



YOUNG SHIRE COUNCIL

SWIMMING POOL INSPECTION PROGRAM 2013

DATE ADOPTED: 19 JUNE 2013

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1. Introduction/Background

Young Shire Council has had a swimming pool safety barrier inspection program in place for many years that has operated with the objective of ensuring the compliance of pool safety barriers with the appropriate standards as set out by the Swimming Pools Act 1992.

Council remains committed to saving lives and ensuring the safety of swimming pools and their enclosures is of paramount importance.

With the adopted provisions of the Swimming Pools Amendment Act 2012 now coming into force, Council is required to have a Swimming Pools Inspection Program. This program has been developed in consultation with the community and reflects the requirements of the Swimming Pools Act 1992 (as amended) and the relevant Regulations.

2. Purpose/Objectives

The Swimming Pool Inspection Program has been developed so as to meet the following goals;

- To ensure that pool owners comply with relevant Acts, Regulations and Australian Standards for swimming pools.
- Assist and guide the community in its responsibilities to the NSW Governments Swimming Pool Register
- To meet Councils obligations under the Swimming Pools Act 1992.
- To outline the program structure and method of operation.

3. Program

To engage with the community to foster the best possible outcomes in swimming pool safety for all participants.

4. Responsibility

The Planning, Environment and Strategic Services Department is responsible for enactment and enforcement of this through its specialty staff in its Health and Building Surveyors. Other professional staff may from time to time be trained in order to have broader corporate capacity.

5. Inspection program

Swimming Pools and Spas are part of the required inspection program as defined and set down by section 22B of the NSW Swimming Pools Act 1992.

Council as the *Local Authority* has responsibilities under the Act to inspect certain pools so as to maintain compliance in accordance with the requirements of the Act. The swimming pools and spas requiring these mandatory inspections are:

Sold or leased property - As from 29 April 2014, as set out by section 22B of the

Act, All swimming pools that are part of properties to be sold or leased must have a current compliance certificate.

Tourist & visitor - accommodation

As from 29 April 2014, as set out by section 22B of the Act, All visitor and tourist accommodation are required to have a current swimming pool certificate.

Multiple occupancies -

As from 29 April 2014, as set out by section 22B of the Act, All properties with a pool and having more than two occupancies are required to have a current compliance certificate.

Council is also required to operate a compliance program for all other domestic swimming pools. These are the private pools that are part of a dwelling that is owned by the occupant. Council will undertake to complete a scheduled inspection program as follows;

Non-compliant pools -

Where Council becomes aware of a swimming pool that is not compliant or that it believes is not compliant, Council will undertake an inspection of that pool in accordance with this program as well as any regulatory enforcement as required.

Unregistered pools -

When Council becomes aware of a swimming pool that is not registered, Council will undertake a compliance inspection in accordance with this program as well as any regulatory enforcement as required.

Registered pools -

Council will endeavour to undertake a representative inspection sample each year (approximately 4%) of the registered pools in its area. These are pools that are registered and where the owner is responsible to ensure that the swimming pool is compliant

INSPECTIONS

Where Council is required to undertake inspections by this program, the following procedure will be followed;

Notification -

The pool owner will be notified in writing a minimum of 48 hours before the scheduled inspection is to take place. It is the responsibility of the property owner to ensure that if the property is tenanted, that they have notified the tenant or made alternative arrangements with Council in regards to access for Councils Inspector to the subject swimming pool.

The notification will identify a date and whether the inspection will be undertaken in the morning or afternoon. Councils notification procedures are in compliance with Section 28 of the Swimming Pools Act 1992 along with powers of entry in given circumstances.

- Inspection - Councils authorised officers will conduct inspections of swimming pool safety barriers in accordance with section 22B of the Act at the time notified. The owner does not have to be present for this inspection but it is always preferred where possible.
- Spa and swimming pool safety barriers will be inspected to the performance standard as set out in Australian Standard *AS1926 Safety Barriers for Swimming Pools*, as called up by the NSW Swimming Pools Act 1992.
- Outcomes - Council will notify the owner of the property where the pool safety barrier is installed of the outcome of the inspection. This will take the form of the appropriate response for the inspection outcome. These are as follows;
- o Issue of a compliance certificate.
- Where Councils Inspectors have assessed the pool and spa safety barrier and found it to be in compliance with the provisions of the NSW Swimming Pools Act 1992, Council will issue a compliance certificate in accordance with Section 22D of the Act.
- o Compliance works required
- Where it is found that works are required to be undertaken for the swimming pool or spa to achieve compliance, Council will issue a Notice issued under section 22E requiring that the works be completed and reinspected. If compliance is not found to have been met within the specified time, Council may issue an Infringement Notice or seek other legal remedy.

Applicable Standards for Safety Barriers

Swimming Pool and Spa safety barriers are required to comply with Australian Standard *AS1926 Safety Barriers for Swimming Pools*. Which version of this standard is dictated by the year of installation and other matters pertaining to whether there has been any works or changes made to the safety barrier. If the barrier is altered, changed or falls into a state of disrepair such that works are required the safety barrier will then be required to be upgraded to meet the current standard.

Fee's

With the introduction of the Swimming Pools Amendment Act 2012, fees have been introduced for the inspection and issue of swimming pool compliance certificates. The Swimming Pools Regulation 2008 section 18A sets out those fees.

The initial inspection fee is for the first inspection and issue of the compliance certificate. There is a fee for a second inspection but no fee applies if you require a third or supplementary inspection to complete works where applicable. Council will not issue the compliance certificate if the fee has not been paid.

No compliance fees are payable if the owner is holding a current compliance certificate or occupation certificate for the pool that is less than three (3) years old.

Certifiers and council

Swimming Pool and Spa compliance inspections may be completed by either an accredited Certifier or one of Councils Authorised Officers.

Pool owners may choose to engage an appropriately Accredited Certifier under the Building Professionals Board to provide the compliance services. Certifiers will charge their own fees in line with the requirements of the Act. Once a Certifier has completed the inspection they may allow up to 6 weeks for compliance with any maintenance orders before notifying Council.

An Accredited Certifier must notify Council in accordance with section 22E of the Act, if they issue a Notice. If the Certifier believes the pool to be of a significant public safety issue, they may choose to notify Council immediately at which time Council could commence compliance action.

Reporting and Review

Council is required to report annually to the State Government on the inspection program. The report will also be presented to Council and will be a public document.

Review of Councils swimming pool inspection program will be undertaken within Councils current review process and assessed for effectiveness.

Education and public awareness

Council has operated an annual education and awareness program since the introduction of its Swimming Pool Register. This activity will continue to take place as required by section 165 of the Swimming Pools Regulation 2009 and as an ongoing commitment to the community.