VBA issues order for unfenced pool

The Victorian Building Authority (VBA) took action to fix a dangerous pool on Wednesday, which it says is a timely reminder for pool owners about the importance of having a proper pool safety fence.

The pool, which was unfenced and filled with water, is in the backyard of the Doreen property, behind an unoccupied house. Compliance and Performance Director Murray Smith said that after inspecting the property, VBA immediately issued the homeowner with an emergency order to erect a safety fence around the pool.

“In normal circumstances, a homeowner has several days to comply with an order. However, because the pool could be easily accessed from the street, it was too dangerous to wait for the owner to fix the problem, so we acted straight away to make the pool safe,” Mr Smith said.

“All swimming pools and spas in Victoria must have a safety fence that complies with the building regulations and has been issued with a certificate of final inspection by a building surveyor. Homeowners also have a responsibility to maintain the fence and ensure it is in good working condition.”

VBA and local councils carry out regular audits and inspections to make sure swimming pools and spas comply with the regulations.

“We all know how dangerous an unfenced swimming pool or spa can be for children, so it’s important that everyone with a pool or spa makes sure they have a safety fence that meets legal requirements and is well maintained. As well as placing children at risk, an unfenced pool can also have serious financial consequences for the owner,” Mr Smith said.

As the building industry regulator, VBA has prosecuted four homeowners since July 2012 for failing to have a safety fence in place around their pool that complies with the regulations. The most recent case resulted in a Mt Martha homeowner being fined $6000 in October for having a pool fence that didn’t comply for several reasons, including having a gap of more than 100mm under the fence, gates that weren’t self-closing and a fence height less than 1.2m.

Mr Smith said some of the most common problems with swimming pool fences include:
- gates that are not self-closing and self-latching
- objects near the pool fence that children can climb on to get over the fence, such as large rocks, furniture, barbecues, trees and pool equipment
- large gaps around or in the fencing
- deteriorating timber fences with loose or missing palings.

For more information about the requirements for pool and spa safety fencing, homeowners should contact their local council or visit the VBA website at www.vba.vic.gov.au
**Tips for installing and maintaining a pool or spa fence:**

- Fences and safety barriers are required for all swimming pools and spas with a depth greater than 30cm – about the length of a school ruler.
- You must get a building permit before constructing the fence.
- You need to complete the work within six months of starting it.
- Engage a registered building practitioner to do the work if the value exceeds $5000 (including labour and materials).
- All gates must have a self-closing, self-latching device regardless of when the pool was built.
- Direct access from the door of a house to the pool area is not allowed for new pools and spas.
- Indoor swimming pools and spas must have self-closing, self-latching doors that swing away from the pool or spa area.
- Fencing must not be installed near trees that children can climb up and over to access the pool or spa, and objects should never be placed near pool fencing that children can climb on to get over the fence.
- Never prop open any gate providing access to the swimming pool or spa.

**ENDS**

*Media enquiries*

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