
- does not need to take into account objects that were reconstructed or placed on adjoining land when compliance with AS 1926–1986 was determined
- does not require isolation of the pool from a watercourse (see definition of watercourse), unless specifically required by the local government.



“... every swimming pool, regardless of when the pool was constructed, is to have a complying pool fence around it unless the local council granted an exemption.”

Note: Pools constructed before 1 February 1991 may have rails closer than 900 mm and gaps greater than 100 mm provided the fence is constructed to inhibit access by young children. The local government would have decided whether the fence satisfied this requirement.

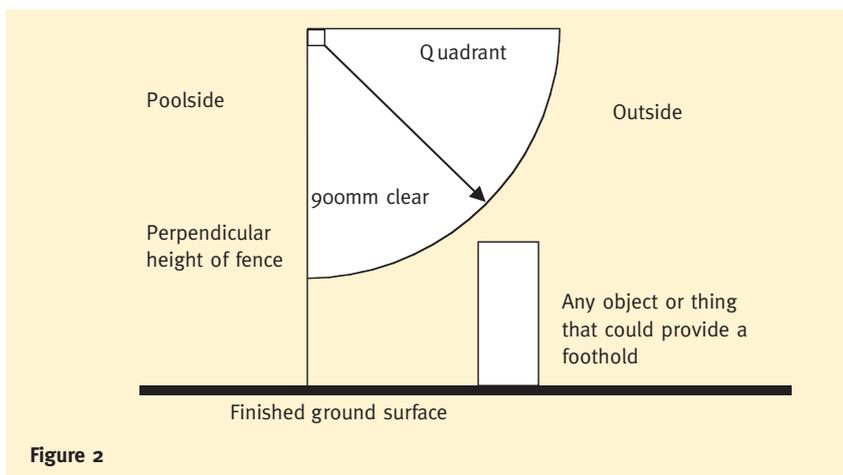
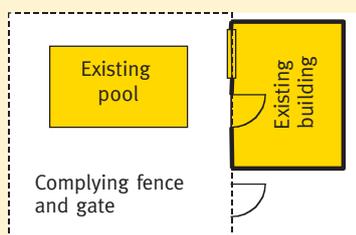
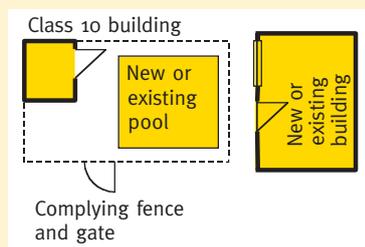


Figure 3



A complying fence may be located on the boundary or inside the property.

Figure 4



A complying fence may be located on the boundary or inside the property.

2.6 Above-ground pools

The required wall height of above-ground swimming pools constructed before 1 February 1991 is 900 mm. If a local council law at the time required greater height, that height must be complied with and the walls of the pool should be reconstructed to provide a barrier not less than the standard for a pool fence (see figures 6 and 7). Fixed or removable ladders were not permitted unless contained within a complying pool fence.

2.7 Swimming pools with no fence

An unfenced swimming pool, constructed before 1 February 1991, would only have been permitted under an exemption granted by the local council. Unfenced pools without an exemption are in breach of the pool fencing legislation. In these situations, the pool owner is required to install a fence compliant with current pool fencing laws.

2.8 Replacement of swimming pool fences

If a substantial portion of a pool fence is demolished, removed or replaced, it must be replaced with a new fence compliant with current pool fencing standards and the building certifier must inspect the fence and issue a final inspection certificate.

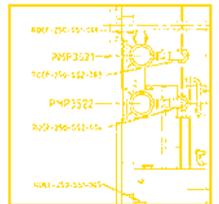
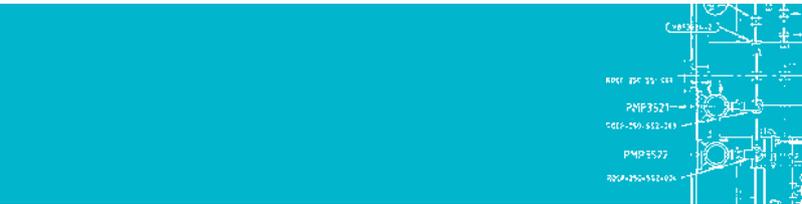


Figure 5

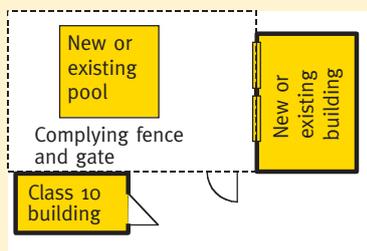
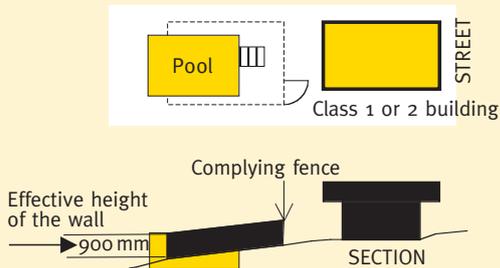
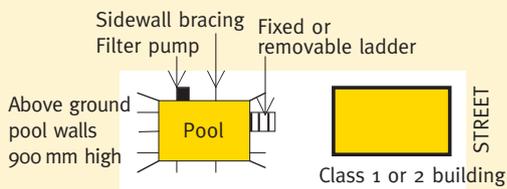


Figure 6



Above ground pool walls **900 mm high** form a barrier to restrict access by young children to satisfy the local government.

Figure 7



Not acceptable as the effectiveness of the barrier formed by the pool wall is lost.

Part 3: Fencing requirements for swimming pools built between 1 February 1991 and 29 April 1998

3.1 Applicable legislation and standards

The following legislative requirements are relevant to swimming pools constructed between 1 February 1991 and 29 April 1998.

- Section 49H of the *Local Government Act 1936*, for pools built up to 25 March 1994
- Section 30H of the *Building Act 1975*, for pools built from 26 March 1994
- *Building Act Amendment Act 1991*
- *Local Government Act and Other Acts Amendment Act 1990*, which commenced on 1 February 1991
- *Local Government (Swimming Pool Fencing) Amendment Act 1991*, which commenced on 14 September 1991
- *Standard Building By-laws (Swimming Pool Fencing) Order 1991*
- *Standard Building Regulation 1993*
- Section 9 of *AS 2818–1986: Guide to swimming pool safety*
- *AS 1926–1986: Fences and gates for swimming pools*.

3.2 Summary of fencing standards

For swimming pools constructed between 1 February 1991 and 29 April 1998, compliant pool fences:

- must be at least 1200 mm in height and constructed to inhibit

access by young children to the pool area (see figure 8)

- must not have horizontal rails closer than 900 mm apart (see figure 8)
- must not have vertical posts greater than 100 mm apart or any gap under the fence greater than 100 mm (see figure 8).
- must have no less than 1100 mm between the top of the highest lower horizontal support and the top of the fence (see figure 8)
- can have protected windows, but can not have any door openings giving access to the pool area without local council approval (see figures 9–12)
- does not need to consider things on adjoining land when determining compliance with AS 1926–1986
- does not required the pool to be isolated from a watercourse (see definition of watercourse) unless specifically required by the local government
- can incorporate the external walls of a class 10 building (garage, garden and storage shed). Any openings in the class 10 building must not provide access from outside the building into the pool area (see figures 11 and 12)
- must have the top of the fence set at least 900 mm away from the ground or the closest point of any object which could provide a foothold (see figures 13–14).

“Fencing must be at least 1200 mm in height and constructed to inhibit access by young children to the pool area.”

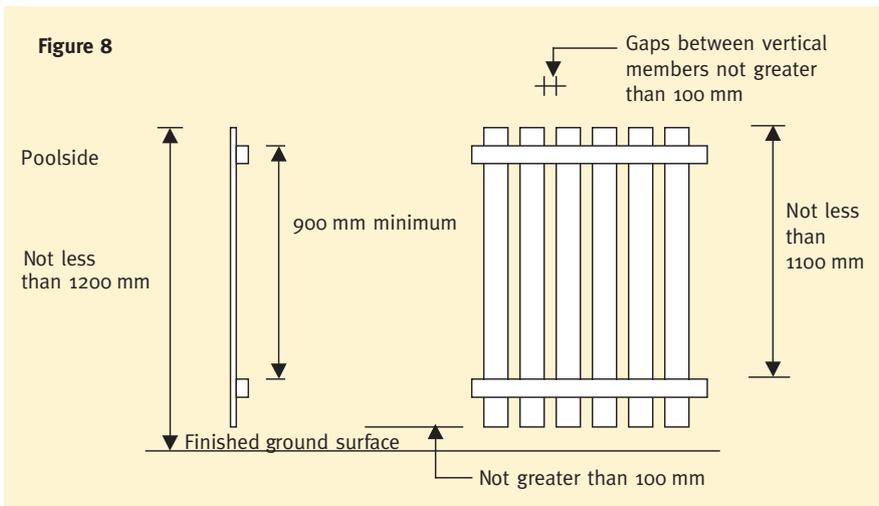
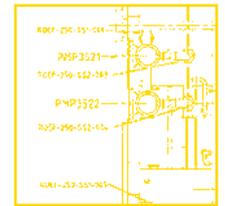


Figure 9

Protected window

Acceptable

A complying fence may be located on the boundary or inside the property.

Figure 10

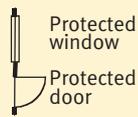
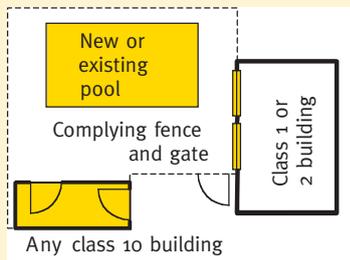
Protected window

Protected door

NOT Acceptable

Not acceptable as direct access from dwelling into enclosure not permitted without local government approval. A complying fence may be located on the boundary or inside the property.

Figure 11



Not acceptable as access to pool area through class 10 building is not permitted even with protected doors. A complying fence may be located on the boundary or inside the property.

Figure 12

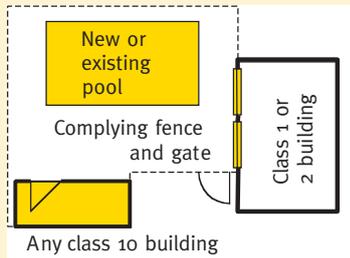


Figure 13

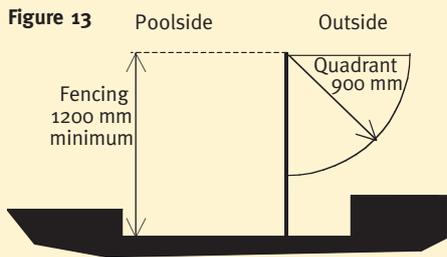
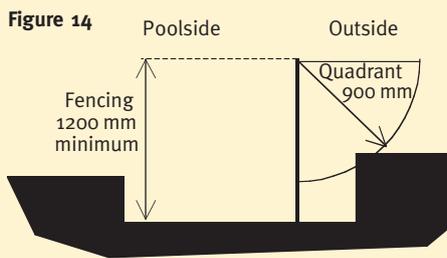
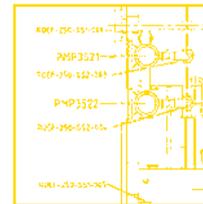


Figure 14





For a window opening in an existing building, the local council could approve a sill height of not less than 900 mm in conjunction with a securely fixed fly screen (see figure 15). Windows in buildings constructed after 1 April 1992 required a sill height of 1200 mm, or that windows be otherwise protected (see figure 16).

For a swimming pool constructed or approved for construction before 1 February 1991, the complying pool fence could incorporate openings in the external wall of an existing building (constructed or approved before 1 April 1992) provided the openings complied with AS 2818–1986 (see figures 16 and 17).

3.3 Above-ground pools

The required wall height of above-ground swimming pools lawfully constructed after 1 February 1991 is 1200 mm. The walls of the pool must be constructed so as to provide a barrier not less than the standard for a pool fence (see figures 6 and 7). Fixed or removable ladders are not permitted unless contained within a complying pool fence.

Figure 15

For dwellings existing or approved before 1 April 1992 with local government

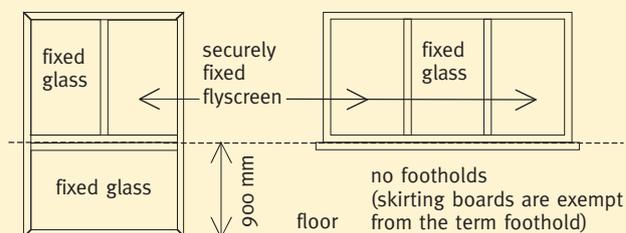


Figure 16

Buildings constructed after 1 April 1992

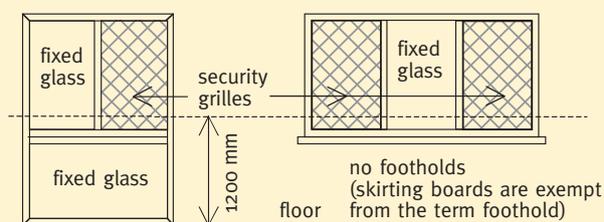
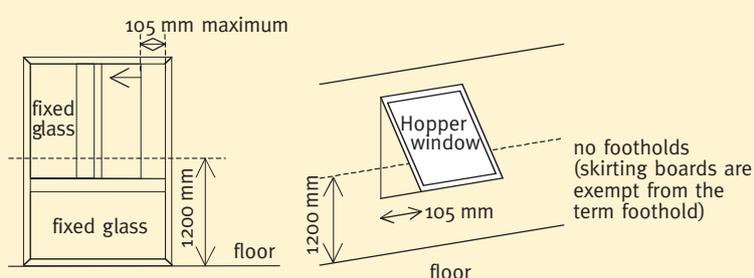


Figure 17



Part 4: Fencing requirements for swimming pools built between 30 April 1998 and 30 September 2003

4.1 Applicable legislation and standards

The following legislative requirements are relevant to swimming pools constructed between 30 April 1998 and 30 September 2003.

- *Building Act 1975*
- *Standard Building Regulation 1993*
- *Building and Integrated Planning Amendment Act 1998*, which commenced on 30 April 1998 amending the *Building Act 1975*
- *Plumbing and Drainage Act 2002*, which commenced on 7 February 2002 amending the *Building Act 1975*
- *Building Legislation Amendment Regulation (No.1) 1998*, which commenced on 30 April 1998 amending the *Standard Building Regulation 1993*
- *AS 1926.1-1993: Swimming pool safety – Part 1: Fencing for swimming pools*
- *AS 1926.2-1995: Swimming pool safety – Part 2: Location of fencing for private swimming pools*

4.2 Summary of fencing standards

For swimming pools constructed between 30 April 1998 and 30 September 2003, compliant pool fences:

- must be at least 1200 mm in height and constructed to inhibit access by young children to the pool area (see figure 18)
- must not have horizontal rails closer than 900 mm apart (see figure 18)
- must not have vertical posts greater than 100 mm apart or a gap under the fence greater than 100 mm (see figure 18)
- can have protected window openings (see figure 19)
- must not have protected door openings providing access to the pool without an exemption from the local council (see figures 20–22)
- must have the top of the fence set at least 1200 mm away from the ground or the closest point of any object which could provide a foothold (see figures 23–24).



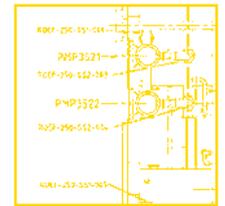


Figure 18

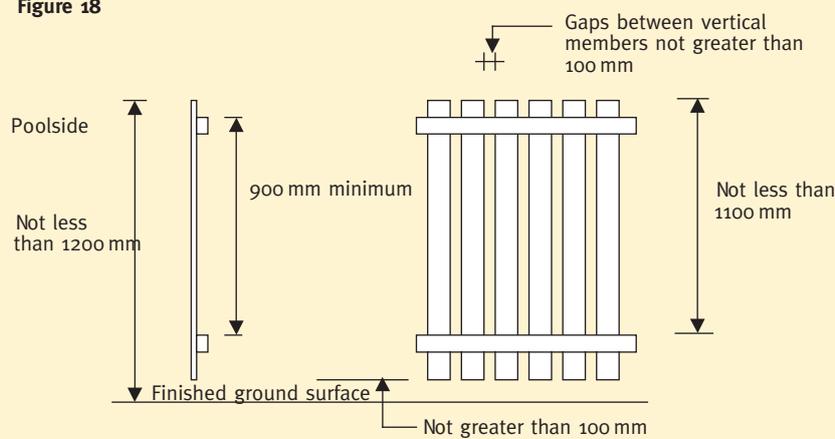
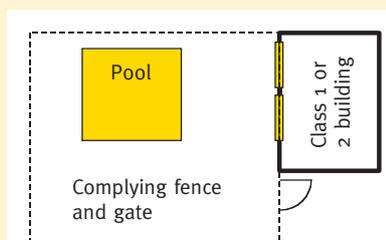
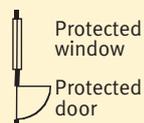
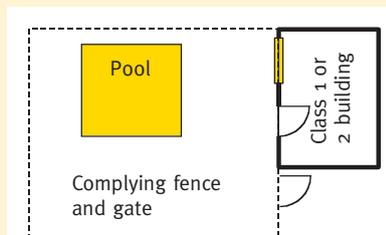


Figure 19



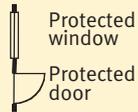
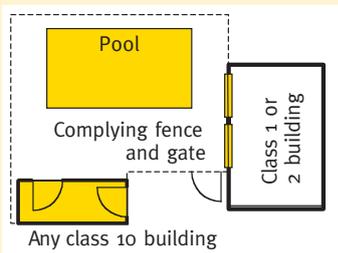
A compliant fence may be located on the boundary or inside the property.

Figure 20



Not acceptable as protected door openings from the class 1 or 2 building into the pool area are not permitted without local government exemption. A complying fence may be located on the boundary or inside the property.

Figure 21



Not acceptable as access to the pool area through a class 10 building is not permitted, even with protected doors. A complying fence may be located on the boundary or inside the property.

Figure 22

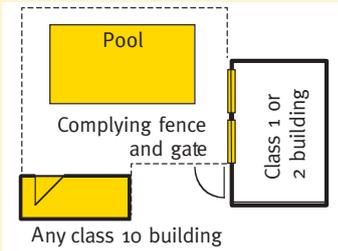


Figure 23

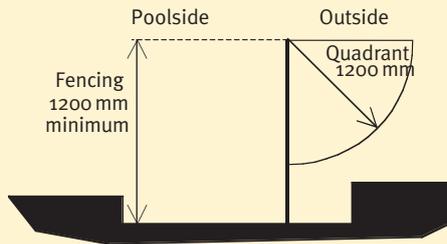
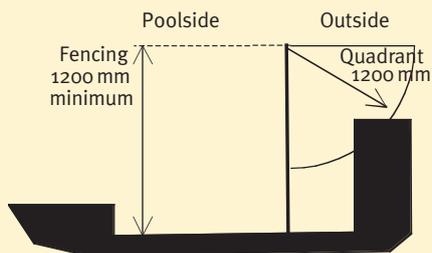
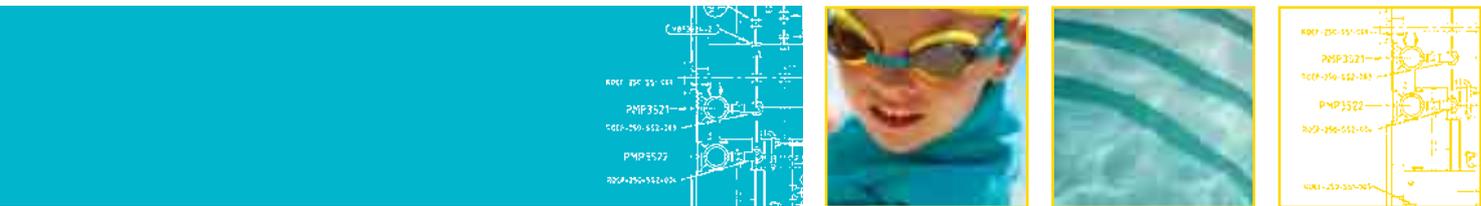


Figure 24





Part 5: Fencing requirements for swimming pools built between 1 October 2003 and 31 August 2006

5.1 Applicable legislation and standards

The following legislative requirements are relevant to swimming pools constructed between 1 October 2003 and 31 August 2006.

- *Building Act 1975*
- *Building Amendment Act 2003* amending Part 3 of the *Building Act 1975*
- *Standard Building Regulation 1993*
- *Standard Building Regulation 1993* amendments on 30 April 1998 and 1 July 2002
- *Standard Building Amendment Regulation (No.1) 2003*, commenced on 1 October 2003
- *Standard Building Amendment Regulation (No.3) 2005*
- *State Penalties Enforcement Regulation 2000*
- *AS 1926.1-1993 Swimming pool safety—Part 1: Fencing for swimming pools*
- *AS 1926.2-1995: Swimming pool safety—Part 2: Location of fencing for private swimming pools*

5.2 Summary of fencing standards

For swimming pools constructed between 1 October 2003 and 31 August 2006, compliant pool fences:

- must be at least 1200 mm high and constructed to inhibit access by young children to the pool area (see figure 18)

- must not have horizontal rails closer than 900 mm apart (see figure 18)
- must not have vertical posts greater than 100 mm apart or a gap under the fence greater than 100 mm (see figure 18)
- must have protected window openings (see figure 19)
- must not have unprotected or protected door openings (see figures 20–22)
- must have the top of the fence set at least 1200 mm away from the ground or the closest point of any object which could provide a foothold (see figures 23–24)
- must be constructed around swimming pools that are not fully enclosed by the walls of a building (see figures 25–27)
- must be inspected by a building certifier and approved prior to the swimming pool being filled to a depth of more than 300 mm.
- a young child could not dig through or under the surface below the pool fence
- there is a clear span of 900 mm measured at all angles from the top of the fence
- if the fencing is constructed from perforated material or mesh, the holes in the material are no more than 13 mm (see figure 28).

Additional requirements

Warning signs

Before construction of a swimming pool begins, a warning sign must be displayed on the land until a fence complying with the pool fencing standards has been constructed and approved.

Resuscitation sign

A pool owner must ensure that a resuscitation sign showing procedures for providing first aid is displayed near the pool.

The amendment (*Standard Building Amendment Regulation [No. 3] 2005*) provided an alternative to the swimming pool fence provided in the standard (AS1926.1).

As an alternative to the fencing shown in the standard (AS1926.1-1993) a fence can be compliant if:

- the fence, when measured from the pool side, is at least 1.8 m high above the ground

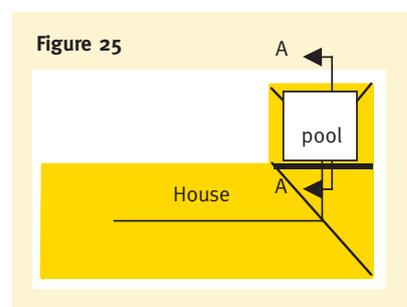


Figure 26

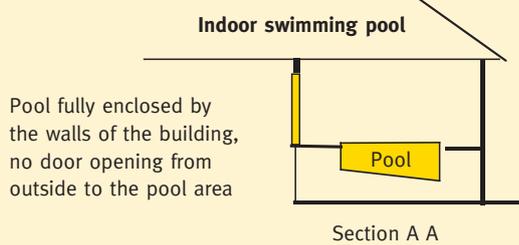


Figure 27

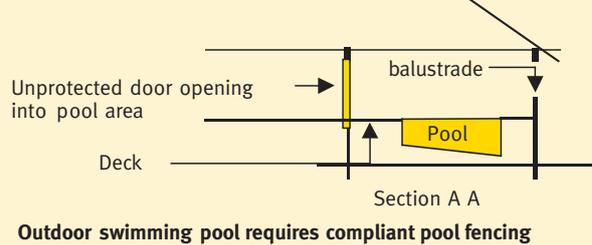
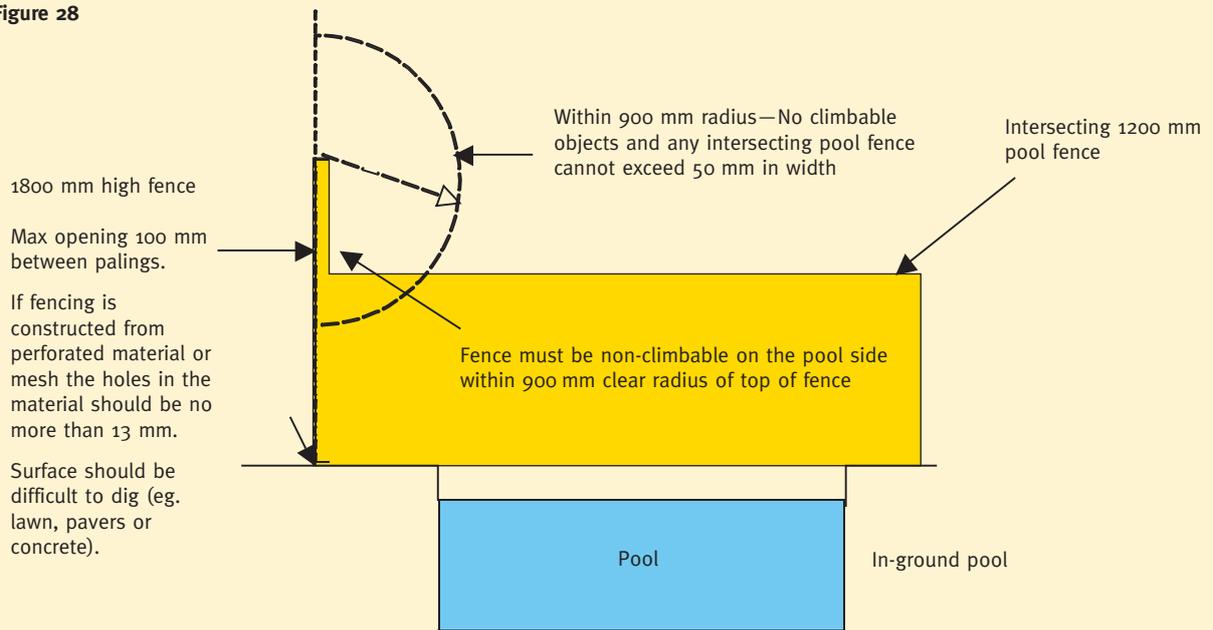
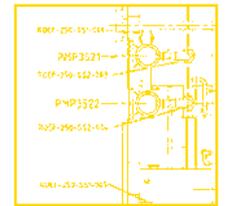


Figure 28





Part 6: Fencing requirements for swimming pools built on or after 1 September 2006

6.1 Applicable legislation and standards

The following legislative requirements are relevant to swimming pools constructed on or after 1 September 2006:

- *Building Act 1975*
- *Building Regulation 2006*
- *State Penalties Enforcement Regulation 2000*
- *AS 1926.1-1993: Swimming pool safety—Part 1: Fencing for swimming pools*
- *AS 1926.2-1995: Swimming pool safety—Part 2: Location of fencing for private swimming pools*

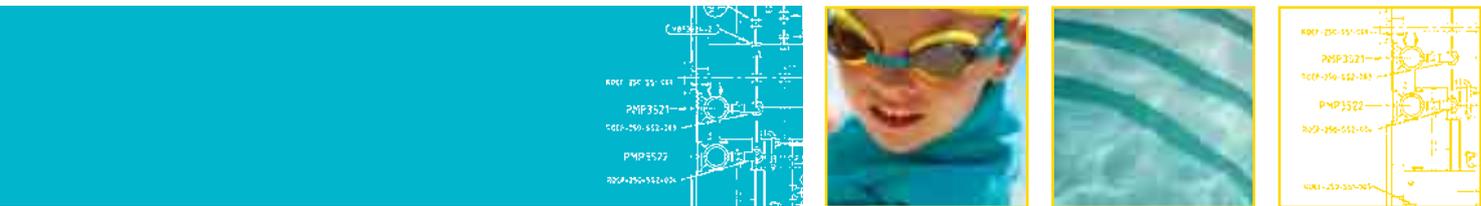


6.2 Summary of fencing standards

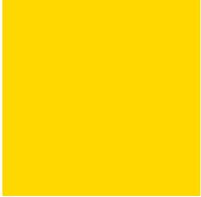
No changes were made to the technical provisions of the swimming pool fencing standards on 1 September 2006. The main changes to the legislation clarified the definition of an indoor pool as a swimming pool on a deck or the roof of a building that is only accessible from within the building.

Part 7: History of swimming pool fencing legislation and building standards

Time period	Primary legislation	Amending legislation	Relevant building standard
21 December 1979	Local Government Act 1936	Section 31B was inserted by Section 6 of the <i>Local Government Act and Another Act Amendment Act 1979</i> , which commenced on 21 December 1979.	Any relevant standard would depend on whether it was mentioned in the local government by-law.
		Section 31B of the <i>Local Government Act 1936</i> specifies by-laws about fencing swimming pools. The legislation declared that local governments have and have always had power to make by-laws that require the erection of a fence around a swimming pool on private land.	
1 February 1991	Local Government Act 1936	Section 49H was inserted by the <i>Local Government Act and Other Acts Amendment Act 1990</i> , which commenced on 1 February 1991.	<i>AS1926–1986: Swimming pool safety—Fencing for swimming pools</i> , as in force on 4 August 1986.
		The amendment repeals Section 31B and inserts Section 49H covering the control and regulation of swimming pool fencing. Section 49H(4) provided that the owner of residential land on which there is an outdoor swimming pool must construct and maintain fencing around the swimming pool. Section 49H(4)(b) provided that the design, construction and performance of the fencing must comply with the standards prescribed by the Building By-laws. Section By-law 53.1A was inserted into the <i>Standard Building By-laws</i> , which prescribed the standards for the design, construction and performance of swimming pool fencing as <i>AS1926–1986: Swimming pool safety—Fencing for swimming pools</i> , as in force on 4 August 1986.	
14 September 1991	Local Government Act 1936	Sub-sections (i) and (ii) were inserted by the <i>Local Government (Swimming Pool Fencing) Amendment Act 1991</i> , which commenced on 14 September 1991.	<i>AS1926–1986: Swimming pool safety—Fencing for swimming pools</i>
		The amendment inserted new sub-sections (i) and (ii) under Section 49H of the <i>Local Government Act 1936</i> . The additions provided that the design, construction and performance of fencing must comply with the Building By-laws standards if constructed before 1 February 1991. In any other case, the fence must comply with the standards prescribed by the Building By-laws. The <i>Standard Building By-laws (Swimming Pool Fencing) Order 1991</i> set the prescribed standard as <i>AS1926–1986: Swimming pool safety—Fencing for swimming pools</i> as in force on 4 August 1986 as amended by Sections 53.1A, 53.1B, and 53.1C.	
1 January 1992	Building Act 1975	By-laws inserted by the <i>Building Act Amendment Act 1991</i> and the <i>Standard Building By-laws Amendment Order 1991</i> , which commenced on 1 January 1992.	<i>Building Act 1975, (schedule) Standard Building By Laws, sections 11.4 to 11.6</i> <i>AS1926–1986: Swimming pool safety—Fencing for swimming pools</i> <i>AS2818-1986: Guide to swimming pool safety</i>
		Sections 11.4 to 11.6 of the <i>Standard Building By-laws</i> were inserted into the <i>Building Act 1975</i> covering swimming pool fencing standards. Sections 11.4.(1) subject to sub-sections (2), (3), (4), (6), (7), (8) and (9), for the purposes of Section 49H(4)(b)(i) and (ii) of the <i>Local Government Act 1936</i> , stipulated that standards for the design, construction and performance of swimming pool fencing are those set out in <i>AS1926–1986: Swimming pool safety—Fencing for swimming pools</i> , as in force on 4 August 1986.	
26 March 1994	Building Act 1975	Part 4B was inserted by Section 804 and schedule to <i>Local Government Act 1993</i> , which commenced on 26 March 1994.	<i>Building Act 1975, sections 30E to 30Z</i> <i>Standard Building Law, sections 11.4 to 11.6</i> For swimming pools constructed before 1 February 1991—continue to comply with the standard <i>AS1926–1986: Swimming pool safety—Fencing for swimming pools</i> . Pools constructed after 1 February 1991 must comply with standards applying to fencing after 1 February 1991: <i>AS 1926–1986: Fences and gates for swimming pools</i> . <i>AS2818-1986: Guide to swimming pool safety (referenced)</i>
		Part 4B of the <i>Building Act 1975</i> was inserted to consider swimming pool fencing for existing swimming pools constructed or installed before and after 1 February 1991.	
30 April 1998	Building Act 1975	Section 82 was inserted by the <i>Building and Integrated Planning Amendment Act 1998</i> , which commenced on 30 April 1998. Section 83 authorised the renumbering of the Act in accordance with the <i>Reprints Act 1992</i> .	<i>Building Act 1975, sections 13 to 20</i> <i>Standard Building Regulation 1993, sections 59 to 68</i> <i>AS 1926.1–1993: Swimming pool safety—Fencing for swimming pools</i> <i>AS 1926.2–1995: Swimming pool safety—Location of fencing for private swimming pools</i>
		Part 4B of the <i>Building Act 1975</i> for existing swimming pools constructed or installed before and after 1 February 1991 was amended. A transitional provision was inserted in Section 82 stipulating if a swimming pool fence was lawfully constructed and maintained before the commencement of this section, the <i>Standard Building Regulation 1993</i> cannot require the fence to be altered unless the fence is no longer maintained. This was later renumbered as Section 59. Section 30H (2) of the <i>Building Act 1975</i> provides for the standards prescribed under regulation. Under Section 30H (3), the owner must keep the fence in good condition and at all times ensure the fencing complies with the standards applying at the time of construction. Section 30G, which dealt with local law for fencing of swimming pools, is also relevant.	



Time period	Primary legislation	Amending legislation	Relevant building standard
30 April 1998	Standard Building Regulation 1993	<i>The Standard Building Regulation 1993</i> was amended by the subordinate legislation <i>SL No. 86 Building Legislation Amendment Regulation (No. 1) 1998</i> , which commenced on 30 April 1998.	<i>Building Act 1975</i> , sections 13 to 20 <i>Standard Building Regulation 1993</i> , sections 59 to 68 <i>AS 1926.1-1993: Swimming pool safety—Fencing for swimming pools</i> <i>AS 1926.2-1995: Swimming pool safety, Location of fencing for private swimming pools</i>
	<p>Part 5 of the <i>Standard Building Regulation 1993</i>, specifically Sections 59–68, became the primary legislation covering swimming pool fencing. Section 61 deals with pools built or approved before commencement of Part 5.</p> <p>Section 62 deals with pools approved before commencement of Part 5. For fencing around swimming pools approved for construction on or after the commencement of this part, the prescribed standard is subject to Sections 63 and 66:</p> <p>(a) the standard for the design, building and performance of swimming pool fencing in <i>AS 1926.1-1993: Swimming pool safety—Fencing for swimming pools</i>, other than clause 2.14 of the standard; and</p> <p>(b) the standard for the location of fencing contained in <i>AS 1926.2-1995: Swimming pool safety—Location of fencing for private swimming pools</i>, other than clause 1.4.4 of the standard.</p>		
7 February 2003	Building Act 1975	Amendments to Section 14 of the <i>Building Act 1975</i> were achieved by the <i>Plumbing and Drainage Act 2002</i> , which commenced on 7 February 2003.	<i>Building Act 1975</i> , sections 13 to 20 <i>Standard Building Regulation 1993</i> , sections 59 to 68 <i>AS 1926.1-1993: Swimming pool safety Fencing for swimming pools</i> <i>AS 1926.2-1995: Swimming pool safety—Location of fencing for private swimming pools.</i>
	<p>Section 14(1) (renumbered from 30H) of the <i>Building Act 1975</i> was amended requiring fencing to be inspected and approved before the pool can be filled. Section 14(2) was amended to clarify that an owner must, at all times, ensure swimming pool fencing complies with the standards prescribed under a regulation. Section 14(3) was amended to omit the phrase ‘applying at the time of construction’.</p>		
1 October 2003	Building Act 1975	New provisions were inserted by the <i>Building Amendment Act 2003</i> , which commenced on 1 October 2003.	<i>Building Act 1975</i> , sections 12T to 20 <i>Standard Building Regulation 1993</i> , sections 59 to 64 <i>AS 1926.1-1993: Swimming pool safety Fencing for swimming pools</i> <i>AS 1926.2-1995: Swimming pool safety—Location of fencing for private swimming pools</i>
	<p>New provisions for CPR and warning signs were inserted into the <i>Building Act 1975</i>. The amendments re-defined an indoor pool as a pool that is fully enclosed by the walls of a building, stating that pools on decks and roofs not enclosed by walls must be fenced. The amendment was designed to limit a pool owner's ability to apply for exemptions.</p>		
1 November 2003	State Penalties Enforcement Regulation 2000	Provisions were inserted by the <i>State Penalties Enforcement Amendment Regulation (No. 8) 2003</i> .	<i>Building Act 1975</i> , sections 12T to 20 <i>Standard Building Regulation 1993</i> , sections 59 to 64 <i>AS 1926.1-1993: Swimming pool safety Fencing for swimming pools</i> <i>AS 1926.2-1995: Swimming pool safety—Location of fencing for private swimming pools</i>
	<p>Provisions were inserted to give local governments the power to issue on-the-spot fines for breaches of the pool fencing requirements of the <i>Building Act 1975</i>.</p>		
18 November 2005	Standard Building Regulation 1993	The regulations were amended by the subordinate legislation <i>SL No. 276 Building Amendment Regulation (No. 3) 2005</i> .	<i>Building Act 1975</i> , sections 12T to 20 <i>Standard Building Regulation 1993</i> , sections 59 to 64 <i>AS 1926.1-1993: Swimming pool safety Fencing for swimming pools</i> <i>AS 1926.2-1995: Swimming pool safety—Location of fencing for private swimming pools.</i>
	<p>Section 60(2) was inserted to stipulate that the fencing standard does not include clauses 2.3, 2.6 and 2.7 of <i>AS1926.1</i> for any part of the fencing of the pool if:</p> <ul style="list-style-type: none"> the fence, when measured from the pool side, is at least 1.8 m high above the ground a young child could not dig through or under the surface below the pool fence there is a clear span of 900 mm measured at all angles from the top of the fence fencing is constructed from perforated material or mesh with gaps of not more than 13 mm in size. 		
1 September 2006	Building Act 1975	Amended definition inserted by the <i>Building and Other Legislation Act 2006</i> , which commenced on 1 September 2006.	<i>Building Act 1975</i> , sections 232 to 246 <i>Building Regulation 2006</i> , sections 14 to 16 <i>AS 1926.1-1993: Swimming pool safety Fencing for swimming pools</i> <i>AS 1926.2-1995: Swimming pool safety—Location of fencing for private swimming pools.</i>
	<p>The amendment to the <i>Building Act 1975</i> clarified the definition of an indoor pool as a swimming pool on a deck or roof of a building which is only accessible from within the building.</p>		



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