

# **Ministerial Building Standard MBS 004**

## **Swimming pool safety - designated safety features for pools built before 1 July 1993**

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## 1. SCOPE AND APPLICATION

- 1.1 This standard is published as a Ministerial Building Standard that forms part of the Building Rules under the *Planning, Development and Infrastructure Act 2016* (the Act) and must be read in conjunction with section 156 of the Act and *the Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019* (Standard).
- 1.2 This Standard sets out the swimming pool safety features that a swimming pool constructed or approved before 1 July 1993 must have-
- (a) installed and maintained; or
  - (b) before the occurrence of a *prescribed event*.
- 1.3 The provisions in this Standard are to safeguard young children from drowning or injury in an existing *swimming pool* by ensuring that the *swimming pool* has safety features installed and maintained on an ongoing basis, and before the occurrence of a prescribed event.
- 1.4 A reference to an Australian Standard in this Standard is to the edition that is current for the purposes of the *Building Code* at the time of application.

## 2. PERFORMANCE REQUIREMENTS

- 2.1 For the purpose of regulation 6(1)(a) of the *Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019*, the owner of a swimming pool approved, constructed or installed before 1 July 1993 must ensure that the swimming pool has safety features installed and maintained in accordance with the requirements of the (now repealed) *Swimming Pool (Safety) Act 1972*.
- 2.2 For the purposes of regulation 6(1)(a) of the *Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019*, the requirements for designated safety features that an existing swimming pool constructed or approved before 1 July 1993 must have before the occurrence of a prescribed event (or within a prescribed period) are-
- (a) the swimming pool must have a barrier that-
    - (i) is continuous for the full extent of the hazard;
    - (ii) is of a strength and rigidity to withstand the foreseeable impact of people;
    - (iii) restricts access by young children to the pool and the immediate pool surrounds; and
    - (iv) has any gates and doors fitted with latching devices not readily operated by young children, and constructed to automatically close and latch; and
  - (b) the swimming pool must have a prominent and visible sign, visible from within the pool area, displaying information about first aid and cardiopulmonary resuscitation, to assist persons who may need to apply first aid and perform cardiopulmonary resuscitation on young children.

### 3. DEEMED TO SATISFY PROVISIONS

#### 3.1 Swimming pool safety features

**3.1.1** Subject to **3.1.2** and **3.1.3**, an existing swimming pool constructed or approved before 1 July 1993 complies with performance requirement **2.2** if it has the following designated safety features-

- (a) the swimming pool has safety barriers that comply with-
  - (i) *AS 1926 Part 1 - Safety barriers for swimming pools*; and
  - (ii) *AS 1926 Part 2 - Location of safety barriers for swimming pools*; and
- (b) there is a first aid and cardiopulmonary resuscitation sign-
  - (i) attached to the safety barrier of the swimming pool, or displayed near the swimming pool; and
  - (ii) is at least 300mm by 300mm in size; and
  - (iii) is made of durable and weatherproof material; and
  - (iv) displays information about the procedures for providing first aid, including performing cardiopulmonary resuscitation.

**3.1.2** A *child-resistant doorset* must not be used in a barrier for an outdoor *swimming pool*, except in the situations specified in **3.1.3**.

**3.1.3** A *child-resistant doorset* may only be used in a barrier for an existing outdoor *swimming pool* in the following situations-

- (a) for an in-ground *swimming pool* - if the distance from the nearest part of the *swimming pool* to the door is less than 1.8 metres (**Figure 3.1.3a**); and
- (b) for an above ground *swimming pool* - if the distance from the nearest part of the *swimming pool* to the door, after the *swimming pool* has been re-positioned as far as possible away from the door, is less than 1.8 metres (**Figure 3.1.3b**).

**3.1.4** An existing swimming pool constructed or approved before 1 July 1993 complies with performance requirement **2.1** if it has the following designated safety features-

- (a) it is enclosed by a fence, wall or building or any combination thereof; and
- (b) no part of that fence, wall or building is less than 1.2m in height; and
- (c) every part of that fence, wall or building is so constructed as-
  - (i) to prevent a small child gaining access to the swimming pool it encloses by passing beneath or through that fence, wall or building; and
  - (ii) not to afford foot or hand holds to a small child attempting to gain access to the swimming pool enclosed by it by climbing the fence, wall or building; and
- (d) every gate or door that is incorporated in the fence, wall or building and intended for use by persons to gain entrance to the swimming pool is fitted with a mechanism that automatically comes into operation on the gate or door being closed and is such as to prevent a small child opening the gate or door when the gate or door is closed.

**3.1.5** For the purposes of **3.1.4**, a fence, wall or building or any combination thereof is deemed to enclose a swimming pool notwithstanding that it also encloses other land, building or structures.

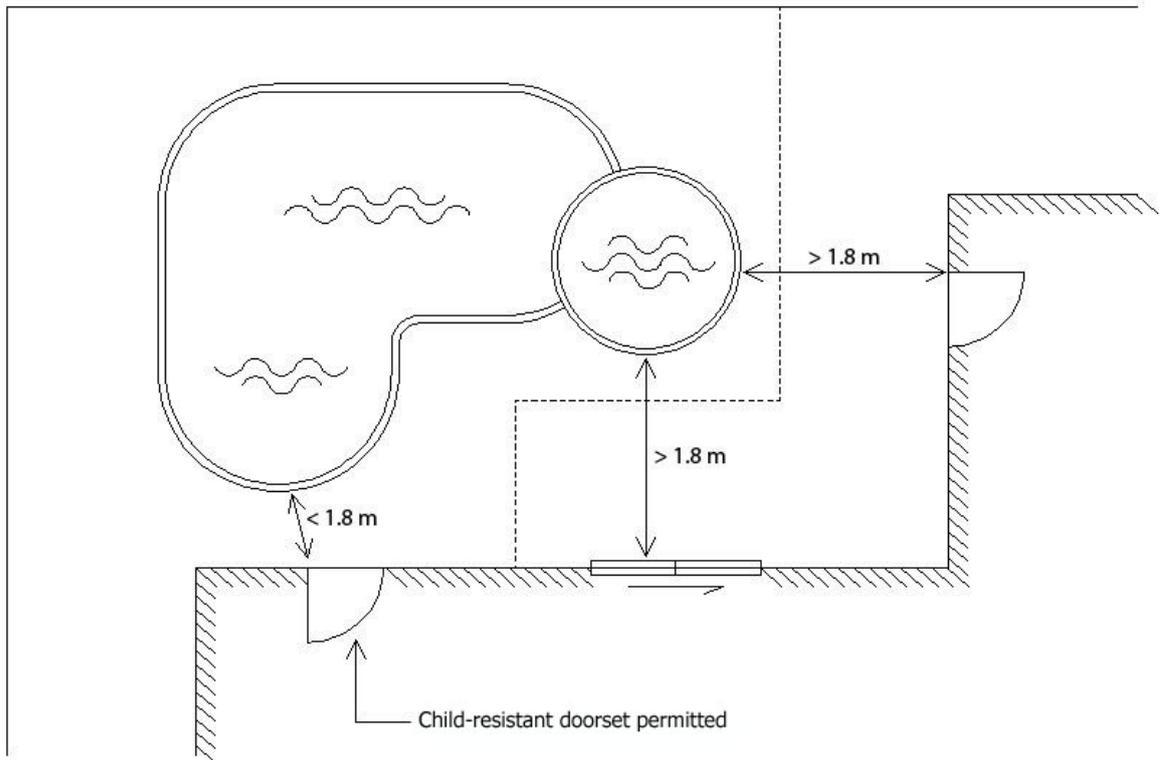


Figure 3.1.3a – In-ground swimming pools (including spa pools).

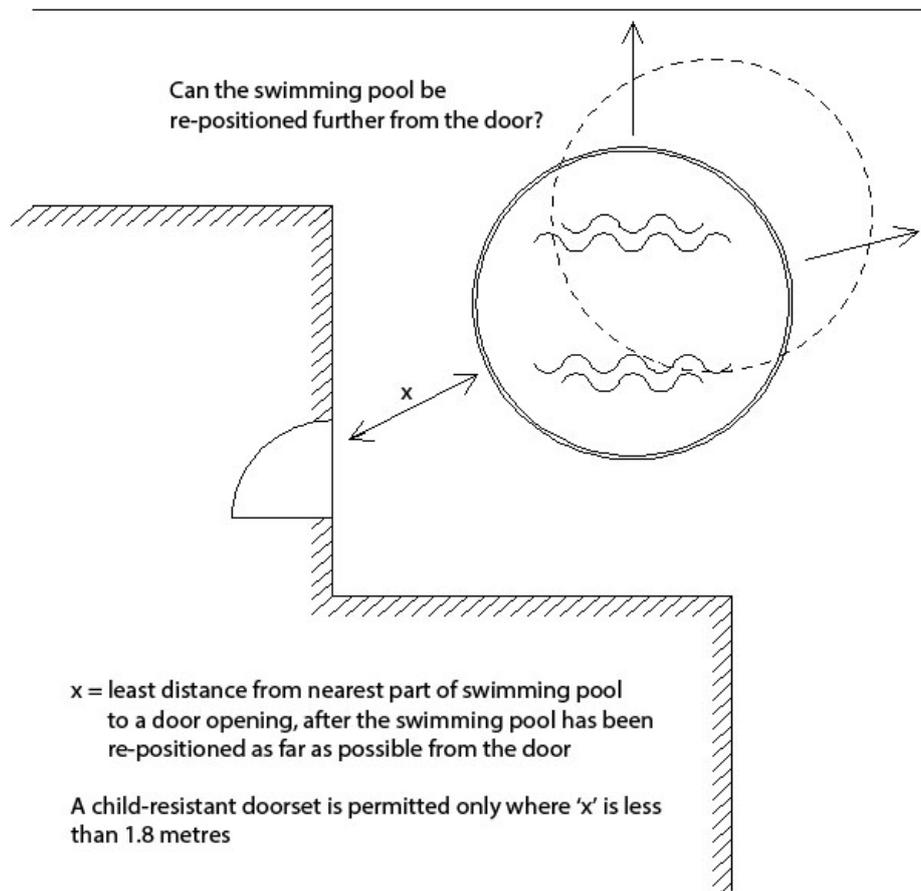


Figure 3.1.3b Above-ground swimming pool (including spa pools)

## APPENDIX A - INTERPRETATION

**Building Code** has the same meaning as defined in the Act.

**Child-resistant doorset** has the same meaning as the definition in Australian Standard AS 1926 Part 1 - *Safety barriers for swimming pools*.

**Prescribed event** has the same meaning as defined in regulation 5 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

**Swimming pool** has the same meaning as defined in section 3 of the *Planning, Development and Infrastructure Act 2016*.