

Swimming Pool Review -Terms of Reference

General

The Review is to make recommendations on reforms to the *Swimming Pools Act 1992* and regulations to create an effective swimming pool barrier regulatory framework that protects the safety of children under the age of five around backyard swimming pools in NSW.

The Reviewer is to examine the:

1. Inspection and certification framework, in particular the requirement for compliance certificates for properties sold and leased;
2. Enforcement framework, including consideration of the relevant recommendations of the NSW Coroner and the NSW Child Death Review Team;
3. Barrier standards and exemptions framework, including the adoption or otherwise of the relevant Australian Standards and potential improvements based on the experience and frameworks in other jurisdictions; and
4. Appropriate machinery of government arrangement to administer the *Swimming Pools Act 1992* and 2008 Regulation and to support the recommendations of this review.

The Review is to ensure that the regulatory and enforcement framework for swimming pool barriers in NSW:

1. Is underpinned by swimming pool barrier standards that are simple and effective
2. Facilitates the application of a uniform standard wherever possible, including to existing swimming pools
3. Is proportionate to the risk being managed, including consideration of the *Guide to Better Regulation* principles;
4. Ensures responsibility for maintaining and installing a compliant swimming pool barrier remains with the swimming pool owner; and
5. Provides an effective enforcement and compliance framework that maximises the likelihood of responsible owner behaviour.

Consultation

Consultation should occur as necessary with all relevant stakeholders and NSW Government bodies. This should include the public release of a discussion paper to inform the final report.

Timing

The Reviewer should provide a final report to the Minister for Local Government by December 2015.

Evidence

The Reviewer will collect evidence to establish the impacts on pool owners and councils in order to substantiate any recommendations for reform.

Secretariat

Secretariat will be provided by Office of Local Government.