

18 December 2025

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Dear All,

**SUBJECT: RETAIL ADVERTISING & SALE OF SWIMMING POOLS & SPAS
& DISCLOSURE OF RELEVANT REGULATORY REQUIREMENTS**

I write on behalf of the Victorian Municipal Building Surveyors Group (VMBSG), an association dedicated to advancing effective building control and regulation within local government across Victoria. The VMBSG operates in accordance with its statement of purpose and the rules governing its incorporated association.

I wish to bring to your attention concerns regarding the manner in which certain retailers, including Bunnings, Kmart, and other large national retail chains, advertise and sell swimming pools to consumers.

We have identified that certain retailers are advertising and selling swimming pools designed to hold water with depths exceeding 300 mm. As you are aware, pools of this nature fall under the requirements of the Building Regulations 2018, the Building Code of Australia, and AS 1926.1, and generally necessitate compliance with the following:

- A building permit prior to installation.
- Installation of a compliant safety barrier.
- Registration of the pool with the relevant municipal council; and
- Ongoing compliance through mandatory inspection and 'Form 23' certification requirements.

Despite these clear obligations, most advertising, online listings, packaging, and point-of-sale materials provided by retailers fail to reference any of these specific requirements. This omission can mislead consumers, leaving them unaware of their legal responsibilities when purchasing and installing these products.

From VMBSG's perspective, this situation presents two significant concerns:

1. Consumer Awareness and Fair Trading

Many consumers purchase these pools believing they can set them up immediately, not realising they may be in breach of building regulations. This lack of disclosure appears inconsistent with fair-trading principles and may constitute misleading or incomplete information at the point of sale.

2. Public and Child Safety

The failure to inform consumers of the need for a compliant safety barrier and mandatory council registration and certification increases the risk of preventable drowning incidents, particularly involving young children. Municipal building surveyors frequently encounter non-compliant, installed pools only after a safety risk emerges and have the burden of responsibility of enforcing these compliance issues, often after tragedies have occurred.

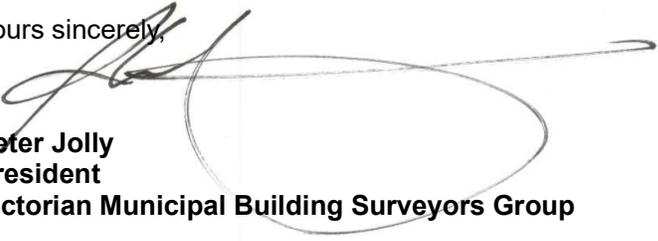


VMBSG considers this a matter of significant concern. We believe that retailers who sell swimming pools of this nature should be required to provide clear, prominent information to consumers regarding the regulatory requirements, including the need for a building permit, a compliant safety barrier, council registration, and initial and four-yearly re-certification requirements. Such measures would promote public awareness, reduce non-compliance, and ultimately safeguard community safety.

We respectfully request that your offices investigate this issue and consider what regulatory, enforcement, or guidance measures may be appropriate.

Thank you for your attention to this important issue. We would welcome the opportunity to jointly discuss this matter further and to contribute to any initiatives aimed at improving consumer understanding, promoting compliance, and safeguarding the Victorian community.

Yours sincerely,



Peter Jolly
President
Victorian Municipal Building Surveyors Group