

Jane Buckland

From: Pool Review
Sent: Tuesday, 6 August 2024 12:55 PM
Subject: [External] Extending the private swimming pool safety barrier requirements to excluded areas

Dear Chief Executive Officer

EXTENDING THE PRIVATE SWIMMING POOL SAFETY BARRIER REQUIREMENTS TO EXCLUDED AREAS

The Department of Energy, Mines, Industry Regulation and Safety – Building and Energy division (Building and Energy) is writing to all local governments that have areas within their district that are excluded from the swimming pool safety barrier requirements of Part 8 Division 2 of the [Building Regulations 2012](#) (the Building Regulations).

Background

Drowning is the leading cause of death for young children under five years of age, with the majority of these incidents occurring in private swimming pools.

In response to a report released by the Ombudsman Western Australia (Ombudsman), [Investigation into ways to prevent or reduce deaths of children by drowning](#) (November 2017), Building and Energy conducted a review of the swimming pool and safety barrier requirements in Western Australia. This review culminated in the publication of the Government's [Decision Paper – Swimming Pool and Safety Barrier Control](#) (April 2021) (Decision Paper).

The Decision Paper included both regulatory and non-regulatory measures in response to the Ombudsman report. Building and Energy continues to progress the non-regulatory responses including guidance, education and working with local governments.

Safety barrier requirements

The Building Regulations contain safety barrier requirements for existing private swimming and spa pools in WA and require local governments to conduct inspections of those safety barriers. However Schedule 5 of the Building Regulations sets out areas of the State where these requirements apply, with areas not listed in the Schedule being excluded from these requirements.

Ombudsman recommendation

In its report, the Ombudsman highlighted the increased risk of child drownings in those areas of the State that currently have exclusions from certain safety barrier and inspection requirements.

The Ombudsman recommended consideration be given to amending the Building Regulations to remove excluded areas so that safety barrier and inspection requirements apply to all existing private swimming and spa pools throughout Western Australia (Recommendation 25).

During Building and Energy's review, consultation on this matter revealed varying levels of support from affected local governments.

Government decision

Building and Energy supports the removal of excluded areas but recognises that it is more appropriate for local governments to make this decision for their residents. Decision 9 of Building and Energy's Decision Paper was to:

- Amend the Building Regulations on formal request by affected local governments to require safety barriers for all private swimming pools in all areas of their geographic district.
- Actively engage with affected local governments to remove excluded areas from their district.
- Provide guidance to affected local governments on:

- the processes required to remove the regulatory exclusion and satisfy the Government's commitment to best practice regulation; and
- the existing requirement for all new swimming pools in all areas of the State, regardless of excluded areas, to have compliant safety barriers at the time of completion of building work.
- Provide guidance to owners on the merit of voluntarily choosing to install swimming pool barriers for those pools located in excluded areas of WA.

Removing excluded areas

Building and Energy requests that affected local governments consider removing or reducing current exclusions from safety barrier requirements.

Building and Energy has produced guidance to assist local governments and their affected residents, available through the [Local Government Extranet](#):

- [Extending pool safety barrier requirements](#) is intended for local governments and explains the consultation process.
- [Extending pool safety barrier requirements – Information for residents](#) is intended for local government distribution to affected residents as part of the consultation process.
- [Safety barriers for private swimming and spa pools in excluded areas](#) is intended for local government distribution to residents in excluded areas, where it decides to not extend safety barrier requirements for existing pools, and encourages the voluntary adoption of safety barriers by the residents.

If you require further information please contact

Kind regards

Director Standards and Engineering



**Department of Energy, Mines,
Industry Regulation and Safety**

We respectfully acknowledge Aboriginal peoples as the Traditional Custodians of this land on which we deliver our services to the communities throughout Western Australia. We acknowledge their enduring connection to the lands, waterways and communities and pay our respects to Elders past and present.

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Our Ref: A97170346

9 September 2025

Enquiries:

Mr David Taylor
Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

Dear Mr Taylor

EXCLUDED AREAS: EXISTING SWIMMING POOLS – SAFETY BARRIERS AND INSPECTIONS

On the 6th of August 2024, the Department of Local Government, Industry Regulation and Safety (previously Department of Energy, Mines, Industry Regulation and Safety) - Building and Energy division (Building and Energy) wrote to all local governments that have areas within their districts that are excluded from the swimming pool safety barrier requirements of Part 8 Division 2 of the [Building Regulations 2012](#) (the Building Regulations). It requested consideration be given to removing these exclusions and provided a series of links to guidance materials explaining the process.

Current situation – amending the Building Regulations

Building and Energy supports the removal of excluded areas and requests that affected local governments continue to consider extending safety barrier requirements uniformly across all areas of their districts in accordance with the recommendation by the Ombudsman Western Australia (Ombudsman) (please see background information below for more details).

This letter is a reminder to affected local governments that the process of removing excluded areas is underway. I would like to thank those that have responded to the initial correspondence and indicated intentions to either remove or retain excluded areas, this is much appreciated. Currently, Building and Energy has received two formal requests for removal of excluded areas, with another two local governments preparing to submit their requests.

The first round of amendments to the Building Regulations to extend swimming pool safety barrier requirements will commence later this year.

Formal requests to remove excluded areas will need to be submitted no later than 31 October 2025.

Should your local government choose to not be included in this round of amendments, it would be appreciated if your **intention to retain excluded areas at this time could be conveyed via email by 31 October 2025**, if not previously advised.

This is also an opportunity to make any administrative amendments to Schedule 5 (and/or Schedule 4), for example if zoning changes have impacted these areas, or where Schedules contain redundant information.

Appendix A (attached) shows the current Schedule 4 and 5 entries for your district.

Background – Extending the private swimming pool safety barrier requirements to excluded areas

Drowning is the leading cause of death for young children under five years of age. The majority of these incidents occur in private swimming pools. Safety barriers are effective at restricting access, and form a key part of the broader water safety strategy.

The Building Regulations contain both the safety barrier requirements for existing private swimming pools as well as the requirement for local government inspections, with Schedule 5 prescribing areas of the State where these requirements apply; areas not listed in the Schedule are excluded from the requirements.

As outlined and included in our previous correspondence, Building and Energy has produced guidance to assist local governments and their affected residents, available through www.lgirs.wa.gov.au/rules-for-pools:

- [Extending pool safety barrier requirements](#) is intended for local governments and explains the consultation process.
- [Extending pool safety barrier requirements – Information for residents](#) is intended for local government distribution to affected residents as part of the consultation process.
- [Safety barriers for private swimming and spa pools in excluded areas](#) is intended for local government distribution to residents in excluded areas, where it decides to not extend safety barrier requirements for existing pools, and encourages the voluntary adoption of safety barriers by the residents.

Please submit requests to, or seek further information from,

Yours sincerely



Director Standards and Engineering

**APPENDIX A – Building Regulations 2012 Schedules 4 and 5:
Shire of Nannup**

Schedule 4 – Building work that does not require building permit

1. Area where building permit not required for certain work

Table

Column 1	Column 2	Column 3
Local government district	Area where building permit not required for building work for Class 10 building or incidental structure	Area where building permit not required for building work for building other than Class 10 building or incidental structure
Nannup	n/a	n/a

Schedule 5 – Areas of State where Part 8 Division 2 applies

Table

Column 1	Column 2
Local government district	Areas of State where Part 8 Division 2 applies
Nannup	All townsites