## DIAGRAMS OF SWIMMING POOL FENCES

The following diagrams* illustrate differing situations where fences would and would not comply with the Act.

KEY

A Fence constructed to the Act's requirements

B Swimming Pool

C Boundary fence

D Gate or door meeting the Act's requirements

E Ordinary door not meeting the Act's requirements

F Ordinary door meeting the Act's requirements

G House or building

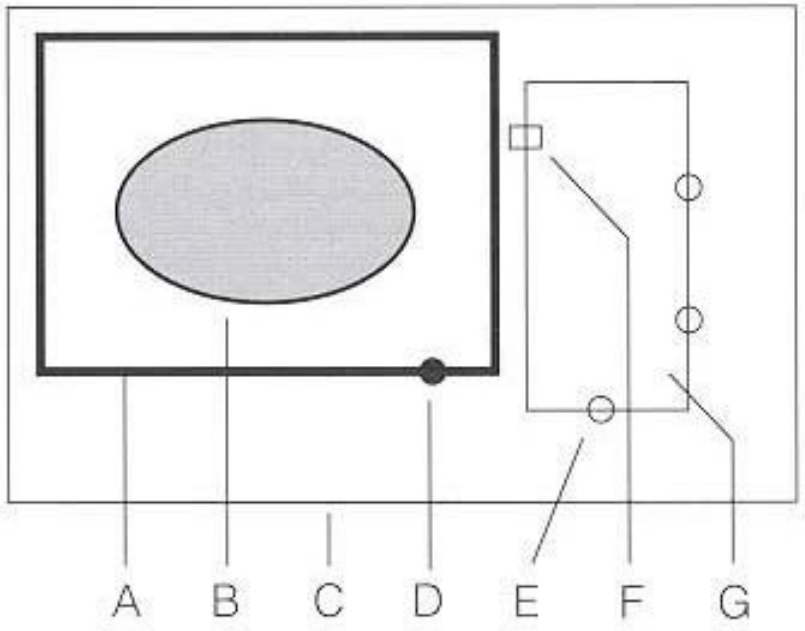
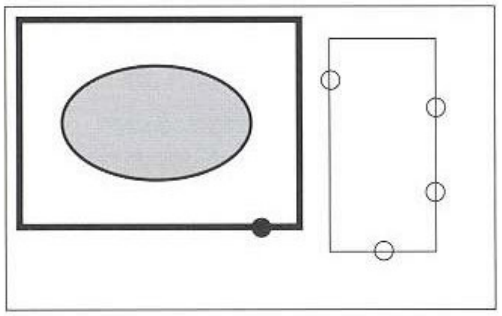
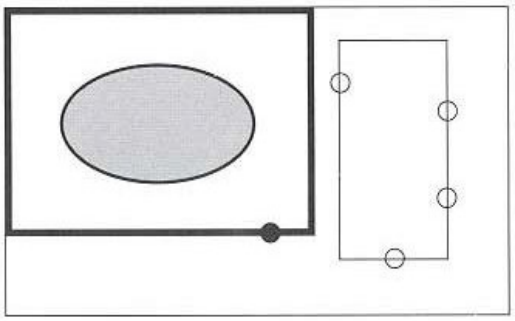


Diagram 1



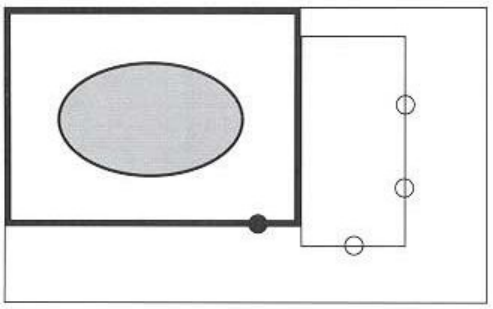
Pool fenced separately from both the house and the boundary fence.

Diagram 2



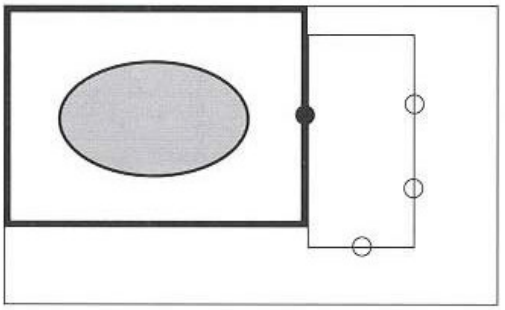
Pool fenced separately from the house but where part of the boundary fence is also part of the pool fence.

Diagram 3



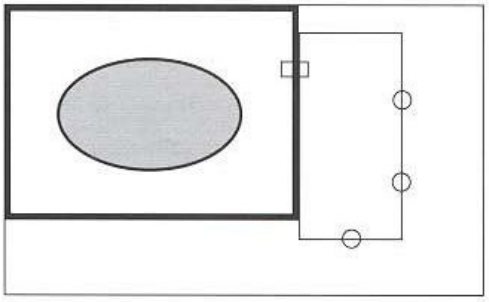
Pool where part of the house is part of the pool fence but there is no access to the pool from the house.

Diagram 4



Pool where part of the house is part of the pool fence, but the only access is by a door complying with the requirements of the Act.

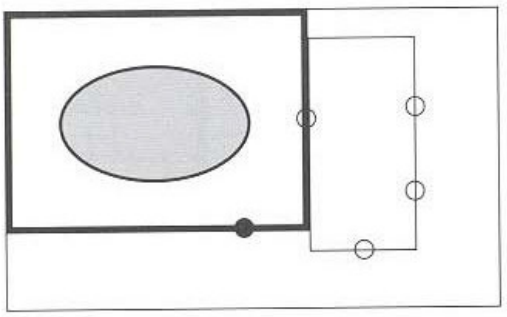
Diagram 5



Pool where part of the house is part of the pool fence. There is access to the pool directly from the house by a door which the council is satisfied cannot be made to meet the requirements of the Act. It is *instead* fitted with a lock that, when properly operated, prevents the door being readily opened by children under six.

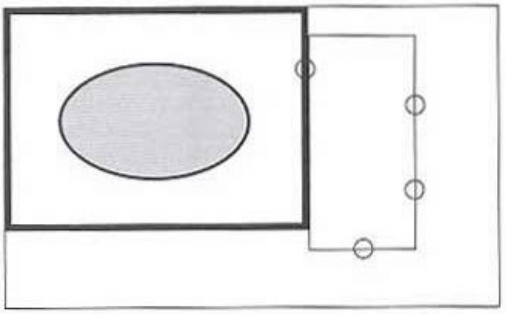
Diagrams 1-5 all depict situations, which would comply with the Act.

Diagram 6



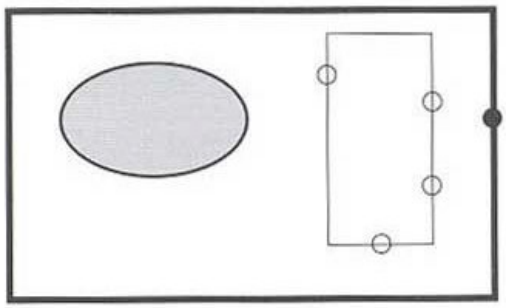
Pool can be reached either through a gate complying with the Act or from the house through an ordinary door which does *not* have a lock that could prevent the door from being readily opened by children under six.

Diagram 7



Pool can be reached only from the house, but through an ordinary door that does *not* have a lock that could prevent the door from being readily opened by children under six.

Diagram 8



Pool which is fenced only by a boundary fence.

Diagrams 6-8 depict situations that would not comply with the Act.

** (Reproduced with amendments to suit New Zealand's situation from: Report, Cabinet and Legislative Division, Queensland Department of Housing and Local Government, 1990).*

*Is a boundary fence sufficient?*

A boundary fence can form part of a pool fence if it complies with the requirements of the Act (see diagrams 2 to 5). However, because the fence is permitted to enclose only the pool and some or all of the *"immediate pool area"*, the whole of a boundary fence, by itself, would not comply (diagram 8). This is because there are areas on any property that cannot be part of *"the immediate pool area"*.

The greatest need is to protect those children who are legitimately on the property. Over 85% of pre-school drownings occur when the child is resident on the property or is present as an invited guest (Water Safety New Zealand). The Local Bills Committee concluded that the-

"fencing of properties only, and not pools is not an effective means of preventing pre-school drownings".

2.1 **"***Judicial Officer"* – The term *"judicial officer"* is used in section 11 of the Act, and means any District Court Judge, Justice, or Registrar of a District Court (other than a constable). It does not include a member or employee of a territorial authority.

2.2 **"***Owner"* means any person who owns a pool, except—

(a) where the pool is on hire purchase, when the owner is the purchaser of the pool or;

(b) where the pool is on premises ***not*** subject to a tenancy under the Residential Tenancies Act 1986, and the pool is included in the lease, when the owner is the person who is leasing the pool or the premises.

Where the pool is on premises that ***are*** subject to a tenancy under the Residential Tenancies Act 1986, the owner is the owner of the premises.

2.3 *"Swimming Pool" and "Pool"* means any excavation, structure or product that is or can be used for swimming, wading, paddling, or bathing—including spa pools (section 5 sets out which pools are exempt from the Act).

2.4 *"Territorial Authority"* means any city or district council, and includes the Chatham Islands Council