

Swimming pools

Safety guidelines for consumers

New laws for properties with swimming pools and spa pools

The Office of Local Government (OLG) is responsible for the *Swimming Pools Amendment Act 2012*. If you have any questions about the information provided below, please contact your local council.

From 29 April 2016 all properties in NSW with a swimming pool or spa pool cannot be sold or leased without a valid certificate of compliance or relevant occupation certificate. Local councils and accredited private certifiers can provide information on how to obtain a certificate.

A swimming pool can be the entertainment centre of a home, but to curious young children, they can be very dangerous if all safety precautions are not taken.

Registration and certification requirements

Drowning is a leading cause of preventable death in children under 5 years of age. In 2012, the *Swimming Pools Act 1992* was amended to improve the safety of children around swimming pools in NSW. The changes include:

- swimming pool owners must register their swimming pool or spa pool on the NSW Swimming Pool Register
- local councils and accredited certifiers, registered with the Building Professionals Board can carry out inspections of swimming pools
- from 29 April 2016 a copy of the valid certificate of compliance or relevant occupation certificate must be attached to the sale contract or new residential tenancy agreement to sell or rent any property with a swimming pool or spa pool.

Do these changes apply to me?

These changes apply to you if you are the owner of a property with a swimming pool or spa pool. In a strata scheme, all the lot owners jointly own any swimming pool or spa pool that is on common property. The owners corporation (or body corporate) is responsible for ensuring there is a valid certificate of compliance or a relevant occupation certificate for pools and spas.

A swimming pool is defined in the law as an excavation, structure or vessel that is capable of being filled with water to a depth greater than 30cm and is used for swimming, wading, paddling or any other human aquatic activity. Generally this includes, but is not limited to, swimming pools and spa pools.

Leasing a property with a swimming pool or spa pool

Landlords and real estate agents must ensure that any residential tenancy agreement entered on or after 29 April 2016 for any property with a swimming pool or spa pool:

- has a valid swimming pool certificate of compliance or a relevant occupation certificate, and
- a copy of the certificate of compliance is provided to the tenant.

Selling a property with a swimming pool or spa pool

If you are selling any property with a swimming pool or spa pool on and after 29 April 2016 you must ensure the contract for sale includes:

- a valid swimming pool certificate of compliance or a relevant occupation certificate issued within the last three years, and
- a certificate of registration.

Failure to attach the certificates may allow the purchaser to rescind the contract within 14 days of exchange, unless settlement has already occurred.

How do I register my swimming pool?

Pool owners are required to register their pools online on the NSW Government's Swimming Pool Register.

Once registered a certificate of registration will be issued to the pool owner. To check that your pool has been registered, go to the NSW Government's Swimming Pool Register website at www.swimmingpoolregister.nsw.gov.au

How can I organise an inspection and obtain a certificate of compliance?

Local councils, and accredited certifiers registered with the Building Professionals Board, can carry out a swimming pool barrier inspection and issue a certificate of compliance if the swimming pool or spa pool meets all the safety requirements (accredited certifiers are those holding category A1, category A2 or category A3 or category E1 accreditation under the *Building Professional Act 2005*).

Pool owners should contact their local council or private certifier early to organise a compliance inspection and ensure their pool/spa is compliant by 29 April 2016.

A swimming pool certificate of compliance is valid for three years from its date of issue. To check if a certificate of compliance has been issued go to the NSW Government's Swimming Pool Register.

When is an occupation certificate adequate?

A relevant occupation certificate may be used instead of a swimming pool certificate of compliance if it is less than three years old and authorises the use of the swimming pool. If an occupation certificate is used, evidence that the swimming pool is registered must also be provided with the sales contract.

Who is responsible for obtaining a certificate of compliance?

The table below shows the property types with a swimming pool or spa pool, which are affected by the new laws and who is responsible for obtaining a certificate of compliance.

Property type with a swimming pool/spa pool	Responsibility to obtain compliance/certificate
Private property	Owner
Residential (Land Lease) Communities	Owner/Operator
Holiday parks	Owner/Operator (unless occupied by the crown)
Boarding houses	Owner/Operator
Retirement villages	Depends on the type of village: <ul style="list-style-type: none"> generally responsibility falls to the owner/operator of the village for strata title villages the owners corporation is responsible for villages which operate under the Residential Tenancies Act the landlord/s are responsible.
Strata units/townhouses	Owners corporation (or Body Corporate)/Secretary
Community scheme	Owners corporation
Tourist/backpackers accommodation	Owner
Visitor/hotels, motels and serviced apartments/homestay, farm stay, bed and breakfast accommodation	Owner
Multi-occupancy developments	Owners corporation

Where can I get more information?

You can search the NSW Government's Swimming Pool Register to check if a pool has been registered and whether a certificate of compliance has been issued.

For more information, fact sheets in other languages and water safety requirements, please visit the Royal Life Saving NSW website or contact your local council.

When building a new pool

When building a new pool, it is necessary to:

- install temporary fencing around the pool area while it is under construction
- inform your local council about where your permanent pool fence is going to be located, to make sure that its location meets council guidelines
- arrange a final inspection by your local council or private building certifier as soon as possible after the permanent compliant fence has been installed.

Protect Your Pool, Protect Your Kids video

The Children's Hospital, Westmead, commissioned a comprehensive video covering a range of pool safety topics. All pool owners are encouraged to take a few minutes to watch the video and implement its safety messages and techniques.

The video is located under 'Drowning Prevention' on the 'Swimming Pool Fencing' page of The Children's Hospital at Westmead website (www.kidshealth.chw.edu.au/projects).

Pool cleaning systems

In a number of past incidents, children have become trapped in some types of cleaning and skimming systems used in swimming pools.

The types of pool cleaning devices involved in these incidents have included:

- potty-style skimmer boxes
- in-floor cleaning systems using suction outlets that are located on the bottom of the pool.

Reduce the risks

Check what pool cleaning system is used in your swimming pool. If you are unsure, contact the pool builder or your local pool service provider for help.

If you own a swimming pool with a potty-style skimmer box (so-called as it resembles a child's potty) you should ensure that the skimmer box lid is securely attached by glue or screwed down in place so it can't be removed.

If you own a swimming pool with an in-floor cleaning system using suction outlets (outlets that draw from the pool) you should:

- check that the covers of any pool suction outlets, particularly those of main drains, are firmly and properly affixed using the manufacturer's recommended parts
- check that the suction outlet does not present an entrapment risk for the body, hair, fingers or toes
- ensure that any broken or damaged suction outlet covers, particularly those of main drains, are replaced immediately.

All pool owners should:

- make sure that anyone using their pool, particularly children, does not play with or near any pool outlets
- know the location of the on/off switch for the pool filtration system
- make sure the on/off switch for the pool filtration system is clearly labelled
- ensure that an approved resuscitation chart is displayed in the pool area.

Electrical hazards

Pools and electricity can be a lethal combination. Be very careful if you have a swimming pool that has a portable electrical pump and filter system where there is no protective housing.

When buying pools with electrical pumps and filters you should:

- make sure the pump and filter have an electrical safety approval number or Regulatory Compliance Mark
- check they are suitable for outdoor use

- fit a safety switch to the house where the pool will be used
- arrange for a licensed electrician to install a suitable weather-protected electrical power point close to where the pool equipment will be located to avoid the use of extension cords.

If it is necessary to use flexible extension cords:

- only use heavy duty cords and always roll them up and store them overnight or when not in use
- do not join a number of extension cords together - purchase a single cord of the required length
- make sure extension cords are not damaged by people walking or driving over them or by pets chewing on them
- always remove the extension cords prior to mowing any lawn area near the pool.

Fencing requirements

Owners of premises with swimming pools must ensure:

- their pools are surrounded at all times by a child-resistant safety barrier separating the swimming pool from any residential building and any place adjoining the premises
- all doors and gates providing access to the swimming pool are kept closed at all times
- that the required warning sign is displayed near the pool.

Fences surrounding pools must be designed, constructed, installed and maintained to comply with Australian standards for swimming pools. For more information, refer to the Pool fencing requirements page on the Fair Trading website.

Inflatable pools

For safety information about inflatable pools refer to the Inflatable swimming pools page on the Fair Trading website.

In case of emergency

Near your pool, you should have a cardio pulmonary resuscitation (CPR) sign that is in good condition and can be read from a distance of 3 metres.

You can buy a CPR sign from your local pool shop, Council or community organisations such as St John Ambulance, the Australian Red Cross or The Royal Life Saving Society.