



NSW Swimming Pool Register

General Questions

1. What is the definition of a swimming pool?

The Swimming Pools Act describes a swimming pool as *an excavation, structure or vessel:*

- that is capable of being filled with water to a depth of greater than 300 millimetres.
- that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used for the purpose of swimming, wading, paddling or any other human aquatic activity.

A spa pool is classified as a swimming pool by the Act. The definition of a spa includes any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like, but not a spa bath.

2. Do I need to fence (install a child-resistance barrier for) my fish pond?

No. If a fish pond has been designed and, manufactured to be solely used as a fish pond, then no child-resistant barrier is required.

3. Do I need to fence (install a child-resistance barrier for) my spa?

You need to fence your spa pool if it is not covered and secured by a lockable lid.

4. Does my portable pool need to be fenced (have a child-resistant barrier installed)?

Yes. By definition, a portable pool is a swimming pool and is required to be fenced (child-resistant barrier). The fence/barrier has to meet the requirements of Standard AS 1926-1 (Building Code of Australia).

5. Do pool owners with existing pools that have exemptions for fencing requirements now be required to upgrade their pool barriers?

No. However, if a pool owner has voluntarily fenced the pool or has made substantial changes, then any exemption is voided and the pool must meet its particular fencing requirements.

6. Can I get a Compliance Certificate for peace of mind, even if I'm not selling or leasing my property?

Yes, you can organise for a private certifier or a council officer to inspect your pool. A fee will be charged.



7. How do I find out which Australian Standard applies to my pool fence?

Checklists are available at: www.swimmingpoolregister.nsw.gov.au

Swimming Pool Register Questions

1. How do I register my pool?

Swimming pools are to be registered at www.swimmingpoolregister.nsw.gov.au. Your local council can do this on your behalf for a fee of up to \$10.00.

2. What information do I need to register my swimming pool?

You will be required to enter your name, address, contact details, the type of pool, and the approximate age of pool. You will need to complete a self-assessment checklist about your pool.

3. Will I incur a fine if I get my self-assessment wrong?

No. It is a self-assessment only.

4. What does a 'self-assessment' entail?

You will use a simple checklist to self-assess if your pool fence meets the appropriate Australian Standards.

5. Will I be fined if I don't register my pool?

Authorized officers may fine pool owners if their pool is not registered on the NSW Swimming Pool Register. The fine is \$220.00. In the event that an inspector refers the matter to court, a fine of up to a maximum of \$2,200 may be imposed.

6. How much will it cost me to register my swimming pool?

There is no fee to register your swimming pool on-line. Your local council may charge you up to \$10.00 if you ask them to register your pool on your behalf.

7. I have recently purchased a property that has a swimming pool. What do I need to do to change the registration details?

Nothing. The register is about a pool at an address. You do not need to update any ownership details.

8. How do I know if a pool has been registered

You are able to search the Swimming Pool Register to check if a pool is registered at an address. You can check on the 'Lookup Pool' tab on the home page of the Swimming Pool Register www.swimmingpoolregister.nsw.gov.au and insert the property address details to look up the pool registration.

9. I am looking at selling my property with a pool. What are my responsibilities?

Your pool must be registered on the NSW Swimming Pool Register, and from 29 April 2016 you will need to have a current swimming pool compliance certificate.



Pool Compliance Certificate Questions

1. Who will need a current compliance certificate?

All tourist, visitor and multi-occupancy developments (such as hotels, caravan parks and residential unit blocks). Also pools on private properties that are for sale or lease after 29 April 2016.

2. I have a swimming pool. Do I need a compliance certificate?

Yes, if you are selling or leasing your property. If you are selling your property and do not attach the certificate of compliance, or an occupation certificate that is less than 3 years old and evidence of registration of the swimming pool, or a valid certificate of non-compliance, the purchaser can rescind the contract at any time within 14 days of exchange of contracts.

If you rent out your property, you must provide a copy of a valid certificate of compliance or occupation certificate to the tenant.

If you are not selling or renting out your property, you do not necessarily need a certificate of compliance for your pool but Council inspection programs are being developed and will determine if and when your pool may be inspected.

3. I own a home unit in a complex that has a swimming pool. Do I need a compliance certificate before I can sell or lease it?

Yes, you will need a pool compliance certificate to sell or lease your unit. Your body corporate or strata manager will hold the compliance certificate on behalf of all unit holders and make it available to pool owners when or if required.

4. How long is a compliance certificate valid?

A compliance certificate is valid for a period of three years, unless a subsequent inspection finds the pool to be non-compliant.

5. Who can provide me with a compliance certificate?

Your local council or an E1 accredited certifier under the Building Professional Act 2005 (a Private Certifier).

6. Where can I find a Private Certifier?

Your local phone book or online at www.bpb.nsw.gov.au and click on "Find a Certifier".

7. How much does a compliance certificate cost?

Local councils may charge a maximum of \$150 for an initial inspection. If a further inspection is required, a fee of no more than \$100 may be charged. Private certifiers will set their own schedule of fees.

8. My current compliance certificate will soon expire (after three years). Do I need to get another compliance certificate before it expires?



Only tourist, visitor and multi-occupancy developments automatically need a current compliance certificate. You do not need to update your compliance certificate unless you are selling or leasing your property after 29 April 2016.

9. Do I need to get another compliance certificate every time I lease my property to a new tenant?

No. A compliance certificate is valid for three years.

10. How do I know if a certificate of compliance has been issued for a pool?

You are able to search the Swimming Pool Register to check if a certificate of compliance has been issued for a pool at the address. You can check on the 'Look up' tab on the home page of the Swimming Pool Register www.swimmingpoolregister.nsw.gov.au and insert the property address details to look up if a certificate of compliance has been issued.

If you would like further information, or require assistance, please contact us on (02) 4731 5899 or send us an email by clicking on the 'Contact Us' page on our website.