

SWIMMING POOL AND/OR SPA SAFETY BARRIER POLICY

Policy Number:	3.2.5
Approved by:	Council
Date Approved:	December 2023
Date of Next Review:	December 2024
Applicable to Unit(s):	Municipal Services
Responsible Officer:	Manager Regulatory Services
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	<i>Building Act 1993</i> <i>Building Regulations 2018</i>

OVERVIEW

To provide clarity and consistency around the provision of safety barriers around swimming pools and/or spas.

THE POLICY

To establish policy for the management and consistent approach the provision and maintenance of safety barriers around swimming pool and/or spas. Council recognises and accepts that a swimming pool and/or spa that does not have suitable safety barriers represents a danger to young children. Council also recognises and accepts that action is required pursuant to the *Building Act 1993* to remove the danger.

Council has safety information and self-assessment sheets relating to the requirements of the provision and maintenance of safety barriers around swimming pools and/or spas. A series of articles on safety barriers around swimming pools and/or spas must be routinely prepared for release to the media.

Amendments to the Building Regulations 2018 requires swimming pools and/or spas that were installed or approved to be installed, must be registered with council and the owners are responsible to have their pools/spa inspected every four years and provide council with a certificate of compliance by the due date. Installed safety barriers must be maintained and effectively operational at all times.

Council will ensure:

1. When Council are made aware of a swimming pool and/or spa, the property will be identified, and details recorded.
2. The landowner will be advised in writing of their obligations under the Building Act and Building Regulations. Forthcoming inspection regime of the swimming pool and/or spa safety barriers.
3. Council will maintain a Pool/Spa Register and send landowners notices in writing as required. Following the inspection, the landowner will be notified in writing and follow up actions may be required.
4. Council will monitor the register to ensure compliance is met by the landowners.
5. Enforcement
 - a. Should a Certificate of Barrier Non-Compliance (CBNC) be received and/or compliance not

met, an inspection and/or a minor work order may be issued and an infringement notice may be issued.

- b. Should further audits fail to comply then legal proceedings may commence.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	DATE	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	December 2022	Minor update	Updated Responsible Officer title
1.1	December 2023	Major update	Updated policy to reflect the responsibility of landowners and Council inspection and log of a Pool/Spa Register Minor formatting changes Date of next review changed to: December 2024