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## SWIMMING POOLS AMENDMENT ACT 2012

### Purpose

To advise councils that the *Swimming Pools Amendment Act 2012* commenced on Monday, 29 October 2012.

### Issue

- A number of amendments have been made to the Swimming Pools Act aimed at increasing the safety of very young children around backyard swimming pools and reducing associated drowning and near-drowning incidents.
- In particular the Act has been strengthened to ensure a greater degree of compliance with the child-resistant barrier requirements of the Act. Attachment 1 summarises the changes.
- All pool owners will be required to register their pools on a new state-wide online register. The register is being developed and will be available by no later than the end of April 2013.
- Councils will need to develop, in consultation with their communities, a swimming pool inspection program. Councils will also need to issue compliance certificates where an inspected pool barrier complies with the Act.
- The Act includes delayed commencement provisions for the new obligations placed on pool owners and councils. Further details are provided in Attachment 1 to this circular.
- The Division will continue to work with and provide support to councils during implementation of these new requirements. The Division is currently developing guidelines to assist councils meet their new obligations under the Act.
- The Act can be viewed online at <http://www.legislation.nsw.gov.au/>

### Action

General Managers are asked to bring this circular to the attention of councillors and relevant council staff.



**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

## Attachment 1

The *Swimming Pools (Amendment) Act 2012* makes the following amendments to the *Swimming Pools Act 1992*:

### Information for councils:

1. Councils are required to:
  - i. develop and implement a swimming pool barrier inspection program in consultation with their communities
  - ii. report annually on the number of pool inspections undertaken and the level of compliance with the requirements
  - iii. inspect pools associated with tourist and visitor accommodation and multi-occupancy developments at three year intervals
  - iv. at the request of a pool owner, inspect pools prior to sale or lease
  - v. issue compliance certificates after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance certificates are valid for three years.
2. A swimming pool subject to an occupation certificate is exempt from an inspection program for three years from the date of issue of the occupation certificate.
3. Councils may inspect any swimming pool that is subject to a complaint to the council.
4. Council powers of entry will be consistent with the *Local Government Act 1993*.
5. Councils may charge a fee for each inspection undertaken (up to a maximum of \$150 for the first inspection and \$100 for one reinspection resulting from the first inspection).

### Information for Pool Owners:

1. Swimming pool owners are required to register their swimming pools on an online register to be provided by the NSW State Government.
2. Swimming Pool owners will be required to self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool.
3. There is a penalty for owners who fail to register a swimming pool (penalty notice amount of \$220).
4. Swimming pool owners will be required to provide a valid swimming pool compliance certificate before being able to sell or lease a property with a pool.
5. Accredited certifiers under *the Building Professional Act 2005* may conduct swimming pool inspections initiated by the pool owner.

### Staged implementation:

The Act includes a staged implementation process to facilitate:

- the development and implementation of the Swimming Pools Register (to commence by no later than 29 April 2013)
- registration by pool owners of pools (after the register commences and by no later than 29 October 2013)
- councils' inspection programs (to be developed in consultation with the community, adopted and commenced by no later than 29 October 2013)
- mandatory inspections by councils of tourist, visitor and multi-occupancy developments, and pools associated with property sale and lease (to commence by no later than 29 April 2014).