

LG305

LOCAL GOVERNMENT ACT 1960
BUILDING AMENDMENT REGULATIONS (No. 3) 1991

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Building Amendment Regulations (No. 3) 1991*.

Principal Regulations

2. In these regulations the *Building Regulations 1989** are referred to as the principal regulations.

[*Published in the Gazette of 28 July 1989 at pp. 2261-93. For amendments to 30 April 1991 see Index to Legislation of Western Australia 1990, p. 302 and Gazette 12 April 1991, p. 1638.]

Regulation 37A inserted and consequential amendment

3. (1) After the heading to Part 10 of the principal regulations the following regulation is inserted—

Application

“ 37A. In this Part “swimming pool” has the same definition as in section 245A (1) of the Act. ”.

(2) Regulation 38 of the principal regulations is amended by deleting subregulation (3).

Regulation 38B inserted

4. After regulation 38A of the principal regulations the following regulation is inserted—

Annual statement by owner or occupier as to fencing etc.

“ 38B. (1) The owner or occupier of land on which there is a swimming pool shall send to the council once in each financial year on or before such date as is specified by the council a statement made and signed by the owner or occupier in the form of Form 8.

Penalty: \$500.

(2) Subregulation (1) applies in respect of the financial year beginning on 1 July 1991 and to financial years thereafter. ”.

Schedule 1 amended

5. Schedule 1 of the principal regulations is amended by inserting after Form 7 the following form—

“ Section 245A. Reg. 38B.

Form 8

LOCAL GOVERNMENT ACT 1960

Statement By Owner/Occupier That Swimming Pool Enclosures and Gates Have Been Checked

I/We (1)
of (2)
being the owner(s) or occupier(s) of land on which there is a swimming pool state that on (3) /... /.... I/we checked the fences/walls/buildings (4) and gates around the swimming pool and the following responses are correct (5)—

- (1) The Fences/Walls/Buildings (4)—
 - (a) are all at least 1.2 metres high; Yes/No
 - (b) do not have gaps in them or below them wider than 100mm; and Yes/No
 - (c) do not have foot-holds, hand-holds or other means for a young child to get over them Yes/No
- (2) Each Gate—
 - (a) is self-closing Yes/No
 - (b) is self-latching Yes/No
 - (c) has the latch release located more than 1.5 metres above the ground OR in a position where it can not be operated by a young child; Yes/No
 - (d) is at least 1.2 metres high; Yes/No
 - (e) does not have gaps in it or below it wider than 100mm; and Yes/No
 - (f) does not have foot-holds, hand-holds or other means for a young child to get over it. Yes/No

[THE PENALTY FOR FALSELY MAKING A STATEMENT IS 3 YEARS IMPRISONMENT]

Signature(s) of owner(s)/occupier(s)

Date:

THE PENALTY FOR NOT MAKING THIS STATEMENT OR NOT GIVING IT TO THE COUNCIL IS \$500 OR, IF AN INFRINGEMENT NOTICE IS ISSUED, \$75.

THE COMPLETION OF THIS STATEMENT DOES NOT NECESSARILY MEAN YOUR POOL IS ENCLOSED IN ACCORDANCE WITH THE LAW. YOU ARE STILL RESPONSIBLE FOR ENSURING YOUR POOL IS ENCLOSED IN ACCORDANCE WITH THE LAW.

MORE INFORMATION ON THE LAW ABOUT ENCLOSING SWIMMING POOLS CAN BE OBTAINED FROM THE COUNCIL OFFICES.

- (1) Full name of owner(s)/occupier(s).
- (2) Address of the land on which there is a swimming pool.
- (3) Insert the date when the pool was checked.
- (4) Delete any that are not applicable.
- (5) Delete the answer that is incorrect.

”

By His Excellency's Command,

L. M. AULD, Clerk of the Council.
