

SUBMISSION BY THE



to the

Building Professionals Board

regarding

AMENDMENT REGULATION 154AB Special requirements for occupation certificates for development involving spas or swimming pools

October 2012

The Director,
Building Professionals Board,
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Introduction

This submission is made by the Swimming Pool & Spa Association of New South Wales (SPASA NSW).

SPASA NSW is the peak body within NSW and the ACT's pool and spa industry, representing hundreds of Australian businesses. Members of SPASA NSW include leading pool builders, manufacturers, suppliers, retailers, technical servicemen, subcontractors, installers, consultants and other allied trades.

SPASA NSW is also a Registered Training Organisation (RTO) that provides training and assessment to the swimming pool and spa industry. Our courses have been designed in consultation with key industry stakeholders and our qualifications and accreditations are highly valued by government, employers and the wider community.

Background

SPASA NSW was initially consulted in October 2010 regarding the Building Professional Boards (BPB) intention to introduce a new critical stage inspection for swimming pool & spas. This action was primarily driven by recommendations made by the NSW Deputy State Coroner, Magistrate P. MacMahon 16 February 2010 as a consequence of the heartbreaking death of Shannon Rankin.

Whilst tragic, the incident rate of entrapment in Australia remains small.

Notwithstanding, builders and installers who constructed swimming pools and/or spas or retro fitted suction outlet covers as prescribed by AS1926.3 – 2003 did so under an Australian Standard they considered posed an unnecessary entrapment hazard to users of pools and spas. Such deficiencies have been highlighted by SPASA NSW and other stakeholders since as early as 2005.

It was evident after talking with Standards Australia, Building Code Board of Australia, Building Professionals Board and other regulators that there was very little understanding outside the swimming pool industry as to how a swimming pool or spa recirculation system operated.

In this regard, SPASA NSW did not support applying another layer of certification by an additional untrained and unqualified group to commission pools and spas but did agree to support a requirement whereby licensed swimming pool contractors would provide a certificate of compliance to the local authority or private certifiers confirming that the pool or spa was built in accordance with the requirements of the BCA and relevant Australian Standards (AS1926.3 – 2010).

Whilst not yet law, this approach has already been adopted by many local authorities and private certifiers since the Building Professionals Board issued the BPBulletin - 25 March 2011:- <http://www.bpb.nsw.gov.au/page/new-standards-for-swimming-pools-and-spas/>



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Australian Standard - AS1926.3 – 2003 (SUPERSEDED)

It was universally agreed that AS 1926.3 – 2003 was considered outdated when compared to contemporary international standards as it did not allow for safer suction point covers to be utilised, given technological advances and alternatives that were available around the world.

Every Swimming Pool & Spa Association in Australia held serious concerns regarding the safety of the then current Australian Standard AS1926.3 - 2003.

Concerns primarily related to the serious injury or death in the unfortunate circumstance of suction entrapment in a pool or spa. Such concerns were tabled to the Australian Consumer & Competition Commission, Fair Trading, Building Code Board of Australia and Australian Standards.

In essence, although there were requirements within the then current Australian Standard AS1926.3 – 2003 aimed at specific components such as suction outlet covers, emergency stop switches and safety vacuum release system devices, the standard did not provide verification requirements to test against the causes of injuries associated with all five recognized suction entrapment hazards.

Specific problems with AS1926.3 – 2003 were that the prescriptive design of outlet covers allowed minimal design variations without the requirement of testing to prove effectiveness. It had also been noted in a South Australian study that although most complied with AS 1926.3—2003 some 21% of covers presently available have never been tested and the majority currently available were likely to fail some of the test requirements of this Standard.

Australian Standard AS1926.3-2010 (THE NEW AUSTRALIAN STANDARD)

SPASA NSW was the proponent of the Australian Standard 1926.3-2010 as well as the author of the AS1926.3-2010 Preliminary Impact Assessment for the Building Code of Australia which sought changes from a prescriptive standard to a performance based standard.

Australian Standards CS-34 Committee Members who supported and were ultimately responsible for publishing changes to the Australian Standard included:

1. Swimming Pool and Spa Association of New South Wales
2. Swimming Pool and Spa Association of Western Australia
3. Swimming Pool & Spa Association of Victoria
4. NSW Government, Dept. Of Commerce
5. Australian Institute of Building Surveyors
6. Consumer Action Law Centre
7. Planning South Australia
8. Nothing changes If Nothing Changes
9. Australian Industry Group
10. Consumers Federation of Australia
11. Queensland Injury Prevention Council
12. Royal Life Saving Society Australia
13. Building Codes Queensland
14. Kidsafe National
15. Australian Building Codes Board
16. National Research Centre for Environmental Toxicology
17. NSW Department of Health



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The revised Australian Standard AS 1926.3 – 2010 ensures that the industry achieves greater safety for pool and spa users by reducing the hazards associated with water recirculation systems. The adoption of standard methods of testing components ensures that this objective could be achieved in a more efficient and effective manner compared to the outdated, inflexible and prescriptive specifications Australian Standard.

This revised Australian Standard now specifies more technically and performance qualified criteria is required in the manufacture of pool drain covers to avoid entrapment injuries, and succeeds the previous Standard AS1926.3-2003, bringing the Standard in-line with International Standards.

A brief summary of the improvements in AS1926.3 – 2010 include;

1. Outlet Covers are now required to be comprehensively tested by independent laboratories to determine whether there is a danger of:
 - a) Hair entrapment,
 - b) Body entrapment
 - c) Physical entrapment,
 - d) and to determine the structural integrity of the covers.
2. Most *prescriptive* specifications have been removed in favour of *performance criteria*
3. Drain covers certified by the USA Standard ASME A112.19.8 are deemed compliant under the revised AS1926.3 – 2010 Australian Standard
4. There is now a requirement for compliant installation instructions to be sold with every outlet
5. Allows for development of alternative skimming devices and outlet covers, the requirements for which are now performance based rather than prescriptive.
6. A child resistant skimmer box lid
7. Outlet covers must be permanently marked with: -
 - (i) Minimum nominal pipe diameter, in millimetres, to which it can be fitted;
 - (ii) Maximum allowable flow rate, in litres per minute (L/min) (see item (d)); and
 - (iii) The testing authority test number and date of test.
8. The maximum determined flow rate is now 80% of the lesser of the flow rates determined in testing
9. A report is now required which must include the following data in respect of each test:
 - a) Outlet Cover Tests

Outlet covers are tested to determine whether there is a danger of hair entrapment, body entrapment and physical entrapment, and to determine the structural integrity of the covers.



b) Alternative Skimming System Test

Alternative Skimming Systems are tested to determine whether an alternative skimming system is safe for use in a pool.

Consequently and appropriately, the following Australian Standards were also revised to reflect revisions with AS1926.3 -2010;

- Australian Standard AS 2610.1-2007/Amdt 1-2011 Spa pools - Public spas
- Australian Standard AS 2610.2-2007/Amdt 1-2011 Spa pools – Private spas

The need for Special requirements for occupation certificates for development involving spas or swimming pools

- (1) A certifying authority must not issue an occupation certificate to authorise a person to commence the use of a spa or swimming pool unless the certifying authority has received a certificate that verifies that the recirculation system of the spa or swimming pool was installed, has been tested and performs in accordance with the requirements set out in AS 1926.3—2010, *Swimming pool safety, Part 3: Water recirculation systems* as published by Standards Australia, as in force from time to time.

It is important to note that there is no specified standard test for determining if a concrete spa has been installed and performs in compliance with the Standard.

The safety of the suction system in a pool or spa is all about the flow in the system. The only way this can be recorded is to use a flow meter to check the system flow rate and compare it to the flow limitations on the safety covers.

We would strongly argue that this process has already been undertaken via a mandatory and comprehensive testing regime by the manufacturer under AS1926.30 – 2010..

Whilst SPASA NSW supports the requirement for a certificate to be provided by the builder to the local or certifying authority confirming that the recirculation system of the spa or swimming pool was installed in accordance with the requirements set out in AS 1926.3—2010 we do not support on-site performance testing for each independent swimming pool and/or spa installation.

Moreover, suction covers fitted to acrylic spa and swim spas are built into the structure and the manufacturer in this instance would provide a certification to the reseller and ultimately the consumer advising that the spa has been tested and approved in accordance with the Standard.

Standardisation of Forms and Certificates

We submit that significant benefit can be gained by the standardisation and consistency in developing a single standard for the many types of forms and certificates that are requested.



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Conclusion

There have been significant advances in technology and technical education around the recirculation system of swimming pools and spas. The introduction of the new Australian Standard AS1926.3 – 2010 ensures that the Australia Standard is now in line with International Standards resulting in a much safer methodological performance based testing regime.

Accordingly and as previously stated, we support the requirement for a certificate to be provided by the builder (or the manufacturer in the case of an acrylic spa) to the local or certifying authority confirming that the recirculation system of the spa or swimming pool was installed in accordance with the requirements set out in AS 1926.3—2010 BUT we do not support on-site performance testing for each independent swimming pool and/or spa installation.

SPASA NSW would be happy to elaborate the conclusions set out in this submission.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Spiros Dassakis', enclosed within a hand-drawn oval border.

Spiros Dassakis
Chief Executive Officer

