

# SUBMISSION

## BUILDING REGULATIONS REVIEW

### Pool/spa Barrier Regulation

July 2017

---

# CONTENTS

## REIV BRIEFING PAPER

INTRODUCTION	4
REIV RESPONSE	5
SUMMARY	6



# ABOUT REIV

The Real Estate Institute of Victoria has been the peak professional association for the Victorian real estate industry since 1936.

Over 2,000 real estate agencies in Victoria are members of the REIV. These members are located in city, rural and regional areas.

The businesses employ more than 10,000 people in Victoria in a market which handles over \$100 billion of transactions totalling 30 per cent of Gross State Product (GSP).

Members specialise in all facets of real estate, including: residential sales, auctions, property management, business broking, buyers agency, commercial and industrial sales, owners' corporations management and valuations.

---

## Introduction

The REIV is the peak industry association for the Victorian real estate sector, representing the majority of the state's licensed estate agents and Agent's Representatives.

The Regulatory Impact Statement (RIS) is of considerable concern to our members, particularly those operating in residential sales and property management.

More than 1,200 of our members belong to the REIV Property Management Chapter while a further 1,200 are aligned to the Institute's Sales Chapter.

In forming a response to the RIS, the REIV has sought feedback from members on pool and spa safety barriers.

The REIV does not consider four-sided barriers to be the most effective method in reducing the number of fatal and near-fatal toddler drownings in Victoria. In addition, this retrospective standard will also be impractical in many of the 90,000 backyards which feature a pool constructed prior to 1991.

Furthermore, this recommendation ignores the advice of multiple industry bodies, which have openly campaigned for alternative measures - such as mandatory barrier inspections - for many years.



---

## REIV Response

The following outcomes were gained from the member consultation process.

### Pool & Spa Barrier Requirements

#### **Is three years sufficient time to implement the uniform four-sided isolation barrier upgrade requirements?**

Feedback from REIV members suggests four-sided safety barriers will be a significant expense for pool/spa owners which, in isolation, have not been proven to reduce the number of fatal and near-fatal drownings in backyard pools and spas. This is due to the major issue not being the barrier itself but rather maintenance of barriers.

Coroner reports indicate of the 28 drowning deaths in Victoria, seven were due to faulty barriers, two resulted from a climbing point allowing access to the pool while the gate was left open in a further eight cases. Mandatory barrier inspections – which are legislated in Western Australia, Queensland and New South Wales – could have prevented many of these unnecessary drownings.

In addition, there are a substantial number of Victorian homes with backyard pools/spas where it will not be possible to install four-sided barriers due to a lack of space.

In backyards where a four-sided barrier is possible, installing new fencing will be a significant expense for these home owners – many of whom will be older Victorians still residing in the family home. The REIV disagrees with the pricing estimates referenced in the RIS, with our own research suggesting the cost could be as high as \$15,000 for home owners. Furthermore, suggesting there is a correlation between pool ownership and socioeconomic status is tenuous at best.

The REIV also has significant concerns regarding which retrospective barrier standard would apply (2010 or 2012) if the proposed recommendation was adopted. In many instances the RIS refers to upgrades required for pools built prior to 1 May 2010 while other areas of the document refer to the requirements set out in AS 1926. 1-2012 Swimming Pool Safety.

Input from REIV members indicates a voluntary pool/spa registry is likely to only appeal to compliant pool owners, rendering it ineffective in capturing the location of non-compliant pools.

The recommendations proposed under the sunset review ignore the advice of industry experts as well as effective legislation from Western Australia, which has been in place for more than two decades. The REIV urges Government

to reject four-sided barriers in favour of introducing mandatory pool and spa barrier inspections.

These inspections should be carried out every two years or at the point of sale or re-lease. A safety compliance certificate should be included in the Section 32 Statement (Sale of Land Act 1962) and the lease agreement (Residential Tenancies Act 1997). As both pieces of legislation are currently being reviewed, it is logical that this change is implemented now.

### Smoke Alarms

The REIV considers it crucial that maintenance of smoke alarms are outlined in the Building Regulations as the responsibility of the property owner.

---

## Summary

The REIV urges Government to take action on pool barrier safety, as existing and proposed legislation is inadequate in addressing issues which have led to more than 20 toddler fatalities and many more near-fatal drownings.

Mandatory barrier inspections have been proven to reduce the rate of toddler fatalities in backyard pools by as much as 80 per cent in Western Australia (8.7 deaths per 100,000 people in 1992 down to 1.66 deaths per 100,000 people in 2016 (source: Royal Life Saving Society WA Inc)).

Given the existence of empirical evidence, the REIV strongly encourages Government to introduce mandatory barrier inspections rather than retrospective barrier standards.

## CONTACT US

**The Real Estate Institute of Victoria Ltd.**

335 Camberwell Rd, Camberwell, Victoria 3124, Australia

Phone +61 3 9205 6666 Fax +61 3 9205 6699 Email [reiv@reiv.com.au](mailto:reiv@reiv.com.au) [www.reiv.com.au](http://www.reiv.com.au)



[facebook.com/REIVictoria](https://facebook.com/REIVictoria)



[@REIVictoria](https://twitter.com/REIVictoria)



[REIV Networking Group](#)

