



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF DECISION

Building Act 1993

As Minister responsible for the **Building Act 1993**, I give notice under section 12 of the **Subordinate Legislation Act 1994** that further to public consultation on a regulatory impact statement (RIS), I have decided to recommend that the Building Amendment (Swimming Pool and Spa) Regulations 2019 be made.

Following feedback provided through the large number of submissions received in response to the RIS, I intend that the Building Amendment (Swimming Pool and Spa) Regulations 2019 will include amendments to the draft regulations released for public comment in July 2019. The principal amendments to the Regulations include:

- Certificates of barrier compliance will only be required to be lodged every 4 years, instead of every 3 years. This will reduce costs for swimming pool and spa owners and lessen the administrative burden on Councils.
- Timeframes for the implementation of the new requirements have been altered to provide longer periods for owners to take certain actions, including applying to register their pools and spas and lodging their first certificates of barrier compliance. These changes respond to feedback that the implementation timeframes presented for public consultation were too ambitious and risked successful enactment of the new requirements.
- Inclusion of the ability for councils to charge an information search fee in addition to the registration fee for applications to register existing pools and spas. The information search fee (maximum of 3.19 fee units or approximately \$47.24 in 19/20 FY) will better reflect council costs in determining the date of construction and addresses local government concerns that the proposed registration fee would not adequately resource them to undertake this function.
- As a result of the introduction of the information search fee, the registration fee will be reduced to 2.15 fee units (\$31.84 in 19/20 FY) from the proposed fee unit equivalent of \$37.
- Swimming pool and spa inspectors may now provide owners with a maximum period of 60 days to bring their barriers into compliance, rather than 20 business days as previously proposed. Inspectors may give the owner a further 7 days if they believe that progress has been made to bring the barrier into compliance. This ensures that owners are provided a reasonable opportunity to rectify their barriers before the non-compliance is referred to council.
- Swimming pool and spa inspectors who carry out work on safety barriers prior to certification must record this on the certificate of barrier compliance. This will ensure transparency and provide oversight over potential conflicts of interest.

After the proposed regulations are made, they will become available for download from www.legislation.vic.gov.au

HON. RICHARD WYNNE MP
Minister for Planning

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