

Parliament has today passed improved laws to better protect children from drowning in swimming pools while also making the requirements more practical and enforceable, Building and Housing Minister Dr Nick Smith says.

“The law change in 1987 requiring swimming pools to be fenced reduced the accidental drowning of children from more than 100 per decade to about 20 per decade. The measures in the Building (Pools) Amendment Bill take effect on 1 January 2017 and are expected to save an additional six young children’s lives per decade.

“The most important safety improvement in this Bill is the compulsory nationwide requirement for all swimming pools to be inspected and certified every three years. This addresses the problem that most drownings today occur because gates no longer close, fences have not been maintained or other changes have occurred that enable children to get access. Half of inspected pools have been found to be non-compliant, exposing children to risk.

“The other safety improvements are the requirements on retailers and manufacturers to inform purchasers of their legal obligations for child safety and introducing new enforcement tools such as notices to fix and infringement notices. Councils have been reluctant to enforce the existing law because of the high cost of a full court prosecution. These new tools will help improve compliance.

“The new law no longer requires New Zealand’s 100,000 spa pools to be fenced. Small, heated pools such as spa pools and hot tubs pose a low risk of drowning to small children. They will comply with the new law if they restrict access to young children by having a lockable, child-resistant cover and are at least 760mm above ground. The new law also explicitly excludes garden and drainage ponds from having to meet swimming pool fencing requirements – rules which have given the existing law a bad name as impractical and which are rarely enforced.

“The new law is also less rigid in its fencing requirements, no longer requiring a pool to have to be fenced on all four sides if the access of children is adequately excluded. A cliff face or infinity pool feature where children cannot get access will meet the law. It also allows new technologies to be used to ensure gates and doors prevent access.

“These new swimming pool safety requirements are incorporated into the Building Act rather than as a standalone statute. This enables better integration with other safety and building regulation powers for inspections, enforcement, waivers and modifications. It also enables, as for lifts and other safety requirements, inspections and certification to be done by approved, independently qualified pool inspectors rather than just council officers.

“This is the third Bill we have passed this year to make our buildings and homes safer. We addressed the problem of earthquake-prone buildings in May, smoke alarms and insulation in rental homes in July and now, in October, we’re making our swimming pools safer. These law changes are focussed on saving lives but also make our regulations more practical and workable,” Dr Smith says.

Nick Smith - Building and Housing