

PMHC Swimming Pool Barrier Inspection Program



Comparative Analysis: 2019 Version vs 2026 Draft
 Port Macquarie-Hastings Council | Environment and Regulatory Services

Element	2019 Version	2026 Draft
1. Overview		
Document Title	Swimming Pool Inspection Program	Draft Swimming Pool Barrier Inspection Program
Introduction Focus	Outlines Council's proposed program to lower drowning risk by improving compliance with pool barriers and design features.	Retains core purpose. Adds acknowledgement that barriers are not child-proof and do not replace supervision — framed as delay/time-gain mechanism rather than absolute protection.
Scope Clarification	No explicit scope exclusions stated.	Expressly excludes non-residential, non-accommodation pools (e.g. council pools, gyms, water parks).
2. Legislation and Standards		
Legislation Listed	<ul style="list-style-type: none"> Swimming Pools Act 1992 Swimming Pools Regulations 2018 Swimming Pools Amendment Act 2012 Swimming Pools Amendment (Consequential Amendments) Regulation 2013 Building Code of Australia Australian Standards AS1926.1 Australian Standards AS1926.2 	<ul style="list-style-type: none"> Swimming Pools Act 1992 Swimming Pools Regulations 2018 Building Code of Australia Australian Standard AS1926 Australian Standard AS1926.1 Australian Standard AS1926.2 <p>Removes 2012 Amendment Act and 2013 Consequential Amendments Regulation (now consolidated). Adds parent standard AS1926.</p>
3. Definitions		
Definitions Section	No dedicated definitions section.	New section added. Provides formal definitions for: <ul style="list-style-type: none"> Swimming pool (including spa pool and swim spa, per SP Act) Tourist and visitor accommodation (per PMHC LEP 2011) Addresses previous ambiguity in application of mandatory inspection categories.
Swim Spas	No specific mention.	Expressly addressed: swim spas cannot use a lockable lid as a barrier; must have a barrier per s.7 of SP Act due to size and user interaction.

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4. NSW Swimming Pool Register		
Register Administration	Described as introduced by NSW Division of Local Government. Pool owners required to register by 29 October 2013 (free of charge). \$220 penalty for failure to register. Council may register on owner's behalf for up to \$10.	Register described as created and maintained by NSW Government. Registration obligation retained. Transitional registration deadline references removed (no longer relevant). Website reference added: www.swimmingpoolregister.nsw.gov.au
5. Certificates of Compliance and Non-Compliance		
Certificate of Compliance — Validity	Valid for 3 years. Re-inspection triggered by complaint or reasonable suspicion of non-compliance.	Valid for 3 years unless revoked sooner. Added: compliance certificate cannot be issued unless applied for (even if barrier is compliant).
Non-Compliance Outcome	Certificate of Non-Compliance issued for sale properties. Owner choices: <ul style="list-style-type: none"> • Rectify and obtain compliance certificate, or • Sell as non-compliant (new owner has 90 days from settlement to rectify). Council issues Direction if pool poses significant risk.	Same two-pathway structure retained. Clarifications added: <ul style="list-style-type: none"> • Non-compliance certificate only issued where issues are not a significant risk. • Rectification obligations explicitly bind new owners if sold non-compliant. • Enforcement framed by reference to Council's Compliance and Enforcement Policy. • Separate 'Certificate of Non-Compliance' section removed; content integrated into non-compliance outcome section.
Applicable Standard	Older pools may be exempt if owner demonstrates continuous compliance with the standard at time of installation. Exemption lost if not continuously maintained or if significant building works occur.	Same provisions retained. Additional notes added: (1) Australian Standards are regularly reviewed — newer standards may apply; (2) swim spas specifically cannot rely on lockable lid exemption.
6. Inspection Program Structure		
Mandatory Inspections	Every 3 years for: <ul style="list-style-type: none"> • Tourist and visitor accommodation • Properties with more than 2 dwellings 	Same mandatory categories retained. Language updated to 'pool barrier' rather than 'pool'. Responsibility statement added: owners must ensure a current certificate of compliance exists (issued by Council or private certifier).
Staged Implementation	Four-stage implementation framework: <p>Stage 1 (from Oct 2013): Complaint-driven, application-driven, reasonable suspicion.</p> <p>Stage 2 (from Apr 2014/2016): Sale/lease, tourist accommodation, multi-residential.</p> <p>Stage 3: Childcare premises, non-compliant register entries, unregistered, 10+ year uninspected, s.22 exemptions >5 years.</p> <p>Stage 4: All remaining domestic pools — 5-year cycle.</p>	Staged framework removed entirely. Replaced with two streamlined categories: <p>Mandatory: Tourist/visitor accommodation and multi-residential (every 3 years).</p> <p>Other Inspections: Sale/lease, application-driven, complaint-driven, reasonable suspicion.</p> <p>Reflects that the transitional staged rollout period has passed. Simplified to ongoing operational categories.</p>

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	Stages 3 and 4 noted as not yet implemented or authorised by Council resolution.	
Sale / Lease Requirement	Mandatory from 30 April 2016 (deferred from 2014). Properties being sold or leased must have current compliance or non-compliance certificate.	Retained as ongoing requirement. Deferral note removed. Now listed under 'Other Inspections' alongside complaint and application-driven inspections.
7. Fees		
Fee Structure	Registration fee: up to \$10 (for Council-assisted registration). Initial inspection fee: up to \$150 (prescribed maximum). Subsequent inspections: \$100 per inspection (as per Regulations).	Specific fee amounts removed. Reference to annual Schedule of Fees and Charges only. Avoids the need to update the program document each year when fees change.
8. Education and Awareness		
Delivery Methods	Community publications, media releases, web-based information, owner self-assessment checklists, and interaction during inspection cycle.	Retains existing channels. Adds social media as a delivery method. Removes reference to self-assessment checklists.
9. Penalties and Enforcement		
Approach	Detailed penalty table included with offence reference, penalty notice amounts, and maximum court penalties: <ul style="list-style-type: none"> • s.7(1), s.12, s.14, s.15(1), s.16, s.23(3): \$550 PN / \$5,500 court max • s.17(1): \$110 PN / \$550 court max • s.30B(1) (failure to register): \$220 PN / \$2,200 court max 	Penalty table removed. Enforcement section replaced with: "Enforcement action will be undertaken in accordance with Council's Compliance and Enforcement Policy." Avoids duplicating content maintained in the Compliance and Enforcement Policy. Reduces need to update this document when penalty units change.
10. Role of Private Certifiers		
Certifier Qualifications	Referred to as 'accredited certifiers'.	Updated to 'appropriately qualified person registered with the Building Commission NSW' — reflects Building Commission NSW replacing Building Professionals Board and NSW Fair Trading functions.
Notification of Non-Compliance	Accredited certifier may allow pool owner 6 weeks to rectify before advising Council; or notify immediately if significant public hazard.	Same 6-week window retained. Threshold for immediate notification changed from 'significant public hazard' to 'significant risk' in line with legislation. Notification timeframe made explicit: certifier must notify Council within 3 days, in line with legislation.

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11. Resource Implications		
Resource Discussion	Section details staff training (EHOs, Rangers, Building Surveyors). Notes need for additional qualified inspection staff as program expands. Resource review flagged prior to Stage 3.	Section removed entirely. Resource planning treated as an internal operational matter; not required to be documented in the publicly adopted program.
12. Version Control and Review		
Amendment/Review Record	Table of Amendments listing specific clause-level changes made in the 26 August 2019 review.	Replaced with a Review History table recording version number, exhibition dates, reason for review, approval date, and Council minute reference. Standardised version control approach.