

## Document Control

Document Name	Document Register Number	Review Date
Private Swimming Pool Barrier Inspection Policy	GOV.POL.0006.001	July 15
Date Adopted	Minute Number	Summary of Changes
16 October 2013	3574	New policy

## Purpose

### Scope

- To outline Council's Private Swimming Pool Barrier Inspection Policy which is a statutory requirement imposed upon Council under Section 22B of the Swimming Pool Act 1992.
- To describe what enforcement measures Council will take on detection of non-compliance with swimming pool fencing requirements.

## Definitions

### Policy Content

On 29 October 2012 the Swimming Pool Amendment Act 2012 introduced a number of changes to the Swimming Pool Act 1992 and there were corresponding changes made to the Swimming Pool Regulation 2008.

This policy has been prepared in response to the inclusion in the Swimming Pool Act 1992 of Section 22B which is outlined below:

### **22B Mandatory pool inspection program by local authority**

1. A local authority must, within 6 months after the commencement of this section, develop and adopt a program for the inspection of swimming pools in its area to ensure compliance with the requirements of this Part.
2. Within 12 months after the commencement of this section, the program must make provision for the inspection, at least once every 3 years, of any swimming pool situated on premises on which there is tourist and visitor accommodation or more than 2 dwellings.
3. The program is not to require the inspection of a swimming pool in respect of which there is a valid certificate of compliance or a relevant occupation certificate.
4. A local authority must inspect swimming pools in its area in accordance with its program.
5. The regulations may make provision for or with respect to the development and adoption of programs for the inspection of swimming pools including:
  - a) the form and content of programs, and
  - b) the manner in which the public is to be consulted during the development of any such program, and
  - c) the carrying out of inspections under the program.
6. In this section:

*dwelling* has the same meaning as in the Standard Instrument.

From Section 22b the mandatory inspection program is required to commence on 29 October 2013. The Regulations require that the community be engaged in the development of the inspection programme and a notice was placed in a local newspaper calling for the involvement of the community in the development of the inspection program.

Unfortunately no submissions were received so in order to comply with the timeline for the commencement of the Act it has been necessary for staff to develop the following inspection program:

### Inspection Program

#### Mandatory Swimming Pool Barrier Inspection Programme

1. Commencing on 29 April 2014 Council undertake Swimming Pool Barrier Compliance inspections on all tourist and visitor accommodation as well as premises with more than 2 dwellings. All of these facilities will be inspected at least once in every 3 years.
2. Commencing on 29 April 2014 Council undertake Swimming Pool Barrier Compliance inspections where pool owners require a Swimming Pool Barrier Compliance Certificate before the sale or lease of their property. Also inspections of swimming pool barriers will be undertaken on request of a property owner.

#### Annual Auditing Inspection Programme

1. Commencing on 29 October 2013 Council will undertake to inspect for compliance 30 swimming pools barriers in either urban or rural locations in each calendar year. All follow up inspections will be undertaken promptly thereafter.

### Inspection Costs

1. For performing either the mandatory or annual auditing inspection program Council will charge the following inspection fees:
  - a) in the case of a first inspection of the swimming pool \$150, or
  - b) in the case of a second inspection of the swimming pool \$100.

### Certificates of Compliance

Council will issue a swimming pool barrier certificate of compliance which is valid for a period of three years if it has inspected the swimming pool and it is satisfied that the following requirements have been met:

1. the swimming pool is registered under Part 3A, and
2. the swimming pool complies with Part 2 of the Swimming Pool Act 1992.

### Enforcement Procedure

Where Council has undertaken an inspection of a swimming pool and detected non-compliance with the swimming pool barrier the Council will undertake generally the following enforcement procedures:

- First issue a 14 day outstanding works letter to the owners of the land.
- Following this a reinspection occurs and if compliance is not achieved the owner is then served with notices to ensure that they comply with the applicable swimming pool legislation.
- Potential fines and or court action can also occur.

### Links to Policy

### Links to Procedure

### References

### Responsibility

Director Environment and Planning

### **Relevant Legislation**

Swimming Pool Act 1992

Swimming Pool Regulation 2008

### **Associated Records**

Nil, at date adopted.