

Safety guidance for pool owners



New pool safety legislation came into effect on 1 January 2017.

The Building (Pools) Amendment Act 2016 repeals the Fencing of Swimming Pools Act 1987 and includes new provisions in the Building Act 2004 relating to residential pools.

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Residential pools that are filled or partly filled with water must have physical barriers that restrict access by unsupervised children under five years of age. This requirement applies to pools that can be filled with water to a depth of 400mm or more.

Key changes

New pool safety legislation took effect on 1 January 2017. The Building (Pools) Amendment Act 2016 repealed the Fencing of Swimming Pools Act 1987 and the requirements for restricting access to residential pools has been moved to the Building Act 2004.

Key changes include:

- a new requirement for mandatory inspections of swimming pools every three years
- allowing safety covers to be used as barriers for spa pools and hot tubs
- indoor pools now require a means of restricting access
- introducing additional enforcement tools for territorial authorities, including notices to fix.

These changes took effect from 1 January 2017.

Why fence pools?

Research shows that fencing reduces drowning of young children in home pools.

Drownings decreased dramatically after the Fencing of Swimming Pools Act was enacted in 1987. Before pool fencing legislation was enacted, on average 10 young children per year drowned in residential swimming pools. This average has reduced to two young children per year. Most of the children who have drowned were under three years of age.

Portable pools must have a barrier

Portable pools are treated in the same way as other residential pools. They must have barriers that restrict unsupervised access by young children if they can hold water to a depth of 400mm or more and have water in them (even if the pool is only partially filled).

Indoor residential pools must have a barrier

Young children are at risk if they have unrestricted access to pools whether the pool is inside or outside. Therefore, indoor residential pools are now subject to the same barrier requirements as other residential pools. For example, children must not be able to readily open the doors to the pool room. Pool room doors need to be self-closing or have an alarm.

Safety covers for small heated pools

Safety covers can be the barrier that restricts access to a small heated pool, such as a spa pool, where:

- the water surface area is 5m² or less
- the side walls of the pool are at least 760mm high above the adjacent floor
- the side walls cannot be easily climbed.

A safety cover must have signage indicating its child safety features, and must be able to:

- restrict entry of children under five years of age when closed
- withstand a foreseeable load
- be readily returned to the closed position.

[Acceptable Solution F9/AS2 \(https://www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety/#jumpto-acceptable-solutions-and-verification-methods\)](https://www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety/#jumpto-acceptable-solutions-and-verification-methods) has more information.

Self-closers and alarms for doors

The Building Code requires doors in the pool barrier to be self-closing or have audible alarms to ensure that doors are closed immediately after the door is used.

Pool barriers require a building consent

You must obtain a building consent before installing a pool barrier (except for a safety cover for a small heated pool).

Mandatory inspections every three years

Residential pools must be inspected every three years. These mandatory inspections do not apply to small heated pools, such as spa pools and hot tubs, where the barrier is a safety cover.

Pool owners can choose who undertakes the mandatory inspection of their pool – either the territorial authority, or an independently qualified pool inspector (IQPI). The IQPI is a person accepted by the Ministry of Business, Innovation and Employment (MBIE) as qualified to carry out periodic inspections.

[Independently qualified pool inspectors \(https://poolinspectors.tradingstandards.govt.nz/\)](https://poolinspectors.tradingstandards.govt.nz/) on Trading Standards' pool inspector website has more information.

In addition to three yearly inspections, territorial authorities also have discretion to inspect any residential pool at any time, including small

heated pools, to determine whether the pool barrier requirements are being complied with.

Better enforcement powers

Territorial authorities have new tools to enforce the pool barrier requirements.

Territorial authorities can issue a notice to fix a non-complying pool. People who fail to comply with the notice to fix could receive an infringement notice or face prosecution.

Further information

[Restricting access to residential pools \(https://www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety/\)](https://www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety/) has further information.

[Acceptable Solution F9/AS1 \(https://www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety/#jumpto-acceptable-solutions-and-verification-methods\)](https://www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety/#jumpto-acceptable-solutions-and-verification-methods) has further information on how to construct a pool barrier.

You can read more about the changes on the [MBIE Corporate website \(https://www.mbie.govt.nz/building-and-energy/building/residential-pool-safety/\)](https://www.mbie.govt.nz/building-and-energy/building/residential-pool-safety/)

The Building Pools Amendment Act 2016 is available on the [Legislation website \(http://www.legislation.govt.nz/act/public/2016/0071/latest/DLM6581310.html\)](http://www.legislation.govt.nz/act/public/2016/0071/latest/DLM6581310.html)

If you have questions or need guidance about your pool, please contact your local council.

[Contact us \(https://www.building.govt.nz/about-building-performance/contact-us-old/\)](https://www.building.govt.nz/about-building-performance/contact-us-old/) if you have any other questions.

All guidance related to F9 Restricting access to residential pools(<https://www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety/>)



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