

SWIMMING POOL SAFETY REFORM

Consultation Paper



About this reform

The Northern Territory Government is committed to ensuring that the community has effective and fair home swimming pool safety laws so we are seeking your feedback about them.

These laws have now been in place for 15 years so it is time to consider how well they are working and whether changes should be made to achieve improved safety outcomes.

The main goals of this reform are to ensure NT laws:

- deliver safe home swimming pool areas for children under five years of age
- are effective and easy for the community and industry to understand and follow

Community views raised and provided during consultation on the reform will be used to inform Government's decision on any changes to the current NT pool safety laws.

The Department of Infrastructure, Planning and Logistics has undertaken a review to consider the potential opportunities to change the laws.

To change these laws we need your feedback on the following key areas:



Current exemptions from requiring a pool barrier



Safety standards for pool barriers



Certification

Go online to www.haveyoursay.nt.gov.au to get more information, comment or complete a short survey. You can also attend an industry forum or visit a pop-up consultation.

What is a pool barrier?

Pool barriers in the NT include fences and other specific constructions that can restrict entry to pool areas eg a house wall, child-resistant windows, self-closing and self-latching doors. Pool barriers that comply with the Australian Standards are child resistant for children under five years of age, not childproof.

What is a swimming pool?

A swimming pool is defined as an excavation, structure or vessel (including a spa) that is capable of being filled with water to a depth of 30 cm or more and is used, designed, manufactured or adapted to be used solely or principally for swimming, wading, or paddling.

Fish ponds, dams, lakes, creeks, oceans and other natural water courses, are not defined as swimming pools and therefore the laws do not apply to them.



Current exemptions from requiring a pool barrier

Compulsory pool barriers are required for:

- home swimming pools on properties that are less than 1.8 hectares, including townhouses, units and caretaker units
- pools in unit complexes, eg pools on common property/body corporate pools
- pools at holiday accommodation in houses where the owner lives
- pools at individual caravan or mobile home sites in a caravan park.

Compulsory pool barriers are not required for:

- home swimming pools on properties that are 1.8 hectares or more
- pools at hotels and motels
- pools at holiday accommodation not in a house, eg townhouses, units, serviced apartment complexes, common pools in caravan parks
- pools at holiday accommodation that operates from a house where the owner does not live
- public pools and water parks.

The laws also recognise pools that were already installed at the time the laws started and do not require those pools to have a compulsory pool barrier until the property is either leased or sold for the first time after 1 January 2003.

Properties that require a compulsory pool barrier cannot be sold without either a compliance certificate or acknowledgment notice (owner's self-declaration) in the current owner's name from the Swimming Pool Safety Authority.

Tell us what you think

Go online to www.haveyoursay.nt.gov.au to get more information, comment or complete a short survey. You can also attend an industry forum or visit a pop-up consultation near you.

- Should home swimming pools in the NT be required to have a compulsory pool barrier if they:
 - are on a property that has an area of 1.8 hectares or more?
 - are at a house, townhouse or unit used for short term holiday accommodation?
- Do you think removing the two exemptions will help reduce the number of swimming pool deaths of children under five years of age?



Safety standards for pool barriers

Pool barrier safety standards in the NT

There are three different pool safety standards in the Northern Territory, each with different processes and requirements, Community Safety Standard, Modified Australian Standards, and Non-Standard Safety Provision.

Community Safety Standard and the pool owner's self-declarations of compliance

The Community Safety Standard can only be used for pools that were installed before 1 January 2003

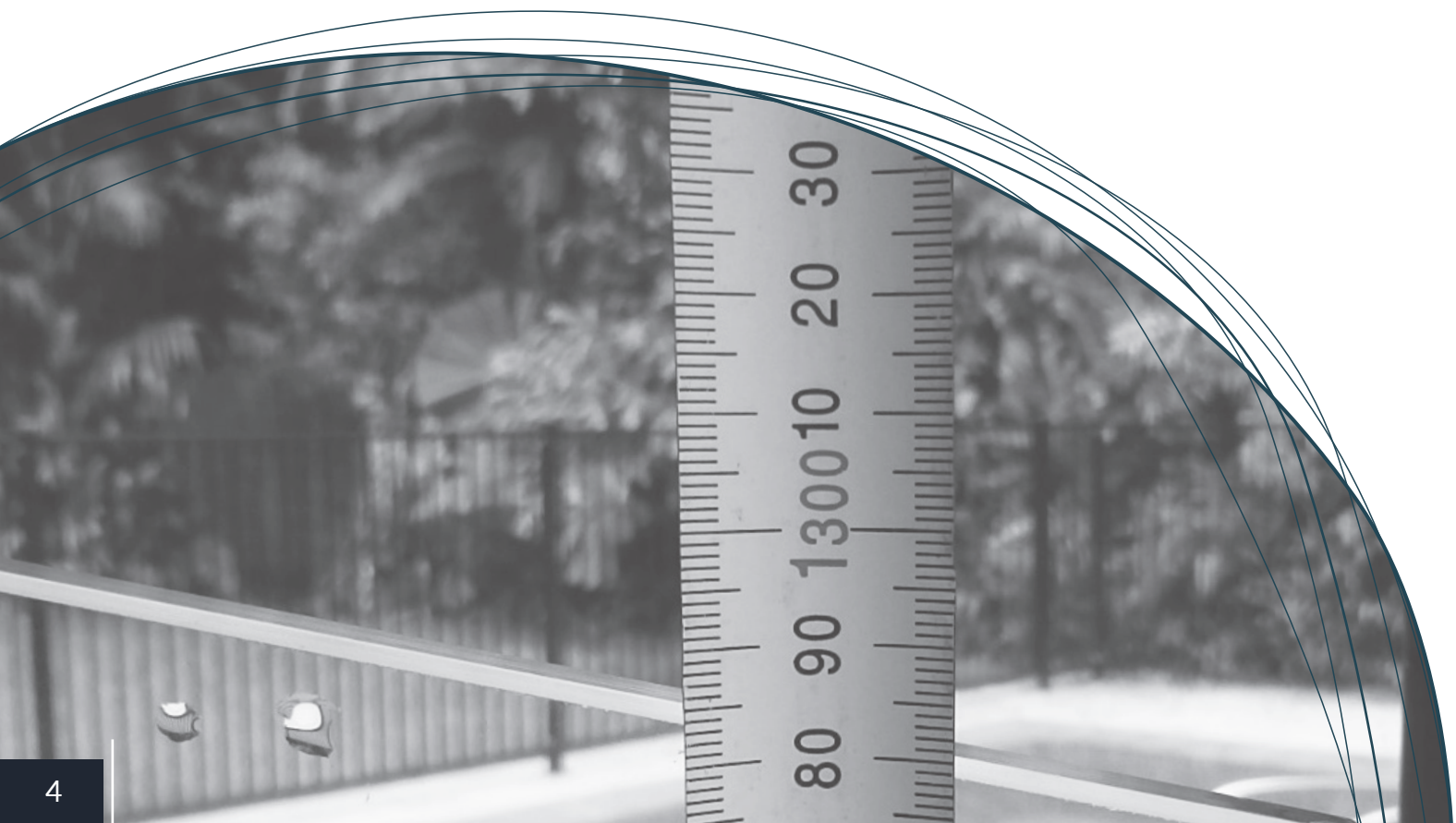
Once a pre-2003 pool requires a compulsory pool barrier, i.e. it has been leased or sold for the first time, the pool barrier can meet the Community Safety Standard. Compliance with the Community Safety Standard is through the pool owner's self-declaration process instead of an assessment by a pool safety adviser.

No change to the Community Safety Standard and the process the pool owner's self-declaration of compliance to the Community Safety Standard is proposed.

Adopting updated Australian Standards

The NT adopts versions of the Australian Standards that are 25 years old and modified to ensure they can be practically applied in NT conditions.

The current laws do not allow the NT to consider adopting new versions of the Australian Standards that correct inconsistencies and include relevant new information. Other parts of Australia use, and modify, more recent versions of the Australian Standards.





Safety standards for pool barriers

If new modified Australian Standards were adopted, allowances could be made for pools that have already been installed and certified to the modified Australian Standards to retain their certification. There would not be a requirement to upgrade to the new Australian Standards unless significant changes were made to an existing certified barrier or a new barrier was installed.

Non-Standard Safety Provision - alternative solutions

The Non-Standard Safety Provision can be used on a case-by-case basis and in some specified situations where the Swimming Pool Safety Authority is satisfied that access “does not, in all the circumstances, pose an unacceptable risk to a child”. Keeping the Non-Standard Safety Provision allows alternative solutions and flexibility.

The Non-Standard Safety Provision has been used to allow alternative solutions for people with a disability. The NT could include a specified situation that recognises this need.

Tell us what you think

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- Should the NT consider changing the laws to enable updated versions of the Australian Standards to be adopted and modified?
- Should the NT specifically allow alternative solutions for people with a disability?





Certification

Under the current law new pools must not be filled with more than 30 cm of water until the permanent pool barrier is constructed and the pool owner has applied for the barrier to be certified. Once the pool is certified the owner must maintain the pool barrier in the same condition that it was at the time it was first certified.

Safety during construction of a pool or changes to a pool barrier

Sometimes landscaping works or other construction needs to be finished before the permanent pool barrier can be built and some types of pools require filling immediately after construction. Allowing the use of temporary pool fencing that is compliant to the Modified Australian Standard will improve safety during construction or when changes need to be made to a barrier.

Tell us what you think

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- Should the law allow for the use of a compliant temporary pool barrier until a permanent pool barrier is installed?





What if the laws change?

When changes are made to laws there are often arrangements to allow people time to meet the new requirements. If the NT decides to change the pool safety laws, then arrangements will be put in place. For example, there may be a specific timeframe allowed for pool owners to comply with the new requirements or an event such as the sale or lease of a property could trigger the need for a pool barrier to be installed.

Tell us what you think

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- If the laws are changed how can they be introduced in a fair and timely manner?



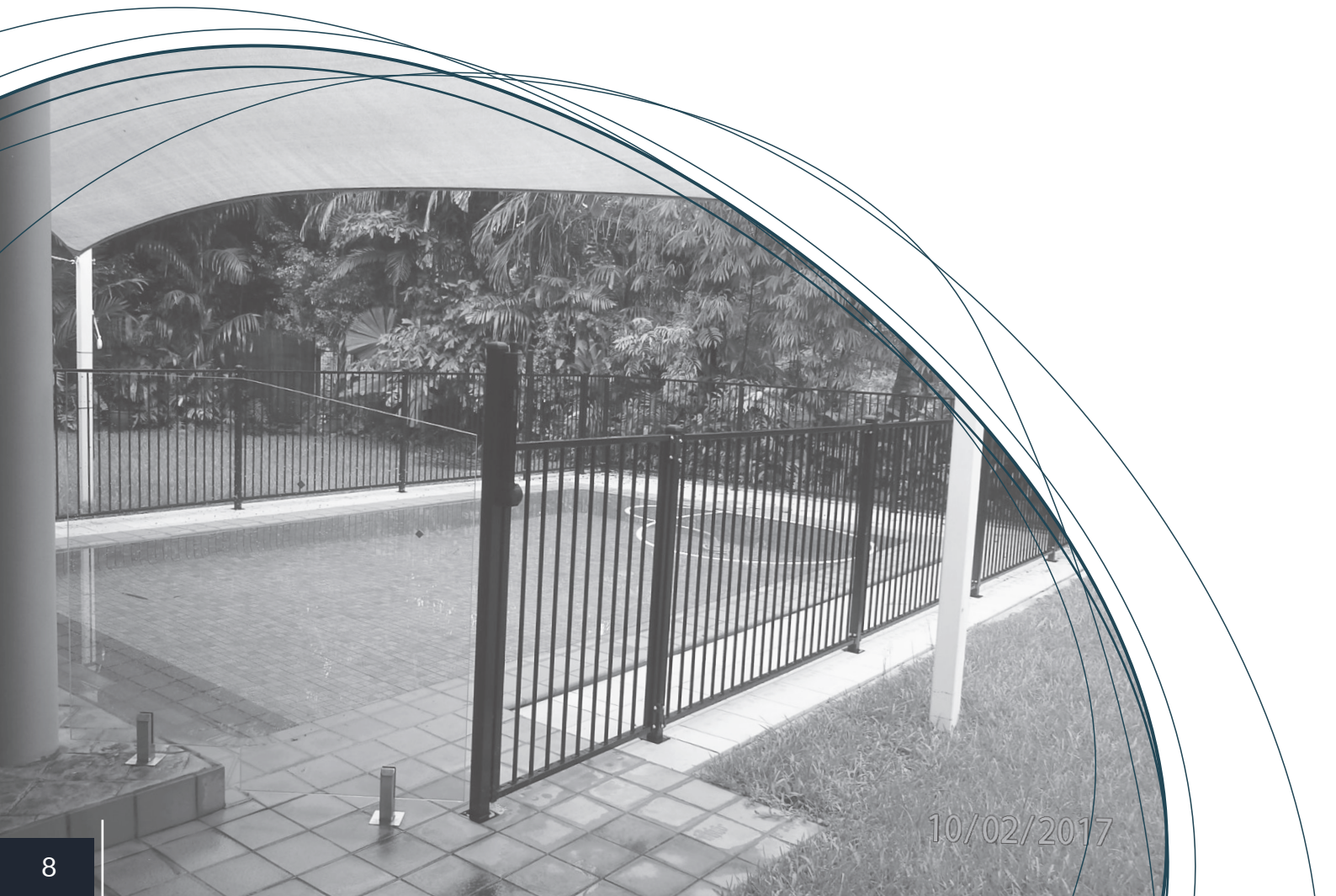


Could the swimming pool safety law be further improved?


Tell us what you think

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- Do you have any other ideas, comments or suggestions that you would like to see the Government consider when deciding what changes and improvements might be needed for the NT swimming pool safety laws?



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