

CITY OF CANADA
BAY

SWIMMING POOL BARRIER INSPECTION PROGRAM

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1. Purpose

The *Swimming Pools Act 1992*, section 22B requires the development and adoption by Council of a program for the inspection of swimming pools in its area. Council is then required to inspect swimming pools in accordance with this program, to ensure compliance with the requirements of the Act.

2. Relevant Legislation and Standards

The legislation, regulation and standards that apply to this Swimming Pool Inspection Program include:

- Swimming Pools Act 1992
- Swimming Pools Regulations 2008
- Swimming Pools Amendment Act 2012
- Swimming Pools Amendment (Consequential Amendments) Regulation 2013
- Building Code of Australia
- Australian Standards AS1926.1
- Australian Standards AS1926.2

3. Implementation of the Inspection Program

Council has resolved to adopt the following program for the inspection of swimming pool barriers:

- Where a pool barrier is the subject of a complaint Council will commence investigation as soon as practicable.
- Where a request to inspect a pool barrier is made by the owner whether required for pool registration or prior to sale or lease of a premises an inspection will be undertaken within 10 working days of receipt of application.
- Pools associated with domestic/residential properties, moveable dwellings, hotel, motel, tourist / visitor accommodation, multi-occupancy developments and all other privately owned pools will be inspected on a 3 year cycle.

4. Non Compliant Barriers

When an inspection has been undertaken and a swimming pool barrier is found not in compliance with relevant legislative requirements the owner will be issued with a Notice of Proposed Direction. The Notice of Proposed Direction will generally allow a period of twenty-eight (28) days for compliance. Where Council deems a swimming pool to be of high safety risk to members of the community a Direction may be issued without the prior issue of a Notice providing a shorter period of compliance.

Upon expiration of the period of compliance for a Notice/Direction a re-inspection will be undertaken to determine if compliance has been achieved. Should works not be undertaken in accordance with Councils Notice/Direction follow-up action will follow and may include the issue of a penalty notice or legal action.

5. Certificate of Compliance

A Pool Certificate of Compliance will be issued once a pool has been inspected against the relevant pool safety requirements and all fees have been paid. The Compliance Certificate is valid for three (3) years. A pool may be inspected more frequently than three years if a complaint has been received with respect to pool safety or there is good reason to suspect the pool no longer complies with relevant requirements.

6. Fees and Charges

A registration fee is payable for those pool owners unable to register their pool themselves on the New South Wales Swimming Pools Register.

A pool inspection fee applies in the conducting of inspections under the pool inspection program. The fee is limited under the legislation. The initial fee is payable on application for the Compliance Certificate. Pool owners who are contacted by Council as a result of the Swimming Pool Inspection Program will be charged once the final inspection has been undertaken. Compliance Certificates will not be released until all inspection fees have been paid and all rectification works have been completed.

7. Registration Fee

Pool owners are required by legislation to register their pool on the NSW Swimming Pool Register. The Register at www.swimmingpoolregister.nsw.gov.au can be completed on-line or Council can register your pool for a fee of \$10.00.

For Council to register the pool it will be necessary to complete the NSW Swimming Pool Register Registration Form. City of Canada Bay sets out and updates the fee payable for registration in its Annual Schedule of Fees and Charges.

8. Inspection Fee

A pool inspection fee applies in the conducting of inspections under the pool barrier inspection program as outlined below.

City of Canada Bay sets out and updates the fee payable for inspection in its Annual Schedule of Fees and Charges.

Type of Service	Fee Amount
First inspection	\$150.00
First re-inspection	No Fee
Second and subsequent re-inspections	\$100.00
Issue of Certificate of Compliance	No Fee

9. Penalties

The Act enables a number of penalties to be issued for non-compliances as follows:

Offence	Penalty	Maximum Court Penalty
Section 7 (1): Failure to comply with general requirements for outdoor pools associated with dwelling.	\$550.00	\$5500.00
Section 12: Failure to comply with general requirements for outdoor pools associated with movable dwelling and tourist and visitor accommodation.	\$550.00	\$5500.00
Section 14: Failure to comply with general requirements for indoor pools.	\$550.00	\$5500.00
Section 15 (1): Failure to maintain child-resistant barrier.	\$550.00	\$5500.00
Section 16: Failure of occupier to keep access to pool securely closed.	\$550.00	\$5500.00
Section 17 (1): Failure to display or maintain prescribed warning notice near pool	\$110.00	\$550.00
Section 23 (3): A person on whom a direction is served must not fail to comply with the requirements of the direction.	\$550.00	\$5500.00

10. Pool Barrier Awareness

Council has developed a number of resources to assist pool owners in understanding pool safety barrier requirements. Please refer to Councils webpage – www.canadabay.nsw.gov.au for further information.