



This practice direction is issued by the State Planning Commission (the Commission) under section 42 of the *Planning, Development and Infrastructure Act 2016* (Act) for the purposes of section 156(5) of the Act to ensure that swimming pools and designated safety features for swimming pools (swimming pool safety features) are inspected.

Introduction

Section 156(5) of the Act allows the Commission to issue a practice direction that requires councils to carry out inspections of swimming pools to ascertain compliance with that section of the Act.

This policy applies to all areas of the State within a council area and the requirements set out within this practice direction apply uniformly across all such areas.

A council must comply with the requirements of this practice direction as it relates to the council.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction (Council Swimming Pool Inspections) 2019*.

2 – Commencement of operation

This practice direction will commence operation in each council area on the day on which, pursuant to Schedule 8, clause 9(7) of the Act, the Minister for Planning, by notice in the Gazette, revokes the Development Plan created under the *Development Act 1993* as it is relevant to the particular council area.

3 – Object of practice direction

The object of this practice direction is to ensure that swimming pool safety features are installed, replaced or upgraded in accordance with prescribed requirements, to ensure the safe operation and use of swimming pools, particularly for young children.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

council has the same meaning as within section 3(1) of the Act;

swimming pool has the same meaning as under section 3(1) of the Act.

swimming pool safety features has the same meaning as under section 3(1) of the Act.

Note: The terms above have been included merely for ease of reference. Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Inspections

1 – Application

- (1) Upon commencement this practice direction applies to all councils.

2 – Mandatory inspections

- (1) Councils must comply with the following minimum requirements relating to the inspection of swimming pools (including all swimming pool safety features), within the area of the council:
 - a. councils must inspect 100% of swimming pools and swimming pool safety features constructed over the course of the relevant reporting year within 2 weeks of the council being notified of the completion of—
 - (i) in the case of a swimming pool, the construction of which required the construction of swimming pool safety features—the construction of those safety features; or
 - (ii) in any other case—the construction of the swimming pool and swimming pool safety features.

Part 3 – Other matters

1 – Record keeping

- (1) Councils must keep records of inspections carried out in accordance with this practice direction, and keep those records in a register that is available for inspection by the Commission upon 5 business days' notice.
- (2) Records of inspections should include, without limitation, the following details: date and time of an inspection, type of inspection, who undertook the inspection, elements inspected, breaches, issues, or faults found, rectification required, requirements for re-inspections (including timing) and enforcement action, as is appropriate in the circumstances.
- (3) This clause does not derogate from any authorisation to dispose of records under the *State Records Act 1997*.

2 – Review

- (1) This policy will be reviewed after two years of operation or at an earlier time if appropriate.

Varied by the State Planning Commission on 12 March 2020

Versions

Version 2	12 March 2020
Version 1	5 September 2019