



New South Wales

# Swimming Pools Amendment Regulation 2011

under the

Swimming Pools Act 1992

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

BARBARA PERRY, MP  
Minister for Local Government

## Explanatory note

The object of this Regulation is to amend the *Swimming Pools Regulation 2008* so as to require:

- (a) child-resistant barriers surrounding new outdoor swimming pools to be designed, constructed, installed and maintained in accordance with the standards set out in the Building Code of Australia, from 1 May 2011, and
- (b) the means of access to new indoor swimming pools to be restricted in accordance with those standards, from 1 May 2011, and
- (c) the Division of Local Government, within the Department of Premier and Cabinet, and each local authority to make the Building Code of Australia available for public inspection.

This Regulation also provides that child-resistant barriers and means of access that are required to comply with standards prescribed under the Act that are amended can comply with those standards by continuing to comply with the standards that previously applied to those barriers or means of access.

This Regulation is made under the *Swimming Pools Act 1992*, including sections 7 (1) (b), 8 (2), 9 (2), 10 (2), 12 (d), 14 and 38 (the general regulation-making power).

## **2011 No 174**

Clause 1      Swimming Pools Amendment Regulation 2011

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## **Swimming Pools Amendment Regulation 2011**

under the

Swimming Pools Act 1992

### **1 Name of Regulation**

This Regulation is the *Swimming Pools Amendment Regulation 2011*.

### **2 Commencement**

This Regulation commences on 1 May 2011 and is required to be published on the NSW legislation website.

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## Schedule 1      Amendment of Swimming Pools Regulation 2008

### [1]    **Clause 3 Definitions**

Insert in alphabetical order in clause 3 (1):

*Building Code of Australia* means the document published by or on behalf of the Australian Building Codes Board under the title Building Code of Australia, as in force from time to time.

### [2]    **Clause 3 (1), definition of “Department”**

Omit “Department of Local Government”.

Insert instead “Division of Local Government within the Department of Premier and Cabinet”.

### [3]    **Clause 4 References to compliance with AS 1926.1—2007 or Building Code of Australia**

Insert “or the Building Code of Australia” after “AS 1926.1—2007”.

### [4]    **Clause 5 General requirements for outdoor swimming pools**

Omit “AS 1926.1—2007 (excluding Clause 2.8)”.

Insert instead “the Building Code of Australia”.

### [5]    **Clause 5, Note**

Omit the note to the clause.

### [6]    **Clause 8 General requirements for indoor swimming pools**

Omit “AS 1926.1—2007”.

Insert instead “the Building Code of Australia”.

### [7]    **Clause 21 Public access to AS 1926.1—2007, Building Code of Australia and Cardiopulmonary Resuscitation Guideline**

Omit “AS 1926.1—2007 and the Cardiopulmonary Resuscitation Guideline” from clause 21 (1) and (2) wherever occurring.

Insert instead “AS 1926.1—2007, the Building Code of Australia and the Cardiopulmonary Resuscitation Guideline”.

## 2011 No 174

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Schedule 1 Amendment of Swimming Pools Regulation 2008

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### [8] Clause 22A

Insert after clause 22:

#### **22A Effect of changes to prescribed standards for existing complying swimming pool barriers and means of access**

- (1) In this clause, *relevant amendment* means:
  - (a) an amendment to this Regulation that amends or substitutes a standard prescribed for the purposes of a provision of Part 2 of the Act, or
  - (b) an amendment to a standard that is prescribed, as in force from time to time, for the purposes of a provision of Part 2 of the Act.
- (2) If a child-resistant barrier for a swimming pool is required to comply with a standard prescribed under a provision of Part 2 of the Act and the standard is amended or substituted by a relevant amendment, the barrier is taken to comply with the amended or substituted standard so long as:
  - (a) immediately before the relevant amendment took effect, the barrier complied with the standard that applied to the barrier at that time and the barrier continues to comply with that standard, or
  - (b) if the barrier has been substantially altered or rebuilt, the barrier complied with the standard that applied to the barrier when it was so altered or rebuilt and the barrier continues to comply with that standard.
- (3) If the means of access to a swimming pool are required to comply with a standard prescribed under a provision of Part 2 of the Act and the standard is amended or substituted by a relevant amendment, the means of access are taken to comply with the amended or substituted standard so long as:
  - (a) immediately before the relevant amendment took effect, the means of access complied with the standard that applied to the means of access at that time and the means of access continue to comply with that standard, or
  - (b) if the means of access have been substantially altered or rebuilt, the means of access complied with the standard that applied to the means of access when they were so altered or rebuilt and they continue to comply with that standard.

**Note.** Subclause (3) applies to standards prescribed under provisions of Part 2 of the Act that relate to indoor swimming pools, outdoor swimming pools or both.