



Swimming Pools Amendment (Consequential Amendments) Regulation 2013

under the

Swimming Pools Act 1992

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Swimming Pools Act 1992*.

DON PAGE, MP
Minister for Local Government

Explanatory note

The object of this Regulation is to amend the *Swimming Pools Regulation 2008* to prescribe a range of matters consequentially on the amendment of the *Swimming Pools Act 1992* by the *Swimming Pools Amendment Act 2012*. This Regulation:

- (a) provides for the establishment and implementation by local authorities of strategies for engaging their communities in relation to the development of swimming pool inspection programs,
- (b) prescribes the period within which inspections are to be carried out and the period within which details of certificates of compliance are to be entered on the Register of Swimming Pools (*the Register*),
- (c) prescribes the fees payable for the carrying out of inspections and for the provision of information to local authorities for entering on the Register,
- (d) prescribes the information that is required to be entered on the Register,
- (e) makes the offence of failing to ensure that the prescribed information is entered on the Register an offence for which a penalty notice may be served.

This Regulation is made under the *Swimming Pools Act 1992*, including sections 22B (5), 22C (4), 22D (8), 22F (1), 30B (1) and (2), 35 and 38 (the general regulation-making power).

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Swimming Pools Amendment (Consequential Amendments) Regulation
Clause 1 2013

**Swimming Pools Amendment (Consequential
Amendments) Regulation 2013**

under the

Swimming Pools Act 1992

1 Name of Regulation

This Regulation is the *Swimming Pools Amendment (Consequential Amendments) Regulation 2013*.

2 Commencement

This Regulation commences on the day on which Schedule 1 [16] and [26] to the *Swimming Pools Amendment Act 2012* commence and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Swimming Pools Regulation 2008

[1] Parts 5 and 5A

Omit Part 5. Insert instead:

Part 5 Inspections and certificates of compliance

16 Community engagement

- (1) A local authority must establish and implement a strategy for engagement with the local community when developing a program for the inspection of swimming pools in its area.
- (2) The strategy must be based on social justice principles of equity, access, participation and rights.
- (3) The local community is to be consulted in accordance with the strategy in relation to the development of the inspection program (including in relation to any review of such a program).

17 Time for carrying out inspections

For the purposes of section 22C (3) of the Act, a reasonable time within which a local authority must carry out an inspection is 10 business days after receiving a request for the inspection in accordance with section 22C of the Act.

18 Time for entering information on Register

For the purposes of section 22D (8) of the Act, details of a certificate of compliance are to be entered on the Register within 3 business days after the certificate of compliance is issued.

18A Fee for inspection

- (1) For the purposes of section 22F (1) of the Act, the maximum fee that a local authority may charge for carrying out an inspection of a swimming pool is:
 - (a) in the case of a first inspection of the swimming pool, \$150, or
 - (b) in the case of a second inspection of the swimming pool, \$100.

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- (2) No fee may be charged by a local authority for carrying out a third or subsequent inspection for the purpose of the issue of the same certificate of compliance.

Note. Certificates of compliance are valid for a period of 3 years from the date of issue, in accordance with section 22D (6) of the Act. After a certificate of compliance for a swimming pool has ceased to be valid, the local authority may charge a fee in accordance with this clause for an inspection carried out for the purpose of issuing a new certificate of compliance.

18B Notice of refusal to issue certificate of compliance

- (1) A local authority that refuses to issue a certificate of compliance under section 22D of the Act in respect of a swimming pool must cause notice of the decision to be served on the owner of the premises on which the swimming pool is situated.
- (2) The notice must:
- (a) give reasons for the decision to refuse to issue the certificate, and
 - (b) state that the owner of the premises on which the swimming pool is situated is entitled to appeal against the decision to the Land and Environment Court.

Part 5A Registration of swimming pools

18C Registration information

For the purposes of section 30B (1) of the Act, the information required to be entered on the Register in relation to a swimming pool is as follows:

- (a) the address of the premises,
- (b) the type of swimming pool (for example, whether the pool is in-ground or above-ground, or indoor or outdoor, or a spa pool),
- (c) the type of premises (for example, premises on which a residential building is located, premises on which tourist and visitor accommodation is located or premises on which more than 2 dwellings are located).

18D Fee for provision of registration information

For the purposes of section 30B (2) (b) of the Act, the maximum fee that a local authority may require for the provision of registration information within the meaning of section 30B of the Act is \$10.

[2] Clause 22 Penalty notices

Insert at the end of the Table to the clause in Column 1 and Column 2,
respectively:

section 30B (1)

\$220