

Submission on the

**NSW Swimming Pools Regulation  
2018  
Regulatory Impact Statement**

*June 2018*

**Swimming Pools Regulation 2018**  
**Better Regulation Division, Department of Finance, Services and Innovation**  
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## **ABOUT SPASA**

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The Swimming Pool & Spa Association of Australia (SPASA) represents hundreds of Australian businesses within the swimming pool and spa industry.

Members of SPASA include pool builders, manufacturers, suppliers, retailers, technical servicemen, subcontractors, installers, consultants and other allied trades, all of whom set themselves apart from the rest of the industry by setting standards of skill, workmanship and ethical business behaviour in the best interest of pool and spa owners.

SPASA is also a Registered Training Organisation (RTO) that provides training and assessment to the swimming pool and spa industry. Our courses are designed in consultation with key industry stakeholders and our qualifications and accreditations are highly valued by government, employers and the wider community.

The Swimming Pool and Spa Industry is diverse and includes but is not limited to the following sectors:

Manufacturers & Suppliers of Equipment	Chemicals
Pool Builders / Renovators / Installers	Consultants & Certifiers
Retail Pool Shops	Pool and Spa Service Technicians
Online Retailers	Portable Spa Retailers
Prefabricated Pool Manufacturers & Retailers	Tiling/Paving Suppliers & Retailers
Pool and Spa Heating	Pool Cover Manufacturers & Retailers
Ancillary Retailers	Other Sub Trades

In response to your invitation to comment, SPASA as the peak industry body for the swimming pool and spa industry has consulted with members and provides the following feedback:

## SWIMMING POOL LEGISLATION

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The Swimming Pools Act 1992 has been amended approximately eight times over the period from 1992 to the current period. There were also three versions of the Regulations (1992, 1998 and 2008). This one will be the fourth. Despite these changes, there remain many areas that continue to be unnecessarily complex, confusing, broad in nature and open to interpretation.

Each state has different legislation, inspections, adoption of standards and licensing requirements in relation to pool safety barriers and yet children under 5 years old present the same supervision and pool safety risk whether you live in NSW or any other part of Australia.

There is a justifiable belief that pool owners need to be better informed about the pool barrier legislation and Australian Standards, however, this is problematic when you consider that Council Inspectors *are not required to undertake competency-based training on pool barrier inspections*.

Having a stable regulatory environment, consistent regulations, a robust local council engagement model and a pool owner education program would help to improve the standard of pool barriers and overall compliance. If the pool barrier requirements are not simple then pool owners are far less likely to comply, even if there is a genuine attempt to do so.

Fragmentation means lack of access to information, lack of consistent advice and confusion about how to comply. It can, and does increase the cost of compliance, and the cost of regulation.

In this regard, SPASA would like to see each government across Australia, including NSW, commit to implementing a practical and harmonised pool safety regime.

## AUSTRALIAN STANDARDS

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NSW has only adopted three versions of “*Australian Standard AS1926.1 Swimming pool safety - Safety barriers for swimming pools*”:

- **AS1926.1: 1986**
- AS1926.1: 1993 *(never adopted in NSW)*
- **AS1926.1: 2007**
- **AS1926.1: 2012** *(Applies in all jurisdictions except Queensland & NT)*
- AS1926.1: 20XX *(NEW version currently being Revised.....Public Consultation Pending)*

Upon adoption, the new edition of AS1926 will be the fourth Australian Standard to be applied in NSW; adding a further level of assessment. With such scale comes complexity and confusion and the need for better educated individuals undertaking inspections becomes even more important.

## IMPACT ASSESSMENT OF OPTIONS

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**Assessment of option 1 - Maintain the status quo**

**Assessment of Option 2 - Make the proposed Regulation**

**Assessment of Option 3 - No action**

SPASA **SUPPORTS “Option 2” but not without** the various concerns and objections outlined within this submission being considered.

## PRELIMINARY MATTERS

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### 1. Are there any comments on the preliminary matters or do any other updates need to be made to the preliminary matters in the proposed Regulation?

#### Date of Commencement (Clause 2)

Timing allocated for stakeholders to consider the proposed amendments has been inadequate, especially since it was always known that the legislation was due to be automatically repealed under the Subordinate Legislation Act 1989 on 1 September 2018.

The perception by industry is that the regulatory oversight of the swimming pool barrier regime continues to be an afterthought and an environment for regulators to create policy on the run.

#### Definitions (clause 3) Cardiopulmonary Resuscitation Guideline

The Australian Resuscitation Council has previously amended the *Cardiopulmonary Resuscitation Guideline* in the past and may do again in future. Any reference to a specific Guideline, as is currently in the *Swimming Pools Regulation 2008*, creates an update anomaly whenever the Guideline is amended.

Case in point, the *Swimming Pools Regulation 2008* currently references Guideline 7, when the current edition of the Cardiopulmonary Resuscitation Guideline is Guideline 8.

SPASA **SUBMITS** that the definition should only reference what is required, ie *Cardiopulmonary Resuscitation Guideline*; **BUT** not prescribe published dates and actual Guideline versions, as these may change from time to time.

#### Proposed Draft Change:

*“the Cardiopulmonary Resuscitation Guideline means the document entitled ANZCOR Guideline 8: Cardiopulmonary Resuscitation published in January 2016 by the Australian Resuscitation Council”*

#### Suggested SPASA change:

*“the Cardiopulmonary Resuscitation Guideline means the latest Cardiopulmonary Resuscitation ANZCOR Guideline published by the Australian Resuscitation Council from time to time”.*

#### References to compliance with AS 1926.1-2007 or Building Code of Australia (clause 4)

SPASA **SUPPORTS** the clarification to reiterate that compliance with the Building Code of Australia (BCA) performance requirements can be met using a Deemed to Satisfy Solution and/or a Performance Solution pathway.

SPASA **encourages** any attempt to improve the understanding of the performance assessment process available within the BCA.

The pool and spa industry is often frustrated by the lack of understanding of the evidence of suitability requirements and performance assessment processes among council inspectors, certifiers, design consultants and believe a widespread mandatory education program on these aspects of performance design is required to address the issue.

## SPA POOLS

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### 2. Should pool owners have flexibility to design innovative solutions to fasten lockable child-resistant structures for spa pools, without compromising pool safety?

#### Lockable child-resistant structures (clause 9)

SPASA **SUPPORTS** changes proposed that allow users the opportunity to use innovative solutions to safely fasten their spa lids or other lockable child-resistant structure.

The term “lockable” must be reviewed if innovative solutions are genuinely being considered.

Lockable is defined in dictionaries as *a device operated by a key and used, as on a door, for holding, closing, or securing.*

There are other innovative solutions that allow a child-resistant structure to remain securely shut without the use of a key to lock it in the closed position. Some examples include:

- Electric Automated Covers
- Mechanical Covers
- Landscape Integrated Covers
- Disappearing/Moveable Floors

SPASA **SUBMITS** that the concept of “lockable” be replaced with that of a “child-resistant structure” that “restricts access” when in the closed position.

## WARNING NOTICES

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### 3. Do you consider that the proposed changes to the content of warning notices (key statements) will help educate pool owners, occupiers and users about pool safety and pool safety obligations?

#### Minor changes to key statements that appear on warning notices (clause 10(1)(a)(i))

##### Current Statement

“YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”

##### Proposed Draft Change

“YOUNG CHILDREN SHOULD BE ACTIVELY AND RESPONSIBLY SUPERVISED WHEN USING THIS SWIMMING POOL”

Whilst many jurisdictions have different CPR requirements, NSW CPR requirements as prescribed in the Regulation are the most comprehensive of any other region in Australia.

The number one issue facing rescuers when confronted with an emergency is staying calm and following instructions. The more complex and more detailed the instructions the more anxious rescuers are likely to become.

Further, there is anecdotal evidence to suggest that many people simply do not read the CPR Chart until they are faced with an emergency.

SPASA finds it **DIFFICULT TO SUPPORT** the proposed change to the current CPR sign which is already considered busy and intricate.

**NOTE:** the inclusion of the term “*responsible*” is one of subjectiveness and raises a compliance obligation on the occupier that is difficult to measure and hard to attain. Further, the terms “*Active Supervision*” and “*Responsible Supervision*” are undefined and can only be measured after the fact.

### Minor changes to key statements that appear on warning notices (clause 10(1)(a)(ii))

#### Current Statement

“POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”

#### Proposed Statement

“POOL GATES MUST BE ‘SELF-LATCHING’ AND ‘SELF-LOCKING’ (AND KEPT CLOSED AT ALL TIMES).”

SPASA **DOES NOT SUPPORT** changing the *Current Statement* as it specific to what is required whereas the *Proposed Statement* is only the function of what is required.

### Removal of capitalisation (clause 10(1))

SPASA **SUPPORTS** the change allowing warning notice messaging on the CPR Sign to be written in whichever case anywhere on the CPR Sign.

4. Do you consider that the proposed changes to the content of warning notices (CPR information) will help educate pool owners, occupiers and users about pool safety and pool safety obligations?

### Updated Cardiopulmonary Resuscitation (CPR) information (clause 10(1))

The CPR Sign is a valuable lifesaving tool that should be relied upon by rescuers in case of an emergency.

Messages on the CPR Sign should dominantly relate to CPR only and should not be used as a poster to reproduce wording from within the Standard.

Whilst the proposed changes may seem, reasonable on face value, SPASA does not believe that there will be any identifiable behavioural change by further additions or complicating the message onto an already cluttered CPR sign.

SPASA **SUPPORTS** the Regulation no longer mandating a flow chart that must be illustrated by drawings with key words only in bold print and allowing sign manufacturers to determine the best way in which to present the resuscitation information.

#### CPR Options

SPASA also **SUPPORTS** the use of other innovative products that have the capacity to deliver CPR instructions that cater to individual learning preferences, such as:

- Audible CPR Directions (Eg: Pre-recorded Directions, Device Apps)
- Automated External Defibrillator (AED)
- Visual Presentations Aides (Eg: Device Apps etc)

**5. Do you agree that a warning notice should be required to be displayed from construction, until an occupation certificate or certificate of compliance has been issued?**

**New obligation to display warning notices during construction (clause 10(3))**

SPASA **AGREES** that a warning notice should be required to be displayed from construction until an occupation certificate or certificate of compliance has been issued but **DOES NOT SUPPORT** the proposal where the owner or occupier is the responsible person.

The responsibility of warning notices during construction should remain with the person undertaking the work and who has control of the construction site.

The proposal to introduce a new obligation for occupiers to erect and maintain a warning notice during construction advising that the swimming pool is not to be used (and makes it an offence for failure to comply with that obligation) **is problematic** for the following reasons:

- PCBU – *See comments below*
- Section 25 of the Swimming Pools Act 1992 – *See comments below*
- Legislation for contractors already exists outlining signage requirements during construction
- Construction sites are under the direct control of the builder and not always the occupier
- Greenfield sites do not have occupiers until construction is complete
- Many people go on holidays or simply move out whilst construction is in progress
- Who would be considered the “occupier” in buildings with more than one lot
- Revised AS4687 Temporary Fencing and Hoardings – *See comments below*

**Person Conducting a Business or Undertaking (PCBU)**

Amongst other things, a PCBU has a health and safety duty if they:

- *put other people at risk from the conduct of their business or undertaking*
- *manage or control of a workplace*
- *manage or control fixtures, fittings or plant at the workplace*

**Defences and Appeals within the Act**

It should be noted that Section 25 of the Swimming Pools Act 1992, states that it is a sufficient defence if the owner of the premises concerned establishes:

- a) the owner was not the occupier of the premises when the alleged offence occurred, and
- b) the owner had taken all reasonable steps to ensure that the alleged offence would not occur, and
- c) the owner was not aware of, and could not reasonably be expected to have been aware of, the facts giving rise to the alleged offence

**Australian Standard AS4687 Temporary Fencing and Hoardings**

The Standards Australia CE-008 Committee is currently completing a revision of AS4687 Temporary Fencing and Hoardings. *The revision will have a dedicated section for swimming pool and spa temporary fencing.*

SPASA’s understanding is that the standard (*when finalised and published*) will highlight requirements of a pool or spa under construction / installation / renovation needing a temporary pool fence erected to maintain a safe environment until a permanent barrier can be installed.

Revisions to the standard specific to swimming pools and spa may include (*but not be limited to*):

- Material, Products and Components
- Minimum Heights
- Gates, Posts and Latches
- Signage
- Testing

It is expected that the revised Standard will be available for public comment towards the end of 2018, with publication slated for February 2019.

6. Given the changes to warning notices, how long would be required to allow manufacturers and pool occupiers to produce and install the new notices? Consider:
- a) to upgrade existing signs, already required under the Act
  - b) to create new signs for pools under construction

As answered in question 5.

## FEES

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7. Do you agree that the cap on fees for exemption applications should be increased to match the maximum fees charged for pool inspections?

### Fees for exemption applications (clause 13)

SPASA **SUPPORTS** fees for exemption applications should be increased to match the maximum fees charged for pool inspections **but not without** the various concerns and objections outlined in the General Comments section below being considered.

8. Are there any reasons why a local authority should not be allowed to charge for third and subsequent pool inspections?

### Fees for pool inspections (clause 19)

SPASA **SUPPORTS** the local authority being allowed to charge for third and subsequent pool inspections **but not without** the various concerns and objections outlined in the General Comments section below being considered.

## GENERAL COMMENTS

### Training, Accreditation & Fees

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Whilst E1 Certifiers, outside the mutual recognition pathway, are required to hold an endorsed contractor's licence and undertake specific training to become accredited pool barrier certifiers, Council Officers who inspect pool barriers are not required to undertake any training at all.

Council Officers are often designated as Pool Barrier Safety Inspectors without any regard to their skillset, training or experience and yet their decisions are binding (even when incorrect) with the only recourse from an incorrect determination available to the pool owner being the Land Environmental Court.

Whilst SPASA **SUPPORTS** the concept of Councils increasing fees, it is not unreasonable to expect that Council Officers who inspect and issue certificates of compliance (or notices) or consider section 22 exemptions for swimming pool barriers on behalf of a Council **MUST** be required to undertake the same training and education as everyone else.

**There can be no valid or sensible justification for a Council Officer acting in the capacity of a Pool Barrier Safety Inspector being excluded from participating in initial and ongoing pool safety barrier education and training.**

## Council Pool Barrier Inspection Reporting

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The Swimming Pools Act 1992 Act provides for Councils to conduct an inspection of a swimming pool barrier under a voluntary request from the pool owner (section 22C of the Act) or as part of the Council's mandated swimming pool barrier inspection program (section 22B of the Act).

Of these inspection pathways, a non-compliance report is only required to be provided to the pool owner where the inspection was under a voluntary request from the pool owner, clause 18B of the 2008 regulation.

Councils have the authority to issue a Direction to comply; and there have been instances where Council have issued a Direction to Comply with insufficient information being provided to the pool owner to understand the obligation, why the barrier is non-compliant but also the available remediation options.

As evidenced in "[Andrew Charles MacDonald v Blue Mountains City Council](#)", Mr MacDonald (*the pool owner*) complained that he was not issued with an inspection report on the various occasions that the inspections occurred.

Council advised the court there was **no legal requirement or obligation to provide an inspection Report.**

Councils own expert conceded that the **system would operate more fairly if a report were in fact provided.**

References: Case Item Numbers: 80 & 87

**SPASA Strongly recommends** that:

- (a) the Council must issue a non-compliance report detailing information no less than that currently required under clause 18B of the 2008 regulation for any and all Council inspections of a swimming pool barrier. For clarity, remediation options of "to be constructed / installed as per AS1926.1(2012)" (or any other standard) or other general words to the same effect are not considered sufficient information; and
- (b) Clause 20(1) of the Draft Regulation is expanded to include a requirement on Council to issue a written notice of non-compliance. For example, Clause 20(1) to read as "This clause applies to an inspection carried out by the local authority under section 22B or section 22C of the Act."

## SWIMMING POOLS REGISTER

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### 9. Do you believe that registering certificates of non-compliance in the Register will lead to improved pool safety compliance and rectification of issues?

SPASA **AGREES** that Certifiers and Council Inspectors must input detailed information into the Register for any and all inspections, whether the pool and/or spa is compliant or not.

**SPASA strongly recommends** that the capturing of any and all exemptions granted or Directions (or intention to issue a Direction) should be recorded on the Pools Register.

Registering **ALL** inspections is likely to provide the following benefits:

- assist other certifiers or inspectors undertaking inspections at a later date
- Inform pool owners on the status and reason for non-compliance
- improve compliance and rectification
- inspections have regard to exemption conditions or Directions (if any)
- disclosure of any swimming pool barrier Directions

## PUBLIC ACCESS REQUIREMENTS

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### 10. Will providing access to an expanded range of Australian Standards improve compliance with safety obligations? If so, does the proposed Regulation identify all possibly relevant Australian Standards?

In the interests of safety, the below Australian Standards should not be protected under copyright, particularly when Standards Australia is charged by the Commonwealth Government to meet Australia's needs for contemporary, internationally aligned Standards and related services.

Accordingly, **SPASA SUBMITS** that the regulation should allow for a mechanism that provides access to the below Standards at no cost.

- AS 1926 - 1986 Fences and gates for private swimming pools
- AS 1926.1 - 2007 Swimming pool safety - Safety barriers for swimming pools
- AS 1926.2 - 2007 Swimming pool safety - Location of safety barriers for swimming pools
- AS 1926.1 - 2012 Swimming pool safety - Safety barriers for swimming pools
- AS 1926.3 – 2010 Water Recirculation Systems (*Outlets*)
- AS/NZS 3000 – Electrical Installations (*Equipotential Bonding of pool equipment*)
- AS 1288 Glass in buildings - Selection and installation (*for Glass Barriers*)
- NCC – Already available at no cost

Whilst access to Australian Standards will provide a means of obtaining knowledge on swimming pool barrier requirements, it will be diluted by the absence of pool owners not receiving or not being able to access relevant training and periodical regulatory / industry information.

For example, it is difficult for pool and spa owners or future owners to proactively comply to changes when some changes or clarifications are only communicated directly to Council Inspectors and Certifiers via specific industry newsletters and circulars etc.

### 11. Are local authorities best placed to continue to provide access to documents, including an expanded range of Australian Standards? If so, how long (if any) would local authorities require in order to provide access to the expanded range of Standards?

In a modern world, **SPASA SUBMITS** that documents listed in Question 10 are made available online via the Pools Register.

Availability could be provided with appropriate online security encryption to prevent downloading and printing along with access expiry parameters embedded into the document.

Making these documents centrally available would provide the following benefits:

- Online centralised location and access of documentation
- Council resources are freed up
- Tracking of documents accessed
- Proactive planning / understanding / compliance
- Faster compliance by making all material available immediately
- Creates educational library portal for current and new pool/spa owners
- Allows pool owners with non-compliant pools the immediate opportunity to research and understand what is required by them to comply

The Pools Register should act as a depository for compliance documentation (listed in Q10), safety newsletters, industry circulars and guidance notes.

## OTHER COMMENTS

### Certifier and Consumer Guidelines

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SPASA has been lobbying since inception of the current compliance regime for the development of a “Guide” to assist Council Officers, Certifiers and other Professionals on how to consider and assess both simple and complex swimming pool and spa barrier configurations.

In fact, SPASA assisted the Office of Local Government in 2015 develop a document titled: “**DRAFT NSW Swimming Pools Act 1992 and Regulation Guidelines.**”

Disappointingly, nothing has come of this Draft Guide to date, despite the swimming pool and spa industry, certification community and other related industries screaming out for guidance.

Ultimately, the NSW Swimming Pools Act, Regulation and Standards(s) are about ensuring that pool and spa safety is not compromised through the many and varied interpretations that have been prevalent over many years.

In **Lambert’s Final Report** (*Independent Review of NSW Swimming Pool Regulations – Final Report*) the key issues outlined with the current NSW regulatory approach were identified as follows:

- 1) Complex pool barrier standard requirements vary according to the date of construction of the pools as well as having associated issues such as:
  - *Unresolved issues with the interpretation of the current standard, AS 1926-2012*
  - *Lack of documentation about safety requirements for pool owners and the community*
  - *Absence of requirements for pool barrier installers to know the pool barrier standard*
- 2) A state swimming pool register that:
  - *is difficult to operate*
  - *does not capture all the necessary information*
  - *has very limited reporting capability*
  - *cannot be used for communicating with pool owners.*
- 3) Need for greater clarity in role, responsibility, accountability and support for pool certifiers and revised training arrangements, including:
  - *Lack of documentation about the role and responsibilities of pool certifiers & inspectors*
  - *No requirement for council pool inspectors to be accredited in pool safety requirements*
  - *Absence of audit program to assess the performance of certifiers and improve accountability*
  - *Limited requirements for private certifiers to follow up and seek to resolve non-compliance*
  - *Lack of support arrangements for pool certifiers including practice guide and help line*
- 4) Lack of adequate documentation provided by both pool certifiers and council pool inspectors

Further, in 2016 **SPASA held a Pool Barrier Meeting with over 125 Certifiers attending**. Certifiers were required to complete a comprehensive Survey in advance of the meeting.

Key outcomes from this meeting revealed:

**66%** of respondents have been provided with different interpretations of standards, regulations and the Act when speaking to the BPB and OLG

**68%** of respondents had inspected pools and found that a previous council inspector or certifier had referred to the wrong Standard, Regulation and Act or incorrectly interpreted or applied clauses

**94%** of respondents want access to a Pool Certifier Help Line (Pool Safety Council) as well as a Guide covering Standards, Regulations and the Act.

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**How can government, regulators, safety advocates and other industry stakeholders expect pool owners to comply with pool barrier requirements when the framework is clunky, inadequate and overseen by many Council Inspectors and Certifiers who themselves frequently and consistently get compliance wrong?**

**Whilst there is a lot of work to do, a “Guide” would provide some level of certainty to the swimming pool and spa industry as well as engineers, architects and designers, landscapers, builders, manufacturers, wholesalers and pool owners.**

## Testing Apparatus

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The Regulation defines Testing Apparatus as “a cylindrical test object having a diameter of 105 millimetres, plus or minus 1 millimetre, and having at least one solid flat-faced end”.

This definition within the Regulation only remotely reflects the comprehensive definition and associated test rig depicted within the Australian Standard.

Whilst the definition in the Regulation broadly describes the apparatus it does not specify:

- What material the cylindrical test object should be made from?
- Testing procedure (How much force, angle etc)
- Reporting format (how and who)
- Repeatability of results

The apparatus for testing and other components in the Australian Standard was never intended for infield testing. Accordingly, the Australian Standard advises that such tests are to be performed by the manufacturer using a purpose-built testing rig with compliance results then recorded on the product. Any infield testing would be questionable and disputable due to the margin of error caused by not using the prescribed testing rig prescribed in the Australian Standard.

An added and very real risk for Council Officers and Certifiers is the possibility of the pool owner seeking damages for any structural or cosmetic damage caused to a barrier during an infield test as well as any future failure caused by testing.

### Notes:

- a. Manufacturers test pool barrier units under the prescribed requirements of the Standard, they then discard the units, irrespective of whether they pass or fail. This is because testing has pushed the unit beyond its normal stress parameters and the structural integrity of the unit is compromised.
- b. It should also be noted that if a manufacturer has found that a Council Inspector or Certifier has conducted infield testing for any purposes (ie Cone testing) on a barrier panel then this is likely to void all warranties on the pool barrier with any associated risk transferring to the person who undertook testing.
- c. Inspection/Certification of any building works is to ensure that the works undertaken complies with regulations, standards and codes and not for them to conduct testing validation of products on site.

## DEREGULATION OF FENCING

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The updated 2014 Home Building Regulation saw the removal of fencing as a regulated activity and increased the minimum value of residential building work to which the Home Building Act applies from \$1,000 to \$5,000, so that a licence would only be required for work valued over \$5,000.

The increase in the value threshold means that a substantial number of persons installing pool barriers are not licensed and there is no regulatory mechanism to ensure that they install pool barriers in line with the standard or have the requisite training and skills.

From discussions with Council Inspectors and Certifiers, it would appear that a considerable number of persons installing pool barriers are not aware of the regulatory requirements and standards. This reflects in pool barriers being installed for new pools which are non-compliant and need to be corrected before they can be certified.

SPASA **SUBMITS** that the minimum value of residential building work to which the Home Building Act applies should be rolled back to \$1,000 from \$5,000 for the installation and/or repair of a swimming pool fence / barrier.

## **STRONGER ENGAGEMENT BY GOVERNMENT**

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Government needs to better understand the swimming pool and spa industry rather than rely on a clustered approach to consultation and outcome - *where every industry is treated the same*.

A common landscape is the duplication of consultation between regulators and agencies with outcomes not being shared or acknowledged. In this regard, there is a real need for regulators and agencies to better coordinate consultations.

Consultation with pool and spa small businesses is essential when developing regulations, both in relation to the options being considered and at the design and implementation stage. Once regulations are in place, it is vital that *two-way communication* is maintained and embraced with the view of identifying ongoing refinements.

At the review stage, such communication is essential to the performance of regulators, particularly with respect to minimising compliance costs and enhancing the adoption rate of any proposed or actual regulatory change.

### **For further information:**

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