



Local Government
and Planning



GUIDELINES FOR THE INTERPRETATION OF SWIMMING POOL FENCING REQUIREMENTS



Queensland Government
Department of Local Government and Planning



Further information

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

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

For contact details for your local council, refer to the Local Government Directory on the Department's website:
www.dlgp.qld.gov.au/local_govt/directories/lg/

For a copy of the applicable Australian Standards, contact:

Standards Australia

Address: Ground Floor Boundary Court 55 Little Edward Street Spring Hill QLD

Email: sales@standards.com.au

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Message from the Minister



The death or serious injury of even one young child as a result of immersion in a residential swimming pool is generally held by the community to be unacceptable. Yet despite this, statistics show that drowning accounts for one-quarter of paediatric injury deaths and remains the most common cause of traumatic death in children aged under five years in Queensland. And sadly, for every death, 14 more are taken to hospital emergency departments.

In 1991, the Queensland Government took steps to reduce unnecessary injury and deaths through the introduction of requirements across the State for the fencing of residential swimming pools. Whilst these requirements have resulted in a marked reduction in the number of injuries and fatalities, more had to be done to further reduce the needless trauma suffered by Queensland families as a result of toddler drownings.

In September 2003, the Queensland Parliament enacted five key changes to the State's swimming pool fencing requirements, thereby increasing the level of safety for young children around residential outdoor swimming pools.

These guidelines are designed to assist residential swimming pool owners, pool contractors, fencing suppliers and installers, and local government enforcement officers understand these changes, by helping interpret the statutory requirements and standards that apply to the fencing of residential swimming pools.

Having a pool is not just a right. It is a responsibility, and one that needs to be taken very seriously in order to reduce the fatalities. The Queensland Government is fully committed to ensuring pools are a safe place for fun and relaxation and to achieve this, we are asking everyone to be responsible about ensuring their swimming pool fence is compliant with current legislation.

Any additional cost is a small price to pay for a child's life.

A handwritten signature in black ink, reading "Nita Cunningham". The signature is fluid and cursive.

Nita Cunningham MP
Minister for Local Government and Planning

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Part 1: Introduction



1.1 Background

The Queensland Government is fully committed to ensuring residential swimming pools are safe places for fun and relaxation. Therefore, the Government makes no excuses for making the pool fencing legislation as strong as it can be.

The legislation was introduced to reduce the risk of fatality and injury to young children by requiring pool owners to provide fencing around outdoor swimming pools. It must be remembered that these children may be resident on the property, visiting the property, or on the property without permission.

It must be clearly understood, that the primary responsibility for fencing around the pool lies with the pool owner.

1.2 Swimming pools covered by the legislation

The legislation applies only to outdoor swimming pools on residential land, and generally requires that fencing enclose such pools to inhibit unsupervised access of young children to the swimming pool.

A portable wading pool that is capable of being filled with water to a depth of no more than 450mm, has a volume of no more than 2,000 litres, and has no filtration system, does not need to be fenced, nor does an indoor pool completely enclosed by the walls of a building.

1.3 Why the State regulates residential swimming pool fencing

In Queensland, drowning accounts for one-quarter of paediatric injury deaths, and is the most common cause of traumatic death in children aged under five years.

Approximately half of the children under five who drown in Queensland do so in residential swimming pools. It is also estimated that for every child drowning death there are up to 14 children taken to hospital emergency departments, and four admissions to hospital. For the children admitted to hospital following an immersion incident, there is an up to 20 per cent chance of brain damage due to lack of oxygen.

The pool fencing legislation introduced in 1991 has been instrumental in reducing toddler deaths despite pool numbers doubling since it was introduced.

In the period from 1992 to 2001, 73 children drowned in residential in-ground and above ground swimming pools in Queensland, an average of nearly eight drownings per year.

However, 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.

There are currently about 310,000 residential outdoor swimming pools in Queensland.

1.4 A pool owner's statutory obligations

Pool fencing laws require the pool owner to construct and maintain a fence around their swimming pool (regardless of when the pool was installed). In limited circumstances, owners have in the past been able to apply to local governments for an exemption (refer to Section 1.5).

In the case of an in-ground pool, the pool owner is generally the owner of the land. However, if a person renting a property buys a portable pool that requires pool fencing around it, the owner of the portable pool is the pool owner and that person must ensure the pool has a fence around it.

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 the current pool fencing standards and not the standard that applied at the time 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. The new fence must comply with current pool fencing standards. If only a small part of the existing fence has fallen into a state of disrepair, then it may be repaired to the same standard that applies to the existing fence.

If a pool owner is unsure as to whether their pool fence complies, they should contact their local government. Significant penalties of up to \$12,375, and on-the-spot fines of up to \$525, can be imposed in cases of non-complying pool fences.

Introduction continued...

1.5 Exemptions to pool fencing standards

Local governments have in the past been able to grant exemptions to pool fencing standards for a range of reasons, provided the local government was satisfied that it was unlikely a young child would gain access to the pool.

Before 1 October 2003, a person could apply for an exemption if the local government was satisfied that it was unlikely a young child would gain access to the pool because of:

- » the physical nature or location of the land concerned, or
- » the design or construction of the pool or fencing, or
- » the location of the pool or fencing.

After 1 October 2003, a person can apply to the local government for an exemption from the requirements for swimming pool fencing only where it would not be practicable, because of a disability of an occupant of the building, to provide access in accordance with the pool fencing standards. 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 the pool fencing to be reinstated to be 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 into 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 given, the local government 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 includes a house, a townhouse, villa, unit and duplex building.

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

class 10 building includes a garden shed, a garage and a storage shed.

existing building means a class 1 or 2 building for which approval to construct was obtained under the *Building Act 1975* before 1 April 1992.

existing swimming pool means an outdoor swimming pool where:

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

fencing standards, for an outdoor swimming pool on residential land, are:

- (a) for a pool constructed before 1 October 2003 – the requirements, including standards, applying under the *Building Amendment Act 2003* for the fencing of the pool immediately before 1 October 2003, or
- (b) for a pool constructed on or after 1 October 2003 – the standards prescribed under the regulation for the fencing of the pool.

However, if on 1 October 2003 an existing outdoor swimming pool on residential land is not fenced, or the fencing does not comply substantially with the fencing standards under subsection (a) above for the fencing of the pool immediately before the commencement, the 'fencing standards' for the pool are the standards prescribed under subsection (b) above.

indoor swimming pool means a swimming pool completely enclosed by the walls of a building.

outdoor swimming pool means a swimming pool other than an indoor swimming pool.

pool owner means the owner of the residential land on which there is an outdoor swimming pool. However, if the occupier of residential land, or that part of the land, on which an outdoor swimming pool is situated is the owner of the pool but not the owner of the land, the occupier, and not the owner of the land, is the pool owner.

portable wading pool means a pool that:

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

- (b) has a volume of no more than 2,000 litres, and
- (c) has no filtration system.

protected opening means:

- (a) a door –
 - (i) fitted with a self-closing and self-latching device complying with the standards prescribed under the *Standard Building Law*, and
 - (ii) with no footholds more than 100mm above the floor, and
 - (iii) with the latching mechanism not less than 1,500mm above the floor, and
 - (iv) that does not swing into the fenced area around the pool; or
- (b) a window –
 - (i) enclosed by grilles, or fixed in such a way that will not allow a round bar of 105mm to pass through, or
 - (ii) that has its lowest opening panel located at least 1,200mm above the floor and no footholds more than 100mm above the floor.

residential land means land on which is constructed, or for which local government approval is given to construct, a class 1 or 2 building under the *Standard Building Law* and includes land that:

- (a) is adjacent to residential land, and
- (b) is in the same ownership as the residential land, and
- (c) is used in association with the residential 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 that is:

- (a) capable of being filled with water to a depth of 300mm or more, and
- (b) capable of being used for swimming, bathing, wading, paddling or some other human aquatic activity, and

- (c) solely or principally used, or designed, manufactured or adapted to be solely or principally used, for the purposes mentioned in paragraph (b) despite its current use; and includes a spa pool, spa tub or similar thing (whether portable or fixed) and a wading pool (other than a portable wading pool), but does not include –
 - i) a fish pond or pool solely or principally used, or designed, manufactured or adapted to be solely principally used, for ornamental purposes, or
 - ii) a dam or tank solely or principally used, or designed, manufactured or adapted to be solely principally used, for aquaculture, marine research or storage of water, or
 - iii) a watercourse, or
 - iv) a portable wading pool.

watercourse means:

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

Abbreviations

BA	<i>Building Act 1975</i>
IPA	<i>Integrated Planning Act 1997</i>
LGA	<i>Local Government Act 1936</i>
SBB	<i>Standard Building By-laws</i>
SBR	<i>Standard Building Regulation 1993</i>

1.7 Applicable Australian Standards

AS 2818–1986 and AS 2818–1993 : *Guide to swimming pool safety* provide guidance on the prevention of accidental drownings 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 – Fencing for swimming pools* and AS 1926.2–1995 : *Swimming pool safety – Location of fencing for private swimming pools* specifies requirements for the design, construction and performance of fences, gates, retaining walls, windows, doorsets and balconies intended to form part of a barrier that will restrict the access of young children to swimming pools.

Part 2: Swimming pool fencing requirements pre 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* (LGA), which commenced on 1 February 1991 and 14 September 1991.
- » Amendments to the *Standard Building By-laws* (SBB) 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 pools must be fenced

The 1991 amendments to the LGA and the SBB required every swimming pool, regardless of when the pool was constructed, to have a complying pool fence around it unless the local government granted an exemption. The fence could be in the form of a complete isolation fence (ie. 4 sided) or a fence that incorporated protected openings in the external walls of buildings on the site.

“If a local government’s local law allowed fencing to be of a lesser standard than the State legislation, the local government’s local law could not be used.”

The minimum standard of fencing that applied was dependent on whether or not the local government had a local law that addressed the construction of fencing around swimming pools.

2.3 Local governments with swimming pool fencing local laws

Some local governments had local laws that specified the fencing standard that applied. If a local government’s local law allowed fencing to be of a lesser standard than the State legislation, the local government’s local law could not be used. 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 government’s local law did not require the openings in the building to be protected, the local law could not be used.

If a local government’s local law was more stringent than the State legislation, the local law applied. For example, if the local law did not permit direct access from the house to the pool area, that requirement would prevail over the State legislation and had to be complied with.

2.4 Local governments without swimming pool fencing local laws

If a local government did not have a swimming pool local law that specified fencing standards in existence prior to 1 February 1991, the minimum fencing standards detailed below would need to be complied with.

2.5 Summary of fencing standards

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

- » Had to be at least 900mm in height and constructed so that it inhibits access by young children to the pool area (refer to figure 1).
- » Could have horizontal rails closer than 900mm if the fence was constructed in a way that was likely to inhibit children from climbing over it (refer to figure 1).
- » Could have vertical members greater than 100mm apart if the fence was constructed in a way that was likely to inhibit young children passing under or through it (refer to figure 1).

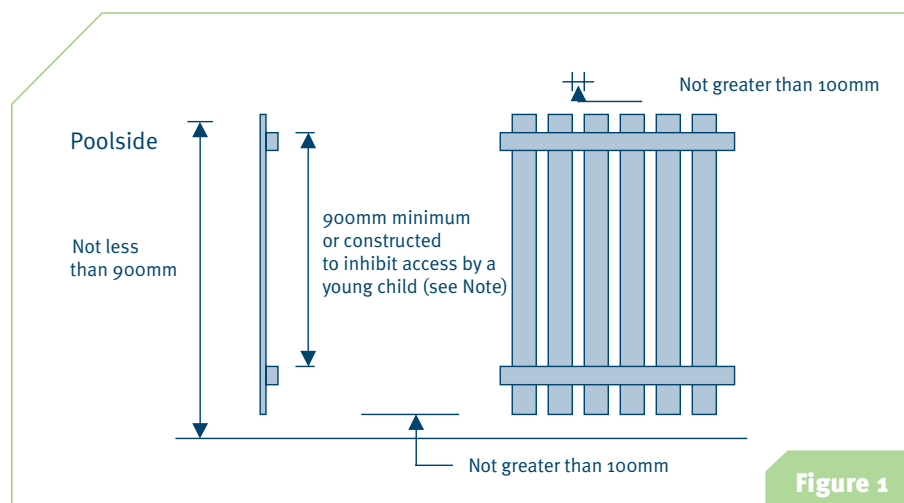


Figure 1

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

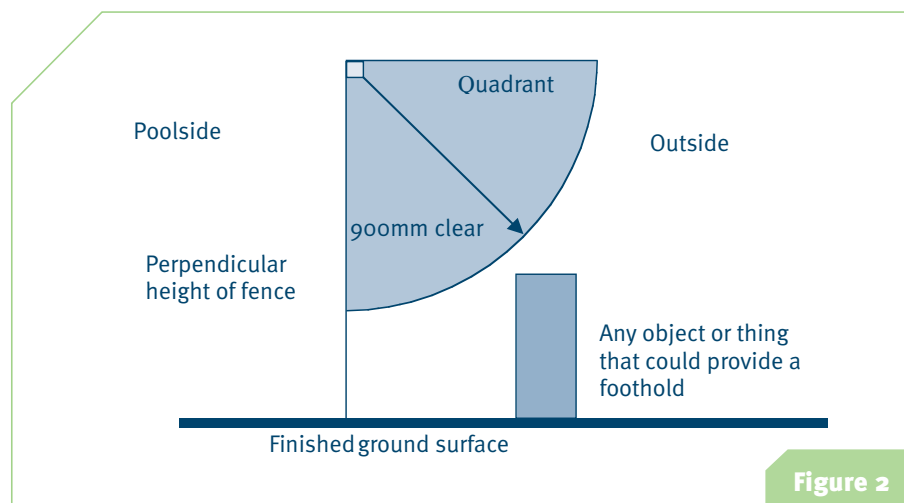
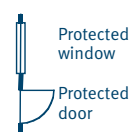
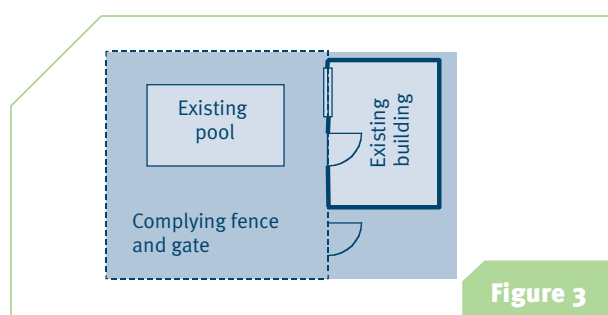


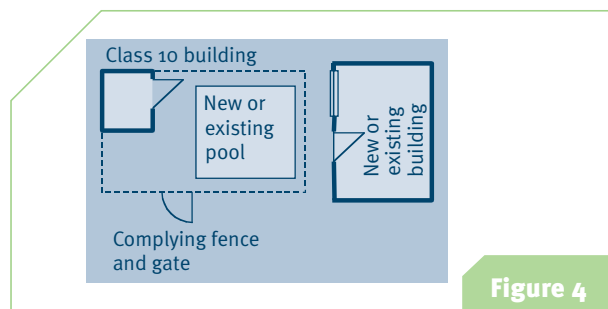
Figure 2

- » Could have a radius of the quadrant used for determining the effective height of fencing of 900mm in lieu of 1,200mm, as stated in Clause 2.3 of AS 1926–1986 (refer to figure 2).
- » Had all openings from a building giving access to the pool area protected so that they inhibited access by young children from a building to a swimming pool (refer to figures 3 to 5 and to the definition of protected opening).

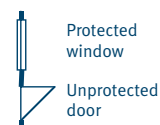
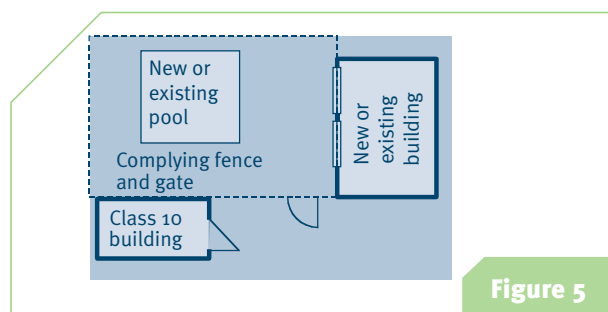
Part 2 continued...



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



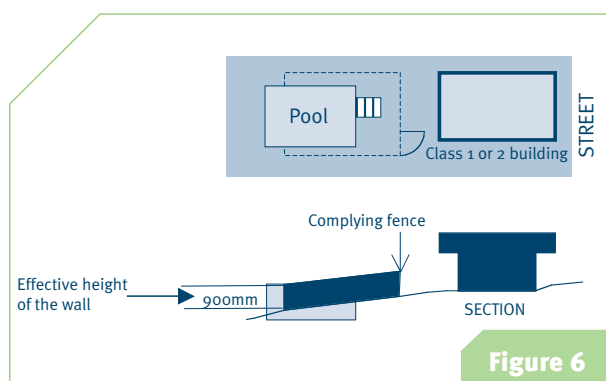
A complying fence may be located on the boundary or inside the property.



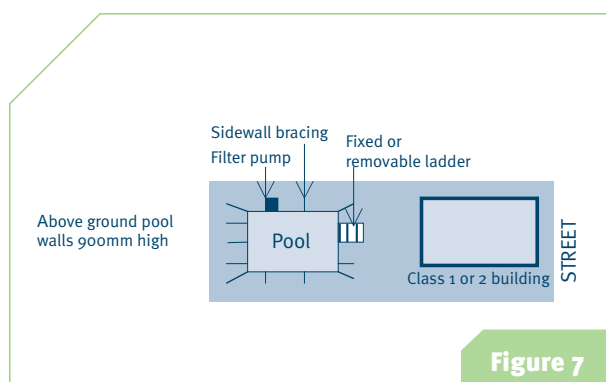
- » Could incorporate openings that were lawfully constructed under a local government local law existing before 1 February 1991, provided the local law related to inhibiting access by young children from a building to a swimming pool.
- » Did not need to take into account objects that were constructed or placed on adjoining land when determining compliance with AS 1926–1986.
- » Unless specifically required by the local government, was not required to isolate the pool from a watercourse (refer to definition of watercourse).

2.6 Above ground pools

The required effective height of the walls of an above ground swimming pool lawfully constructed before 1 February 1991 is 900mm. If a local government local law required a greater height, that height had to be complied with. The walls of the pool had to be constructed so that they provided a barrier not less than the standard for a pool fence (refer to figures 6 and 7). Fixed or removable ladders were not permitted unless contained within a complying pool fence.



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



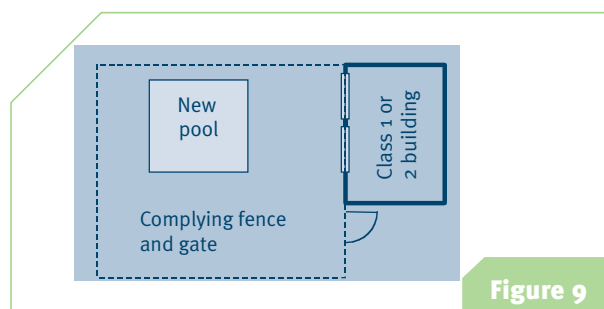
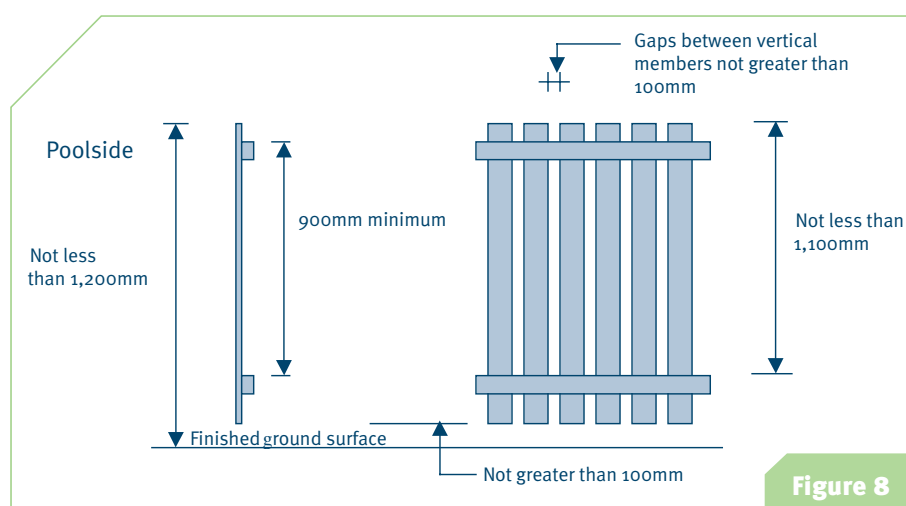
Not acceptable as the effectiveness of the barrier formed by the pool wall is lost.

2.7 Pools with no fence around them

A swimming pool that does not have a fence around it would only have been permitted as a result of an exemption being granted by the local government.

Swimming pools that do not have fences around them, and do not have an exemption, are in breach of the pool fencing legislation. In these situations, the pool owner is required to have/install a fence complying with the current pool fencing laws.

Part 3: Swimming pool fencing requirements between 1 February 1991 and 29 April 1998

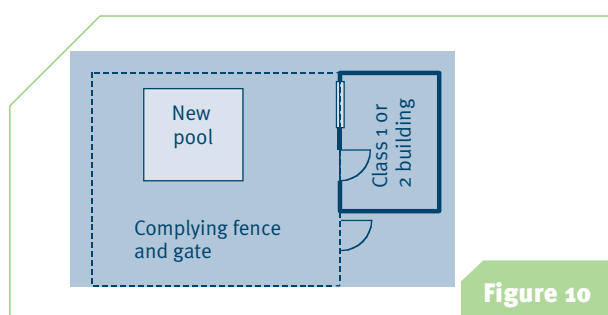


A complying fence may be located on the boundary or inside the property.

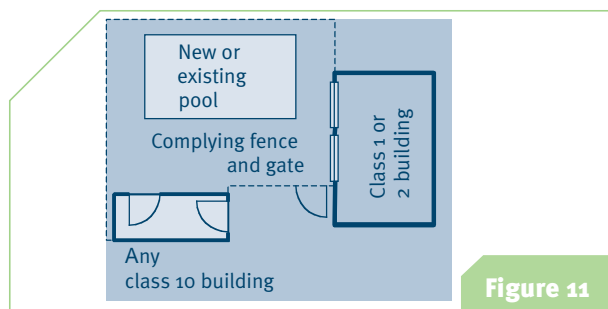
3.1 Applicable legislation and standards

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

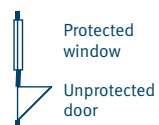
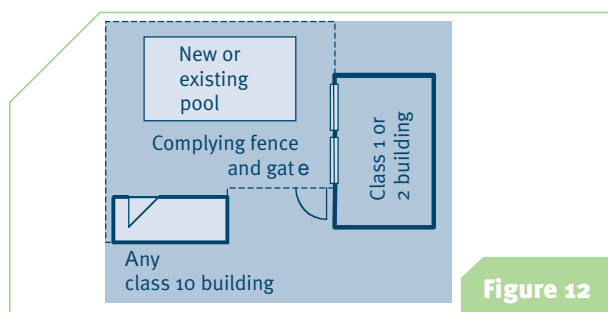
- » Section 49H of the *Local Government Act 1936* up to 25 March 1994.
- » Section 30H of the *Building Act 1975* from 26 March 1994.
- » *Building Act Amendment Act 1991*.
- » *Local Government Act and Other Acts Amendment Act 1990*, which commenced on 1 February 1991.
- » *Local Government (Swimming Pool Fencing) Amendment Act 1991*, which commenced 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 1926.1–1986 : *Swimming pool safety – Fencing for swimming pools*.



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.



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.



3.2 Summary of fencing standards

For a swimming pool constructed after 1 February 1991 and up to 29 April 1998, a compliant pool fence:

- » Had to be at least 1,200mm in height and constructed so that it inhibits access by young children to the pool area (refer to figure 8).
- » Could not have horizontal members closer than 900mm (refer to figure 8).
- » Could not have vertical members greater than 100mm apart or any gap under the fence greater than 100mm (refer to figure 8).

- » Had no less than 1,100mm between the top of the highest lower horizontal member and the top of the fence.
- » Could have protected windows, but could not have any door openings giving access to the pool area without local government approval (refer to figures 9 to 12).

Part 3 continued...

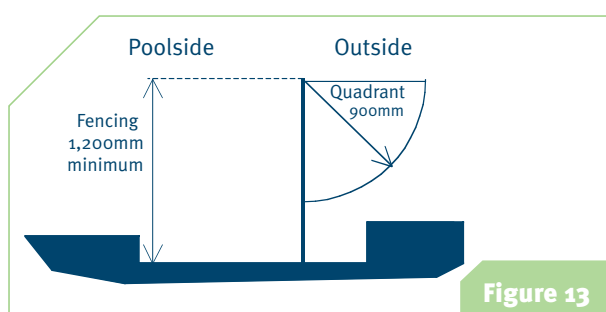


Figure 13

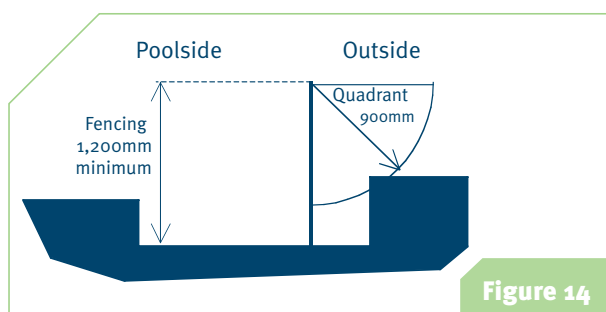


Figure 14

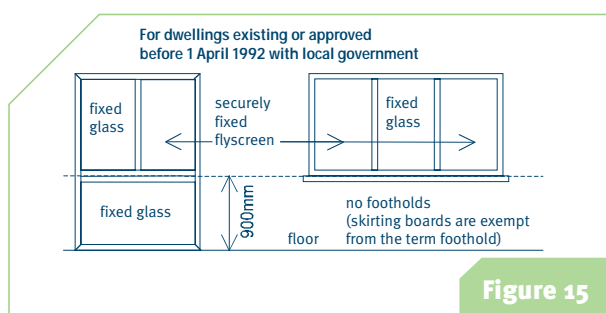


Figure 15

» Had a radius of the quadrant used for determining the effective height of fencing of 900mm (refer to figures 13 and 14).

For a swimming pool lawfully constructed **before 1 February 1991**, or which had been given approval before 1 February 1991 by the local government to be constructed, the complying pool fence could incorporate openings (constructed or approved before 1 April 1992) in the external wall of an existing building provided the openings complied with clause 9.2.2 of AS 2818–1986 and 1993 (refer to figures 16 and 17).

For an opening in an existing building, the local government could approve a sill height of not less than 900mm in conjunction with a securely fixed flyscreen (refer to figure 15). Windows in buildings constructed after 1 April 1992 required a sill height of 1,200mm, or be otherwise protected.

For a swimming pool lawfully constructed **after 1 February 1991**, protected windows are permitted, whereas doors are not permitted without local government approval (refer to figures 9 to 12). They:

» Could not have door openings into the pool area unless approved by the local government.

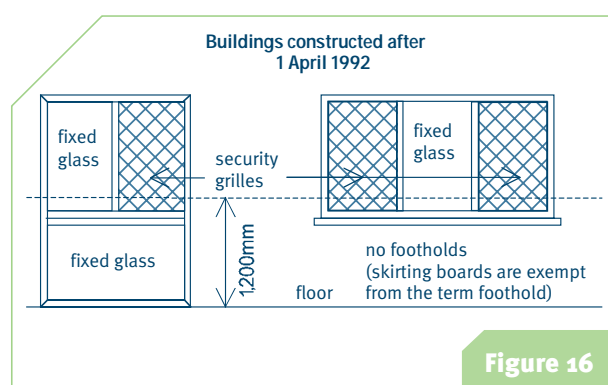
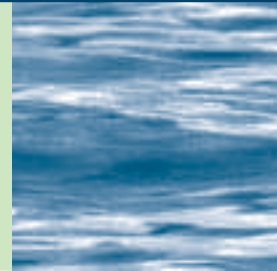


Figure 16

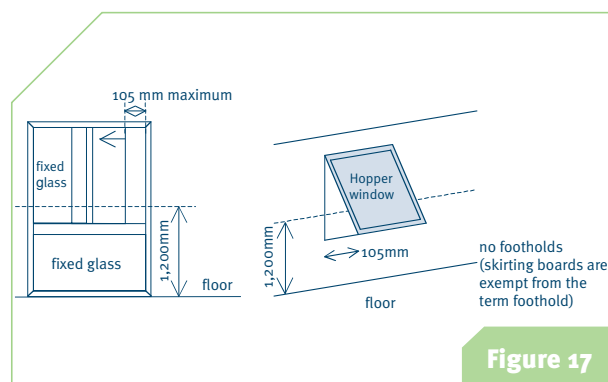


Figure 17

- » Could have door and window openings in the external walls of the building if the openings were lawfully constructed under a local government local law existing before 1 February 1991 and provided the local law related to inhibiting access by young children from a building to a swimming pool.
- » Did not need to take into account things on adjoining land when determining compliance with AS 1926–1986.
- » Unless specifically required by the local government, was not required to isolate the pool from a watercourse (refer to definition of watercourse).
- » Could incorporate the external walls of a class 10 building. Any openings in the class 10 building could not provide access from outside the building into the pool area (refer to figures 11 and 12).

Part 3 continued...

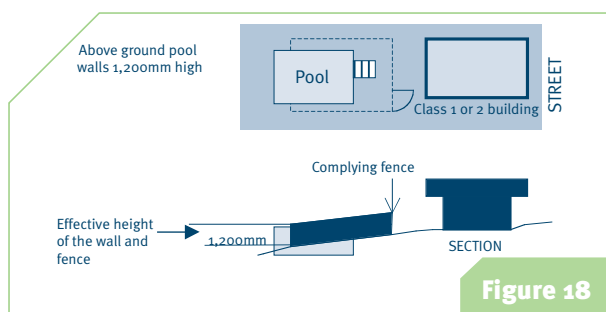
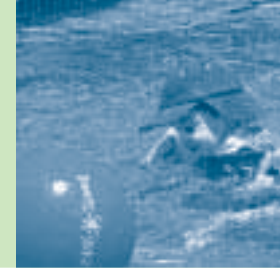


Figure 18

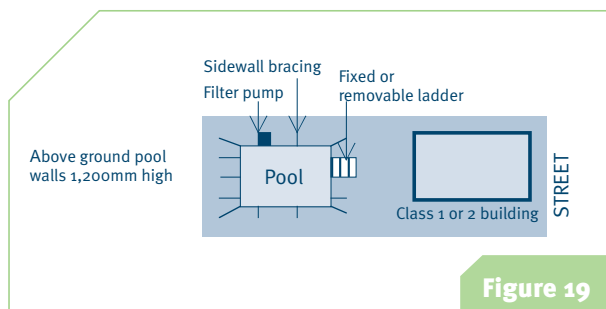
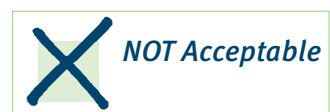


Figure 19



3.3 Above ground pools

The required effective height of the walls of an above ground swimming pool lawfully constructed after 1 February 1991 is 1,200mm. The walls of the pool had to be constructed so they provided a barrier not less than the standard for a pool fence (refer to figures 18 and 19). Fixed or removable ladders were not permitted unless contained within a complying pool fence.

Part 4: Swimming pool fencing requirements between 30 April 1998 and 30 September 2003

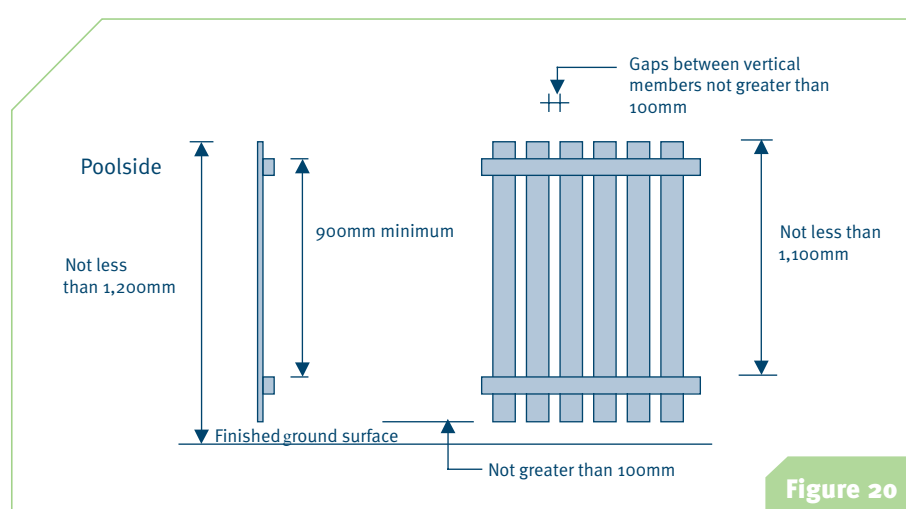


Figure 20

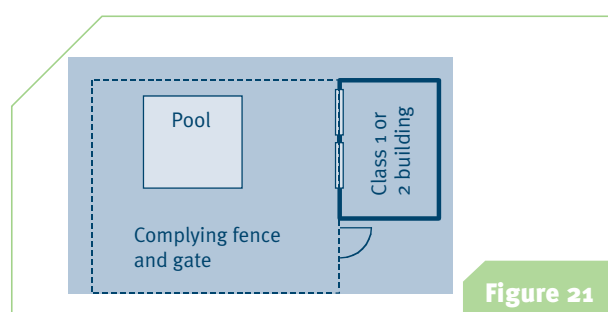


Figure 21



Protected window



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

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 and Integrated Planning Amendment Act 1998* commenced on 30 April 1998, amending the *Building Act 1975*.
- » *Plumbing and Drainage Act 2002* commenced on 7 February 2002, amending the *Building Act 1975*.
- » *Building Legislation Amendment Regulation (No.1) 1998*, commenced on 30 April 1998 amending the *Standard Building Regulation 1993*.

» Section 9 of AS 2818–1993 : *Guide to swimming pool safety*.

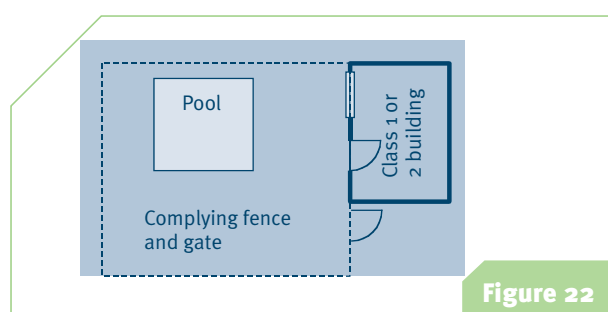
» AS 1926.2–1995 : *Swimming pool safety – Location of fencing for private swimming pools*.

4.2 Summary of fencing standards

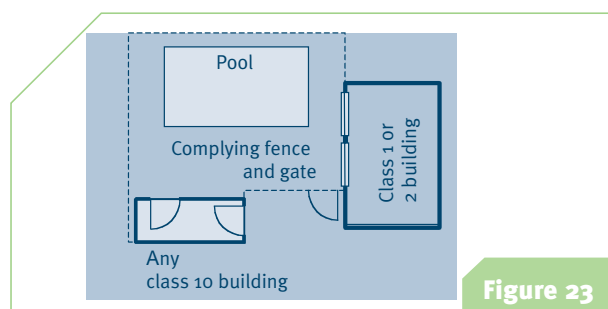
For a swimming pool constructed on or after 30 April 1998, a compliant pool fence:

- » Had to be at least 1,200mm in height and constructed so that it inhibits access by young children to the pool area (refer to figure 20).
- » Could not have horizontal members closer than 900mm (refer to figure 20).

Part 4 continued...



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.



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.

- » Could not have vertical members greater than 100mm apart or any gap under the fence greater than 100mm (refer to figure 20).
- » Could have protected window openings (refer to figure 21).
- » Could not have protected door openings providing access to the pool without an exemption from the local government (refer to figures 22 to 24).
- » Had a radius of the quadrant used for determining the effective height of fencing of 1,200mm (refer to figures 25 to 26).

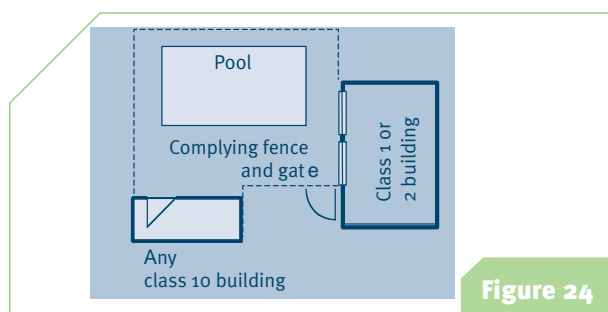


Figure 24

✓ *Acceptable*

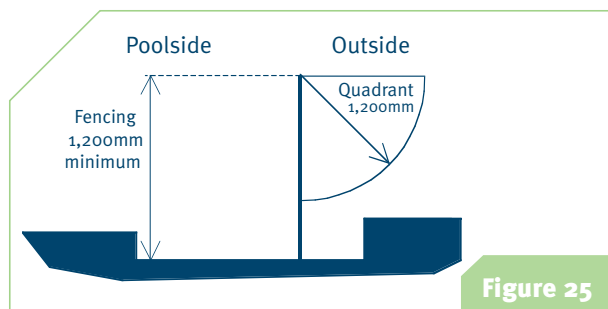


Figure 25

✓ *Acceptable*

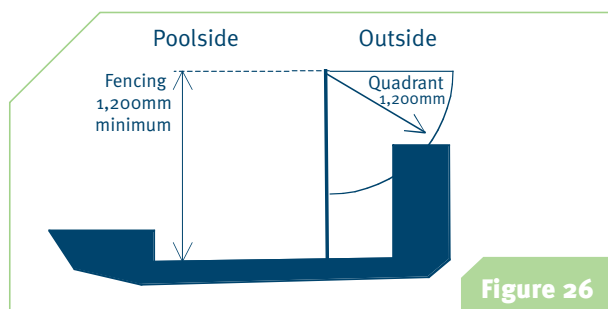


Figure 26

✗ *NOT Acceptable*

Part 5: Swimming pool fencing requirements on or after 1 October 2003

“A complying pool fence must be at least 1,200mm in height and constructed so that it inhibits access by young children to the pool area.”

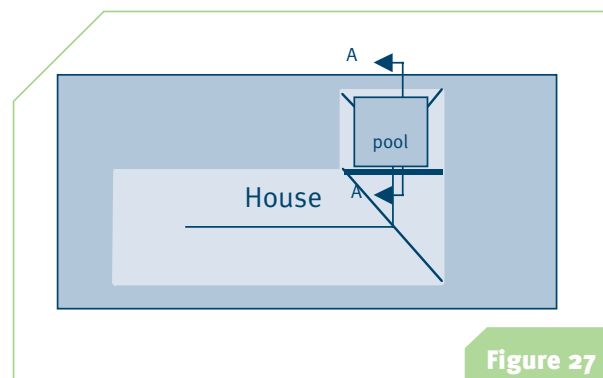


Figure 27

5.1 Applicable legislation and standards

The following legislative requirements are relevant to swimming pools constructed on or after 1 October 2003:

- » *Building Amendment Act 2003* amending Part 3 of the *Building Act 1975*.
- » *State Penalties Enforcement Regulation 2000*.
- » *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.

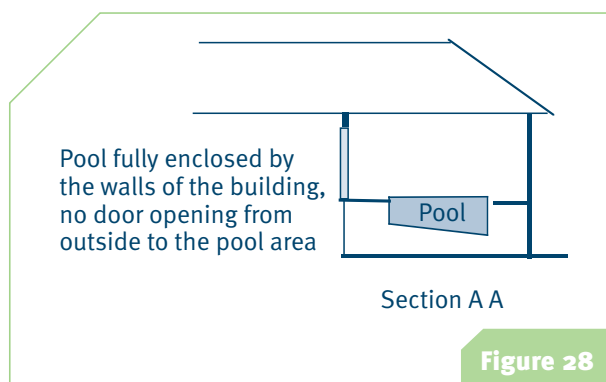
» AS 2818–1993 : *Guide to swimming pool safety*.

» AS 1926.2–1995 : *Swimming pool safety – Location of fencing for private swimming pools*.

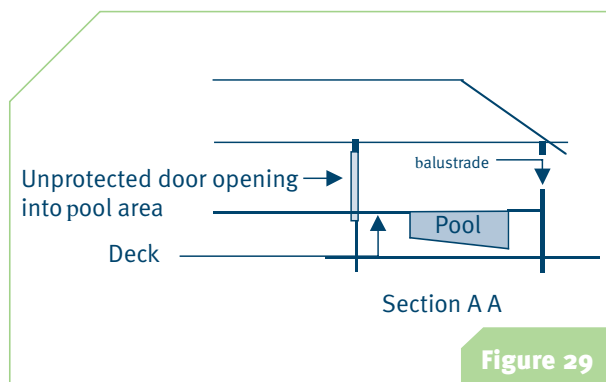
5.2 Summary of fencing standards

For a swimming pool constructed on or after 1 October 2003, a complying pool fence:

- » Must be at least 1,200mm in height and constructed so that it inhibits access by young children to the pool area (refer to figure 20).
- » Cannot have horizontal members closer than 900mm (refer to figure 20).



Indoor swimming pool



Outdoor swimming pool requires compliant pool fencing

- » Cannot have vertical members greater than 100mm apart or any gap under the fence greater than 100mm (refer to figure 20).
- » Can have protected window openings (refer to figure 21).
- » Cannot have unprotected or protected door openings (refer to figures 22 to 24).
- » Must have a radius of the quadrant used for determining the effective height of fencing of 1,200mm (refer to figures 25 and 26).
- » Must be constructed around swimming pools that are not fully enclosed by the walls of the building (refer to figures 27 to 29).

Part 6: History of swimming pool fencing legislation and relevant building standards

Time period	Primary legislation
21 December 1979	Local Government Act 1936 Section 31B By-laws about fencing swimming pools. 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 Repeals s. 31B and inserts s. 49H 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.
14 September 1991	Local Government Act 1936 Inserts new 49H(4)(b)(i) and (ii) which provides that the design, construction and performance of fencing must comply with the Building By-laws standards if constructed before 1 February 1991 – the commencement day. In any other case, the fence must comply with the standards prescribed by the Building By-laws.
1 January 1992	Building Act 1975 Standard Building By-laws 11.4 to 11.6 inclusive dealt with swimming pool fencing standards.
26 March 1994	Building Act 1975 Part 4B – Swimming pool fencing Existing swimming pool constructed or installed before and after 1 February 1991.
30 April 1998	Building Act 1975 New Part 4B – Swimming pool fencing Existing swimming pool constructed or installed before and after 1 February 1991. Inserted a transitional provision: Lawfully constructed swimming pool fences protected (s. 82). 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. (later renumbered as s. 59)
30 April 1998	Standard Building Regulation 1993 Part 5 – Swimming pool fencing (which is comprised of ss. 59 to 68 inclusive).
7 February 2003	Building Act 1975 Section 14(1) (renumbered – the previous 30H) amended to require that the fencing needs to be inspected and approved before the pool can be filled. Section 14(2) is 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’.
1 October 2003	Building Act 1975
1 November 2003	State Penalties Enforcement Regulation 2000

Amending legislation	Relevant building standard
Section 31B was inserted by s. 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.
Inserted by the <i>Local Government Act and Other Acts Amendment Act 1990</i> which commenced on 1 February 1991.	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. Inserted s. By-law 53.1A into the <i>Standard Building By-laws</i> which prescribed the standards for the design and construction and performance of swimming pool fencing as AS 1926–1986 : <i>Swimming pool safety – Fencing for swimming pools</i> , as in force in force on 4 August 1986.
<i>Local Government (Swimming Pool Fencing) Amendment Act 1991</i> which commenced on 14 September 1991.	<i>Standard Building By-laws (Swimming Pool Fencing) Order 1991</i> set the prescribed standard as AS1926–1986 : <i>Swimming pool safety – Fencing for swimming pools</i> as in force on 4 August 1986 as amended by ss. 53.1A, 53.1B, and s. 53.1C.
These By-laws were 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.	11.4.(1) Subject to subsections (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> , the prescribed standards for the design, construction and performance of swimming pool fencing are the standards set out in AS1926–1986 : <i>Swimming pool safety – Fencing for swimming pools</i> , as in force on 4 August 1986.
Inserted by s. 804 and schedule to <i>Local Government Act 1993</i> which commenced on 26 March 1994.	Constructed before 1 February 1991 – continue to comply with the standard. Constructed after 1 February 1991– must comply with standards applying to fencing after 1 February 1991.
<i>Building and Integrated Planning Amendment Act 1998</i> which commenced on 30 April 1998. Also, s. 83 authorised the renumbering of the Act in accordance with the <i>Reprints Act 1992</i> .	Section 30H(2) provides for the standards prescribed under regulation. Under s. 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.
Amended by SL No. 86 <i>Building Legislation Amendment Regulation (No. 1) 1998</i> which commenced on 30 April 1998.	Section 61 deals with pools built or approved before commencement of part 5. Section 62 deals with pools approved before commencement of part 5. For fencing around a swimming pool approved for building on or after the commencement of this part, the prescribed standard is, subject to s. 63 to s. 66: (a) the standard for the design, building and performance of swimming pool fencing in AS 1926.1–1993 : <i>Swimming pool safety – Fencing for swimming pools</i> , other than clause 2.14 of the standard, and (b) the standard for the location of fencing contained in AS 1926.2–1995 : <i>Swimming pool safety – Location of fencing for private swimming pools</i> , other than clause 1.4.4 of the standard.
Inserted by the <i>Plumbing and Drainage Act 2002</i> which commenced on 7 February 2003.	AS 1926.2–1995 : <i>Swimming pool safety – Location of fencing for private swimming pools</i> . Also, s. 13 of the Act is relevant.
Inserted by the <i>Building Amendment Act 2003</i> which commenced on 1 October 2003.	AS 1926.2–1995 : <i>Swimming pool safety – Location of fencing for private swimming pools</i> . Also inserted new provisions for CPR and warning signs. Redefines an indoor pool as a pool that is fully enclosed by the walls of a building. Pools on decks and roofs not enclosed by walls must be fenced. Limits ability to apply for exemptions.
Inserted by the <i>State Penalties Enforcement Amendment Regulation (No. 8) 2003</i> .	Provisions 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> .



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