



New South Wales

Building Professionals Amendment (Swimming Pools) Regulation 2018

under the

Building Professionals Act 2005

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Building Professionals Act 2005*.

MATT KEAN, MP

Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to specify the categories of accreditation under the *Building Professionals Act 2005* that enable the holder of that category of accreditation to carry out inspections and issue certificates and notices under the *Swimming Pools Act 1992*.

This Regulation is made under the *Building Professionals Act 2005*, including section 94 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Building Professionals Amendment (Swimming Pools) Regulation 2018*.

2 Commencement

This Regulation commences on 1 September 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Building Professionals Regulation 2007

[1] Schedule 1 Categories of certificates of accreditation

Insert in Column 2 at the end of the matter relating to Category A1 in Part 1:

Doing any of the following under the *Swimming Pools Act 1992* in respect of a swimming pool:

- (a) carrying out an inspection,
- (b) issuing a certificate of compliance,
- (c) issuing a certificate of non-compliance,
- (d) issuing a notice under section 22E of that Act.

[2] Schedule 1, Part 1

Insert in Column 2 at the end of the matter relating to Category A2:

Doing any of the following under the *Swimming Pools Act 1992* in respect of a swimming pool:

- (a) carrying out an inspection,
- (b) issuing a certificate of compliance,
- (c) issuing a certificate of non-compliance,
- (d) issuing a notice under section 22E of that Act.

[3] Schedule 1, Part 1

Insert in Column 2 at the end of the matter relating to Category A3:

Doing any of the following under the *Swimming Pools Act 1992* in respect of a swimming pool, but only if the swimming pool achieves compliance with the performance requirements of the BCA by complying with the deemed-to-satisfy provisions of the BCA (and not by the formulation of any alternative solutions):

- (a) carrying out an inspection,
- (b) issuing a certificate of compliance,
- (c) issuing a certificate of non-compliance,
- (d) issuing a notice under section 22E of that Act.

[4] Schedule 1, Part 1

Omit the matter relating to Category E1. Insert instead:

Category E1—Accredited
certifier—swimming pool
certification

Doing any of the following under the *Swimming Pools Act 1992* in respect of a swimming pool, but only if the swimming pool achieves compliance with the performance requirements of the BCA by complying with the deemed-to-satisfy provisions of the BCA (and not by the formulation of any alternative solutions):

- (a) carrying out an inspection,
- (b) issuing a certificate of compliance,
- (c) issuing a certificate of non-compliance,
- (d) issuing a notice under section 22E of that Act.

[5] Schedule 1, Part 2, clause 1 (1)

Insert in alphabetical order:

certificate of non-compliance means a certificate of non-compliance issued under clause 21 of the *Swimming Pools Regulation 2018*.