

# Maintenance and operation of barriers for swimming pools and spas

## Background

Swimming pool and spa barrier maintenance requirements have been clarified to ensure building owners and occupiers are aware of their responsibilities under the *Building Act 1993* (the Act) and the *Building Regulations 2018* (the Regulations) to maintain barriers for swimming pools and spas.

A swimming pool or spa barrier may include items such as fences, posts and panels, gate units, gates and doorsets, fixed screens, constructed or natural walls, retaining walls, sides of buildings, and balustrades on a balcony.

## Safety barrier maintenance

Every swimming pool and spa that is appurtenant to a residential or Class 10 building must be provided with a barrier to restrict access by young children to the swimming pool or spa, and the barrier must be properly maintained and operate effectively.

There are severe penalties for not maintaining or ensuring effective operation of a swimming pool or spa barrier. The maximum penalty for each offence is 50 penalty units.

## Owners

An owner must take all reasonable steps to ensure that a barrier restricting access to a swimming pool or spa is properly maintained.

## Occupiers

An occupier must take all reasonable steps to ensure that a swimming pool or spa barrier is operating effectively at all times.

Where the occupier is not the owner, this requirement may be met if the occupier has notified the owner in writing that the barrier is not operating effectively.

## Barrier gates or doors to remain closed

The occupier must also take all reasonable steps to ensure that any gate or door forming part of a swimming pool or spa barrier remains closed except when a person is entering or leaving the swimming pool or spa area.

Anyone who opens a gate or door forming part of a swimming pool or spa barrier must ensure that the gate or door is closed immediately after entering or leaving the swimming pool or spa area.

Note one penalty unit is equal to \$161.19. the maximum penalty could then be \$8,059.50.

## Further Information

For more information regarding safety barriers to swimming pools and spas please go to the VBA website.

### Want to know more?

If you have a technical enquiry, please email [technicalenquiry@vba.vic.gov.au](mailto:technicalenquiry@vba.vic.gov.au) or call 1300 815 127.

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