



1 October 2020

The Registrar  
Coroner's Court of Victoria  
65 Kavanagh Street  
Southbank VIC 3006

Email: [cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)

Dear Registrar

**RE: COR 2018 005489 Inquest into the death of Baby M**

We refer to the findings and recommendations of Coroner Simon McGregor handed down on 1 July 2020 following the Coronial Investigation into the death of Baby M and to your letter dated 1 July 2020.

We note that a reference to Standards Australia was made in the Coroner's Findings in the following recommendation:

*71. I recommend that Committee CS-034, Safety of Private Swimming Pools, of Standards Australia consider whether amendments should be made to Australian Standard 1926.1 to ensure that pool gate hinges are resistant to degradation over time, particularly in conditions of disuse, by requiring either:*

- (a) that certain grades of materials be used in spring-based self-closing hinges; or*
- (b) that self-closing gate hinges employ a prescribed class of mechanisms.*

Since becoming aware of the Coroner's Findings, Standards Australia has consulted with experts from Technical Committee CS-034 *Swimming and Spa Pools* in relation to the Coronial Inquest and the recommendation above, requesting that the Committee investigate and consider a project proposal for a revision or amendment to the current edition of the standard, being AS 1926.1:2012 *Swimming pool safety - Safety barriers for swimming pools*.

About Standards Australia

By way of background, under Standards Australia's standard development procedures, a project to develop a new Australian Standard® or to revise an existing one is commenced if a project proposal form is submitted to Standards Australia and that project is assessed and approved in accordance with Standards Australia's processes.

The process followed by Standards Australia to assess new proposals for the development of new Australian Standards® is summarised in the Standards Australia Guide – Project Prioritisation Process and Criteria, available via this [link](#).

Under those requirements, any new project proposal must establish that the proposed standard will deliver an overall benefit to the Australian community (known also as 'Net Benefit') and that there is broad stakeholder support for the project. The proponent and stakeholder group also need to demonstrate their capability and capacity to effectively undertake the project activities.

It is important to note that in accordance with this process, Standards Australia does not initiate standards development projects by its own inclination. Rather, a project to prepare a new, or revise an existing, standard can only result from a request by external stakeholders, such as

government, industry or trade association, professional body, consumer organisation or an individual.

#### Next steps

As noted above, Standards Australia has asked CS-034 to investigate the requirements of pool gate hinges in the context of AS 1926.1:2012 as per the Coroner's recommendation.

A Working Group Taskforce set up under CS-034 is undertaking the task of considering the scope of a project proposal to revise AS 1926.1:2012 and recently met to discuss this further.

In considering a revision to AS 1926.1:2012, Standards Australia and the Working Group are mindful that the standard is referenced in the National Construction Code (NCC) and, as such, must meet regulatory impact obligations under the Australian Building Codes Board's (ABCB) Protocol for the development of NCC referenced documents<sup>1</sup>.

Under the Protocol, the ABCB has obligations under the Council of Australian Governments (COAG) Best Practice Regulation Guide to ensure an impact analysis of proposed regulatory changes are undertaken. Any change to AS 1926.1:2012 as an NCC referenced document therefore needs, amongst other things, to have supporting evidence that the change will have net benefits, that is, that the benefits outweigh the costs.

In its proposed scope for the revision project, the Working Group intends to consider the construction of gate hinge mechanisms but the precise extent of any proposed revised requirements is still being considered, particularly having regard to the ABCB's requirements. However, we will notify the Court of the outcome of the Committee's ultimate decision and the scope of any approved project to revise AS 1926.1:2012.

Separately, Standards Australia intends to write to each State Minister responsible for local government to alert them to this Coronial Inquest and the wider issue of maintenance of pool gate hinges, and request that their respective local councils consider the implementation of a regime focussed on ongoing pool maintenance and compliance within their local government areas.

#### Involvement of Standards Australia in the process of Coronial Inquests

Standards Australia would welcome the opportunity to assist the Court where Standards Australia or the standards developed by it are raised during coronial inquests and investigations.

If you have any questions, please contact me on 02 9237 6163 or at [christina.forsyth@standards.org.au](mailto:christina.forsyth@standards.org.au).

Yours sincerely



Christina Forsyth  
General Counsel

Standards Australia Limited

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<sup>1</sup> See: <https://abcb.gov.au/Resources/Publications/Consultation/ABCB-Protocol-for-Development-of-NCC-Referenced-Documents>