Swimming Pool and Spa Inspection Program

City of Kalamunda

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Contents

1. Introduction 3
2. Scope 3
3. Legislative Context 3
4. Definitions 4
5. Legislative requirements for swimming pool owners 4
6. Reason for inspection 4
7. Inspection process 5
8. Education, communication and owner support 7
9. Program review and conintious improvement 7

1 | Introduction

The Western Australian Government has recognised swimming pool safety as a critical community issue and, in doing so, has implemented significant provisions under the *Building Act 2011* and the *Building Regulations 2012* relating to private swimming pools and their safety barriers. These provisions include inspection requirements, registration and certification processes, inspection fees and penalties, and obligations for local governments to develop and carry out an ongoing swimming pool inspection program.

The purpose of these measures is to reduce drowning and near-drowning incidents involving young children under the age of five.

Under Regulation 53 of the *Building Regulations 2012*, local governments are required to ensure that swimming pool safety barriers are inspected at least once every four years to verify compliance with the applicable safety standards.

In accordance with these requirements, the City of Kalamunda has developed a Swimming Pool Barrier Inspection Program (the Program) to ensure swimming pool barriers within the City meet the prescribed safety standards. The Program has been established in line with legislative obligations, available resources, and community safety priorities. It also aims to provide residents with up-to-date information and guidance to assist in improving the safety of all swimming pools within the City of Kalamunda.

The Program focuses on inspecting premises containing swimming pools to ensure the barriers comply with the relevant Australian Standards. When a barrier is found to comply, a Certificate of Compliance will be issued to the property owner. This certificate remains valid until the next scheduled inspection, in accordance with legislative requirements.

To support the ongoing operation of the Program and ensure that required safety standards are achieved, relevant inspection fees and penalties are applied in accordance with the *Building Regulations 2012* and the City of Kalamunda's Schedule of Fees and Charges.

2 | Scope

The main objectives of this Program are to:

i. Save and protect lives by preventing drownings in private swimming pools.

ii. Inform swimming pool and spa owners of their responsibilities and obligations under the *Building Act 2011* and the *Building Regulations 2012*.

As of July 2026, there were **6,025 registered private swimming pools** within the City of Kalamunda. Swimming pools are a popular recreational feature in many Western Australian homes, offering social and lifestyle benefits. However, with pool ownership comes a clear legal and moral responsibility to ensure that safety barriers are properly maintained and compliant with statutory requirements.

The *Building Act 2011* and the *Building Regulations 2012* set out specific requirements designed to enhance the safety of young children (under five years of age) around private swimming pools and spas in Western Australia. Local governments, including the City of Kalamunda, are responsible for administering and enforcing these safety provisions within their local government area.

In accordance with Regulation 53 of the *Building Regulations 2012*, the City of Kalamunda must ensure that every private swimming pool and spa within its district is inspected at least once every four years to verify that the safety barrier complies with the relevant Australian Standard (AS 1926).

In addition, the City of Kalamunda is required to investigate any complaints or information received that indicates a swimming pool barrier may be non-compliant, and to take appropriate regulatory action where necessary to ensure compliance and community safety.

3 | Legislative Context

The legislation, regulations, and standards that apply to this Swimming Pool Inspection Program include:

- **Building Act 2011 (WA)**
- **Building Regulations 2012 (WA)** – Part 8, Division 2 (Private Swimming and Spa Pools)
- **Local Government Act 1995 (WA)**
- **Australian Standard AS 1926.1 – 2012** and **AS 1926.1 – 1993** *Swimming pool safety – Safety barriers for swimming pools*
- **Australian Standard AS 1926.2 – 2007** *Location of barriers for swimming pools*

These legislative instruments and standards establish the requirements for swimming pool safety barriers, inspection frequency, and compliance obligations for both property owners and local governments.

The City of Kalamunda administers these provisions to ensure that all private swimming pools and spas within the district are inspected, maintained, and certified as compliant with the applicable safety standards.

4 | Definitions

i. **Swimming Pool** – means:
"Any excavation, structure, or vessel that:
   a. is capable of being filled with water to a depth greater than 300 mm; and
   b. is used, or is designed, manufactured, or adapted to be used, for swimming, wading, paddling, or any other human aquatic activity; and includes a spa pool, but does not include a spa bath or anything situated within a bathroom." *(Definition adapted from Regulation 3, Building Regulations 2012 [WA])*

ii. **Certificate of Compliance** – means a certificate issued by the City of Kalamunda (or its authorised representative) confirming that a swimming pool barrier complies with the requirements of the *Building Regulations 2012* and the relevant Australian Standards.

iii. **Authorised Officer / Inspector** – means a person appointed or authorised by the City of Kalamunda under the *Building Act 2011* to carry out swimming pool inspections and compliance activities.

iv. **Reasonable Time** – for the purposes of this Program, means a period determined by the City of Kalamunda as sufficient for a pool owner to undertake necessary rectification works, generally not exceeding 30 days unless otherwise specified in written notice. The City may approve a proportionate extension of time where exceptional circumstances exist and evidence is provided demonstrating that compliance cannot reasonably be achieved within the original period despite reasonable efforts by the pool owner.

5 | Legislative requirements for swimming pool owners

Under the *Building Act 2011* and the *Building Regulations 2012*, swimming pool and spa owners in Western Australia have specific legal obligations to ensure the safety of their pool area. These requirements apply to all private swimming pools and spas capable of holding water to a depth greater than 300 mm.

Swimming pool owners within the City of Kalamunda are required to:

1. **Ensure their swimming pool or spa is registered with the City of Kalamunda.**
   The City maintains a register of all private swimming pools and spas within its district, as required under Regulation 53 of the *Building Regulations 2012.*

2. **Maintain an effective and compliant safety barrier at all times.**
   Owners must ensure that all gates, fences, and access points comply with the relevant Australian Standards (AS 1926.1 and AS 1926.2) and are kept in good working order.

3. **Ensure that no other structure or landscaping impacts the effectiveness of the safety barrier.**
   Any modifications to buildings, decks, landscaping, or boundary fences must not reduce the barrier's compliance or compromise safety.

4. **Allow for mandatory inspections by the City of Kalamunda.**
   The City is required to inspect all private swimming pool and spa barriers at least once every **four years** to ensure compliance with safety standards.

5. **Comply with requirements prior to property sale or lease.**
   It remains the responsibility of the property owner and/or landlord to ensure that all swimming pools and spas are compliant before a property is sold or leased. Failure to do so may result in enforcement action and penalties under the *Building Act 2011.*

6 | Reason for inspection

The City of Kalamunda conducts inspections of properties with swimming pools and spas in accordance with the Building Act 2011 and the Building Regulations 2012.

Inspections are carried out to ensure that safety barriers comply with the relevant Australian Standards and that all pools and spas within the City remain safe for occupants and visitors.

Where necessary, the City will prioritise inspections in the following order:

a) **Inspection arising from a complaint or report of non-compliance**
   Under section 110 of the *Building Act 2011*, the City is required to investigate complaints or information received that indicate a swimming pool barrier may

not comply with the prescribed safety standards.

Upon receiving such a complaint or referral, the City will commence an investigation within a reasonable timeframe, generally within 72 hours of receiving the complaint.

b) Referral from internal City of Kalamunda officers
City officers, including Building Surveyors, Environmental Health Officers, Compliance Officers, and Planning Officers, may observe potential swimming pool safety issues during property visits.

If a concern is identified, the matter will be referred to the City's Building Pool Compliance Team for inspection and appropriate action.

c) Mandatory four (4) yearly inspection
The City conducts regular inspections of private swimming pool and spa barriers every four years, as required by state legislation.

d) Inspection at the request of a property owner
Property owners may request the City inspect their swimming pool or spa barrier to confirm compliance. Upon request, the City will arrange for an inspection to occur within a reasonable timeframe. Inspection fees apply as set out in the City's Schedule of Fees and Charges.

e) Inspection prior to property sale or lease
The City of Kalamunda strongly encourages owners to ensure their pool or spa is compliant prior to transfer of ownership or tenancy. Owners may request an inspection for this purpose.

g) Supplementary inspections – High risk properties
In addition to the mandatory four-year inspection cycle, the City may undertake supplementary inspections of properties considered to present a higher risk to community safety.

Higher-risk properties may include, but are not limited to:

- Short-term accommodation properties, including Airbnb and similar holiday rental premises, containing swimming pools or spas;
- Properties with a history of repeated non-compliance or enforcement action;
- Properties that have been the subject of multiple complaints or referrals; and
- Properties where previous inspections have identified significant or ongoing safety concerns.

Short-term accommodation properties often experience a high turnover of occupants, increasing the importance of ensuring swimming pool and spa safety barriers remain compliant and effective at all times. Regular monitoring of these properties assists in reducing the risk of incidents involving guests who may be unfamiliar with the property or pool safety requirements.

Supplementary inspections may be undertaken at intervals determined by the City based on an assessment of risk. These inspections are intended to monitor ongoing compliance, verify that previously identified defects have not reoccurred, and encourage property owners and managers to maintain pool and spa barriers in accordance with the *Building Act 2011*, *Building Regulations 2012*, and the applicable Australian Standards.

The implementation of a risk-based supplementary inspection program enables the City to proactively direct compliance resources towards properties that present the greatest potential risk while supporting improved public safety and maintaining confidence in the City's swimming pool and spa inspection program.

h) Follow-up inspections and enforcement
Where a swimming pool or spa barrier has been found non-compliant, a follow-up inspection will be undertaken to verify that corrective actions have been completed.

Failure to comply may result in enforcement action under the *Building Act 2011*, including infringement notices or prosecution, depending on the severity of the breach.

7 | Inspection process

The City of Kalamunda is responsible for administering the mandatory inspection of private swimming pools and spas within its district in accordance with the *Building Act 2011* and *Building Regulations 2012*.

This section outlines the process undertaken by the City to ensure that all swimming pool and spa barriers are compliant with the relevant Australian Standards and maintained in a safe condition.

a) Identification and Registration of Swimming Pools and Spas

All private swimming pools and spas capable of containing water to a depth greater than 300 mm must be registered with the City of Kalamunda.

Registration allows the City to maintain an accurate database for compliance management and inspection scheduling.
Property owners are responsible for advising the City of:

- The installation, removal, or modification of a swimming pool or spa; and
- Any structural or landscaping changes that may affect the safety barrier.

b) Scheduling of Inspections

In accordance with Regulation 53 of the Building Regulations 2012, the City must inspect every private swimming pool and spa barrier at least once every four years.

The City will maintain an inspection program that:

- Prioritises inspections based on risk. The City may schedule supplementary inspections for identified high-risk properties, including short-term accommodation premises with swimming pools or spas and properties with a history of non-compliance, to monitor ongoing compliance and ensure safety barriers are maintained between mandatory inspection cycles.
- Complies with the required four-year inspection cycle.

Owners will be notified in writing prior to a scheduled inspection, and an appointment will be arranged at a mutually convenient time.

c) Conduct of Inspections

Inspections will be undertaken by a City of Kalamunda Authorised Officer who is appropriately qualified and experienced in swimming pool barrier assessment.
During the inspection, the officer will:

- Assess the swimming pool or spa barrier for compliance with AS 1926.1 and AS 1926.2;
- Check gates, fences, latches, doors, windows, and boundary structures;
- Identify potential hazards, including climbable objects or landscaping features;
- Advise the owner of any maintenance or safety concerns observed; and
- Provide educational information to promote ongoing safety awareness.

d) Compliance Outcomes

Following an inspection, the City will issue one of the following outcomes:

1. **Compliant Barrier** – Where the pool or spa barrier meets all legislative and standard requirements, the City will record the compliance in its register and advise the owner in writing.

2. **Non-Compliant Barrier** – Where defects or non-compliances are identified, the City will issue a written report outlining the required rectification works and a timeframe for compliance.
   - The timeframe will be reasonable, typically 14 to 30 days, depending on the nature of the works.
   - The owner may contact the City for clarification or an extension if justified - up to a max of 60 days.

e) Reinspection and Certification

After rectification works are completed, the City will conduct a reinspection to confirm compliance.
If the barrier now meets all requirements:

- The City will issue written confirmation that the barrier is compliant.
- The property record will be updated accordingly in the City's pool register.

If the barrier remains non-compliant:

- Subsequent re-inspections will continue to be scheduled within 60-day intervals until the barrier is compliant.
- If non-compliance persists, the City may proceed with enforcement action under the *Building Act 2011*, which may include issuing infringement notices or legal proceedings.
- In cases of persistent breaches or high-risk safety concerns, the City may take immediate formal enforcement action, which can include prosecutions or Building Orders requiring the pool to be drained.

f) Fees and Charge

Inspection fees will be charged in accordance with:

- Division 5 of the *Building Act 2011* (WA)
- Part 5 – Section 19 of the *Building Regulations 2012* (WA)
- City of Kalamunda's Schedule of Fees and Charges

Inspection and reinspection fees are prescribed under the City of Kalamunda Schedule of Fees and Charges, as adopted annually by Council.

These fees contribute to the administration and delivery of the Swimming Pool Inspection Program and ensure compliance with the statutory inspection cycle.

8 | Education, communication, and owner support

The City of Kalamunda recognises that maintaining swimming pool and spa safety is a shared responsibility between the Council and property owners. In addition to enforcement measures, the City provides guidance, education, and support to help owners achieve and maintain compliant barriers.

a) Public Awareness and Education

The City undertakes ongoing community education initiatives, including:

- Publishing educational material on the City's website regarding pool barrier standards, registration requirements, and safety obligations;
- Providing information brochures at the City's customer service centres;
- Hosting workshops or information sessions for pool owners, particularly during summer months when pool use is highest.

These initiatives aim to increase awareness of legislative requirements and promote safe practices.

b) Guidance for Pool Owners

The City provides practical guidance to owners on how to maintain a compliant barrier, including:

- Requirements for fences, gates, doors, and windows;
- Correct installation and maintenance of latches and self-closing mechanisms;
- Advice on avoiding hazards such as climbable objects or nearby landscaping that could compromise safety.

Officers may offer on-site advice during inspections or upon request to help owners understand and correct non-compliances.

c) Assistance for New and Prospective Pool Owners

- New property owners or tenants with pools or spas are provided with information on their legal obligations and the City's inspection program.
- Prospective pool owners can access guidance before installing or modifying a pool to ensure that barriers will comply with AS 1926.1, AS 1926.2, and WA legislation.

d) Communication of Inspection Outcomes

Following an inspection, owners are notified in writing of the results:

- **Compliant Barrier:** Confirmation of compliance is provided.
- **Non-Compliant Barrier:** Details of the non-compliance and instructions for corrective action are provided, along with contact information for assistance.

This ensures owners are fully informed of their responsibilities and the steps required to maintain safe pool environments.

e) Encouraging Voluntary Compliance

The City encourages pool owners to:

- Conduct self-assessments of their barriers;
- Arrange voluntary inspections if unsure about compliance; and
- Undertake prompt corrective measures when issues are identified.

Proactive engagement helps reduce the risk of accidents, minimises the need for enforcement action, and promotes a culture of community safety.

9 | Program review and continuous improvement

The City of Kalamunda is committed to ensuring the Swimming Pool and Spa Inspection Program remains effective, up-to-date, and responsive to community needs. Regular review and evaluation allow the City to continuously improve safety outcomes and adapt to changes in legislation, standards, and local conditions.

a) Annual Program Review

The City will conduct a formal review of the Swimming Pool Inspection Program at least once every 12 months. The review will consider:

- Compliance rates and inspection outcomes;
- Number and nature of complaints or incidents reported;
- Effectiveness of communication and educational initiatives;
- Resources allocated to inspections and compliance activities; and
- Legislative or regulatory updates affecting pool safety.

The outcomes of the review will inform adjustments to inspection schedules, enforcement practices, and community engagement strategies.

b) Performance Monitoring

Key performance indicators (KPIs) will be monitored to measure the effectiveness of the program, including:

- Number of swimming pools and spas inspected;
- Proportion of barriers found compliant versus non-compliant;
- Timeframes for compliance following notices or directions; and
- Incidences of enforcement action taken.

Data collected through monitoring will be used to improve operational efficiency and ensure resources are prioritised according to risk.

c) Legislative and Standards Updates

The City will maintain vigilance regarding:

- Amendments to the *Building Act 2011* and *Building Regulations 2012*;
- Updates to Australian Standards AS 1926.1 and AS 1926.2;
- Changes in industry best practice or emerging safety research.

Where relevant, the inspection program and educational materials will be updated to reflect current requirements.

d) Community Feedback

Community feedback is a critical component of program improvement. The City encourages pool owners, tenants, and other stakeholders to provide feedback on:

- Inspection procedures;
- Educational resources; and
- Communication effectiveness.

Feedback will be reviewed annually and incorporated into program enhancements wherever practical.

e) Continuous Improvement Initiatives

The City is committed to implementing continuous improvement strategies, including:

- Adopting digital tools for scheduling, tracking, and reporting inspections;
- Reviewing and updating internal procedures for efficiency and consistency;
- Enhancing collaboration with other local authorities and industry bodies to share knowledge and best practice.

Through these initiatives, the City of Kalamunda aims to:

- Minimise risks associated with non-compliant swimming pools and spas;
- Promote voluntary compliance and community awareness; and
- Ensure the Swimming Pool Inspection Program remains proactive, transparent, and effective.



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