

Swimming Pool & Outdoor Spa- mandatory registration 29/10/2013

If you have a swimming pool or outdoor spa in NSW (including portable and inflatable pools), you must ensure that you have registered your pool on the NSW Swimming Pool register before 29 October 2013. Pools can be registered at the following web-site

<http://www.swimmingpoolregister.nsw.gov.au/>

If your pool is not registered before 29 October 2013, then you may be fined.

As part of the registration process, you must declare whether your pool meets the relevant safety requirements for a pool of its age and circumstances as set out in the Swimming Pools Act 1992 and its regulations. Different safety requirements apply to pools depending upon when they were constructed and the type of property that they are situated on. If you are unsure of the requirements for your pool or spa, then please do not hesitate to contact us to discuss your circumstances.

Local Council inspection programs for pools are anticipated to commence from November 2013 and the inspections are to occur at least once in every three years.

Selling or Leasing a Property with a Swimming Pool or Spa

From 29 April 2014, a swimming pool owner must obtain a swimming pool compliance certificate before they can sell or lease their property. The swimming compliance certificate certifies that the swimming pool barrier fencing complies with the relevant standard. The swimming pool compliance certificate is valid for a period of 3 years and can be obtained from your Local Council or an accredited certifier as part of the conveyancing process. Local Councils and accredited certifiers are entitled to charge a fee to provide this certificate.

Your Local Council will inspect your pool or spa as part of the swimming compliance certificate process and if your pool or spa does not meet the relevant safety standard, then you will need to bring your pool or spa up to standard in order to obtain your swimming pool compliance certificate.

Non-complying pools or spas

Where your pool or spa is not compliant with the relevant safety requirements, then your Local Council may issue an upgrade notice to you, outlining what you are required to install so that your pool does comply with the safety requirements.

You may apply to council for an exemption for your pool from all or any of the safety requirements of the Swimming Pools Act 1992. Ideally this exemption should be applied for prior to the Local Council carrying out its inspection program and discovering that your pool is non-compliant.

For an exemption to be granted, your Local Council must be satisfied in the particular circumstances of the case:

a) that it is impracticable or unreasonable for the swimming pool to comply with those requirements

- because of the physical nature of the premises or
- because of the design or construction of the swimming pool, or
- because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption

OR

b) that an alternative provision for safety, no less effective than the legislated requirements, exists for restricting access to the swimming pool.

If you wish to apply for an exemption from the safety requirements then you may contact us for assistance with the exemption application process.