

Who can undertake Inspections of **Swimming Pools** under new Amendments?

The Building Professionals Board (BPB) works to improve the quality of building construction and subdivision in NSW.

Many of our their responsibilities are outlined under the *Building Professionals Act 2005*

(BP Act). Through this, they:

* accredit certifiers to issue construction, occupation, subdivision, compliance and complying development certificates under the Environmental Planning and Assessment Act 1979 (EP&A Act), and strata certificates under strata legislation
* investigate complaints and review the work of accredited certifiers and councils to help improve the efficiency of certification processes

The BPB accredit over 400 private certifiers and around 800 council accredited certifiers.

**Who can undertake “Inspections of Swimming Pool Barrier” under the new changes?**

The *Swimming Pools Amendment Act 2012* (the Amendment Act) received assent on 29 October 2012. When it commences, the Amendment Act will, among other things, place requirements on councils, swimming pool owners and accredited certifiers in relation to the inspection of swimming pool barriers.

Under the changes, the Amendment Act will, among other things:

* require the council to inspect swimming pools in its local area in accordance with a program of inspections of swimming pools it must develop
* enable the property owner to request the council or an accredited certifier to inspect the swimming pool on the property at any time
* require the council to carry out an inspection within a reasonable time if the owner makes the request in writing and states the inspection is required to enable the sale or lease of the premises
* require the council to enter onto the Register of Swimming Pools (which the Chief Executive of the Division of Local Government within the Department of Premier and Cabinet is required to keep), information required to be supplied in relation to swimming pools in its area.

The inspections are to be undertaken to ensure compliance with requirements that relate to child-resistant barriers (Part 2 of the *Swimming Pools Act 1992)*.

The council or an accredited certifier can issue a certificate of compliance under the *Swimming Pools Act 1992* if the swimming pool has been registered on the Register of Swimming Pools and the swimming pool barrier complies with Part 2 of the Swimming Pools Act. The council or accredited certifier must ensure details of the swimming pool are entered onto the Register following the issue of a certificate of compliance.

Following an inspection, if a private accredited certifier is not satisfied the swimming pool is registered or that the barrier complies with the Act, the certifier must provide a written notice to the owner that includes the steps to be taken to meet those requirements. They must forward a copy of the notice to the council within the period set out in section 22E(4) of the Act.

**Specifically who can carry out inspections and issue certificates of compliance**

The amendments do not require councils to have a certifier accredited in a particular category of accreditation under the BP Act to carry out inspections of swimming pool barriers and issue a certificate of compliance. Councils just need to ensure the relevant officer is competent and has the necessary delegation to undertake the work.

Private accredited certifiers are given authority to carry out the above inspections and issue certificates of compliance under the Swimming Pools Act. The Amendment Act defines accredited certifier as:

***accredited certifier*** *means an accredited certifier within the meaning of the* [*Building Professionals Act 2005*](http://www.vision6.com.au/ch/26240/2c4qy33/1806544/29f4465zf.html) *holding:*

 *(a) Category A1, Category A2 or Category A3 accreditation under that Act, or
(b)if the regulations prescribe alternative qualifications, those alternative qualifications.*

**CRITICAL DATES**

1. ***NSW Swimming Pools Register available for use by 29 April 2013***

2. ***NSW Swimming pools to be registered by owners by 29 October 2013***

3. ***Pool owners require a compliance certificate before sale or lease of their property from 29 April 2014***