



# Changes to swimming pool barrier laws

**This Industry Bulletin provides an update for permit authorities and building surveyors on the proposal to adopt the Building Code of Australia (BCA) for swimming and spa pool safety barrier requirements in Western Australia.**

## Background

The proposal to amend the Building Regulations 2012 (the Regulations) to adopt the BCA requirements for swimming pool safety barriers was first initiated in 2013. The BCA references the 2012 version of Australian Standard AS 1926.1, whereas the Regulations reference the 1993 version of AS 1926.1.

The Building Commission released a discussion paper, titled *Swimming and Spa Pool Safety Barriers: Proposal for Western Australia to adopt AS 1926.1-2012 through the Building Code of Australia* in August 2013. The discussion paper was provided to relevant stakeholders and published on the Building Commission's website for public comment. The outcome of the consultation was overall support by industry and local government for the introduction of the 2012 version of AS 1926.1.

It was initially intended that the Regulations would be ready for commencement on 1 May 2015, however due to other priorities at that time, the project was unable to be delivered.

## Progress update

The Building Commission is aiming for a 1 May 2016 commencement date for the amended Regulations. Once the Regulations are amended and gazetted the requirements of the BCA (and thus the 2012 version of AS 1926.1) will apply to new swimming pools associated with certain residential classes of buildings.

Part of the project has been to remove the WA variations in the BCA that relate to safety barriers for new pools. Practitioners should be aware that even though the WA variations in the BCA have already been removed, the Regulations override the BCA. This means if the Regulations are not amended in time for a 1 May 2016 commencement, the current Regulations for swimming pools continue to apply.

The 'Swimming Pool Inspector Guidelines' and 'Rules for Pools and Spas' publications are being updated to reflect the new requirements and information sessions are currently being developed. Local Governments and registered building surveyors will be kept informed through further Industry Bulletin updates.

### Disclaimer

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

April 2016