

## **NEW RULES FOR POOLS**

The Swimming Pools Amendment Act 2012 commenced on 29 October 2012 and makes a number of amendments to the Swimming Pools Act 1992. In summary, the Swimming Pools (Amendment) Act 2012 provides that:

1. NSW Swimming Pools Register be available for use by 29 April 2013
2. NSW Swimming pools to be registered by owners by 29 October 2013
3. Pool owners will require a compliance certificate before sale or lease of their property from 29 April 2014

Information is provided below regarding the impact of these legislative amendments for pool owners and councils. Additional information about the staged implementation provisions is also provided below:

### **Pool Owners:**

1. Swimming pool owners are required to register their swimming pools on an online register to be provided by the NSW State Government.
2. Swimming Pool owners will be required to self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool.
3. There is a penalty for owners who fail to register a swimming pool (penalty notice amount of \$220).
4. Swimming pool owners will be required to provide a valid swimming pool compliance certificate before being able to sell or lease a property with a pool.
5. Accredited certifiers under the Building Professional Act 2005 may conduct swimming pool inspections initiated by the pool owner.

### **Councils:**

1. Councils are required to:
  - a) Develop and implement a swimming pool barrier inspection program in consultation with their communities
  - b) Report annually on the number of pool inspections undertaken and the level of compliance with the requirements
  - c) Inspect pools associated with tourist and visitor accommodation and multi occupancy developments at three year intervals
  - d) At the request of a pool owner, inspect pools prior to sale or lease
  - e) Issue compliance certificates after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance certificates are valid for three years.
2. A swimming pool subject to an occupation certificate is exempt from an inspection program for three years from the date of issue of the occupation certificate.
3. Councils may inspect any swimming pool that is the subject of a complaint.
4. Council powers of entry will be consistent with the Local Government Act 1993.
5. Councils may charge a fee for each inspection undertaken (up to a maximum of \$150 for the first inspection and \$100 for one re-inspection resulting from the first inspection).