

SWIMMING POOL BARRIER INSPECTION POLICY

QUALITY CONTROL			
TRIM REFERENCES	12/14 – D13/18521		
RESPONSIBLE POSITION	Manager Planning Development and Compliance		
APPROVED BY	Council		
REVIEW DATE	November 2021	REVISION NUMBER	3
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
18/12/2013	Adopted	44524	
26/08/2015	Public Exhibition	45045	
28/10/2015	Adopted	45101	
27/09/2017	Public Exhibition	45638	
29/11/2017	Adopted	45699	

1. INTRODUCTION

Drowning and accidental submersion is a leading cause of death and permanent impairment of young children. With over 300,000 backyard swimming pools in NSW, swimming pool safety is a vital issue that affects the whole community.

In an effort to enhance the safety of children under five years old in relation to swimming pools, the Swimming Pools Act 1992 (the Act) requires councils to adopt locally appropriate inspection programs and for pools to be inspected before the premises on which they are located is sold or leased. This policy establishes such a program in the Broken Hill City Council area.

2. POLICY OBJECTIVE

The purposes of this policy:

- To promote and increase the compliance with legislative requirements of swimming pool barriers in Broken Hill.
- To ensure that Council meets its required legislative requirements in accordance with the *Swimming Pools Act 1992*.

3. POLICY SCOPE

This policy applies to all swimming pools affected by the Act within the Broken Hill Local Government Area (LGA).

Section 4 of the Act states that:

[The] Act applies to swimming pools (both outdoor and indoor) that are situated, or proposed to be constructed or installed, on premises on which a residential building, a moveable dwelling or tourist and visitor accommodation is located, but does not apply to swimming pools that are situated, or proposed to be constructed or installed, on any premises occupied by the Crown or by a public authority.

4. POLICY STATEMENT

- 4.1.** Council shall inspect all swimming pools associated with tourist and visitor accommodation and multi-occupancy developments at a maximum of three yearly intervals.
- 4.2.** Council shall inspect any swimming pool that is subject of an owner request for inspection under section 22C of the Act to ensure the pool barrier is installed in accordance with the requirements of the Act within a reasonable time.
- 4.3.** Council shall inspect any swimming pool subject to the Act which is the subject of a complaint under the Act.
- 4.4.** Council shall inspect any swimming pool subject to the Act brought to its attention by way of unrelated contact with the premises.
- 4.5.** This includes swimming pools identified by staff (who may or may not necessarily be Authorised Officers under the Act) who attend a premises in relation to other matters, including staff attending premises for purposes relating to animal control, development (whether lawful or otherwise), applications for permits or consents, noise or similar complaints and other matters.
- 4.6.** Council shall, as resources permit, inspect other swimming pools prioritised on a risk-based approach. Priority will be given to pools with the longest time since their last inspection or that have not been inspected at all.
- 4.7.** Council shall report to the Office of Local Government (OLG) in accordance with departmental guidelines on the number of pool inspections undertaken and the level of compliance with the requirements.
- 4.8.** Council shall undertake activities to promote swimming pool safety in the community.
- 4.9.** Council shall check the swimming pool register at www.swimmingpoolregister.nsw.gov.au to ensure all swimming pools it is aware of are registered, and take action with regards to all non-registered pools. This may include the issuing of penalty notices.
- 4.10.** Council will charge a fee for each inspection undertaken in accordance with Council's adopted Fees and Charges.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

- a) Manager Planning Development and Compliance;
- b) Authorised Officers under the Swimming Pools Act 1992;
- c) Other staff who may from time to time enter premises with a swimming pool within the scope of the Act.

Authority for implementation of this policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

Council is responsible for:

- Promoting awareness within the LGA of the requirements applying to swimming pools as provided for under the *Swimming Pool Act 1992* and Regulations; and
- Establishing and implementing a program for the inspection of swimming pools barriers in the area.

5.2. Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

5.3. Associated Documents

The following documentation is to be read in conjunction with this policy.

- Enforcement and Compliance Policy
- Swimming Pool Inspection Request Form
- Contract for Swimming Pool Certification Work

6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be every two years from the effective date. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Manager Planning Development and Compliance is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with and is affected by the following:

- *Swimming Pools Act 1992*
- Swimming Pools Regulation 2008
- Swimming Pools Regulation 1998 [repealed] (Part 2 only, as referred to by Clause 23 of the 2008 Regulation)
- The Building Code of Australia (being Volumes 1 and 2 of the National Construction Code)
- Local Government Act 1993 (Part 2 of Chapter 8 - Powers of Entry)
- Building Professionals Act 2005 (Particularly Section 73A – Contracts for certification work)
- Building Professionals Regulation 2007
- Australian Standard AS1926-1986

- Australian Standard AS1926.2 – 2007

8. DEFINITIONS

For the purpose of this Policy the following definitions apply:

Act *Swimming Pool Act 1992*

Swimming Pool A permanent or temporary excavation, structure or vessel that is:

- Capable of being filled to a depth of 300mm or more; and
- Solely or principally used or that is designed, manufactured or adopted to be used for the purpose of swimming, wading, paddling or any other human aquatic activity and includes a spa pool or tub but does not include a spa bath situated within a private bath room.

Terms defined in the Act and its regulation(s) that appear in this policy have the same meaning as given there.