

Swimming pools

Safety guidelines for consumers

Taking safety precautions helps to protect young children from drowning in swimming and spa pools.

Pool owners are required to maintain the safety of their pool area. When building a new pool, you must also follow certain safety measures.

If you plan to sell or rent out property with a pool in NSW, become informed about the laws that apply.

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 a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. This requirement **does not** apply to a lot in strata or community schemes with more than two lots.
- **From 29 April 2016** a copy of a valid certificate of compliance or relevant occupation certificate, or a valid certificate of non-compliance, must be attached to the sales contract to sell property with a swimming pool or spa pool. This requirement **does not** apply:
 - to a lot in strata or community schemes with more than two lots, or
 - for any off-the-plan contract.

Do these laws apply to me?

These laws apply if you are the owner of a property with a swimming pool or spa pool. In a strata or community

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 such pools are compliant with the *Swimming Pools Act 1992*.

The law applies to any excavation, structure or vessel - including swimming pools and spa pools - that are:

- capable of being filled with water to a depth greater than 30cm, and
- used, designed, manufactured or adapted for swimming, wading, paddling or any other human aquatic activity.

Renting a property with a swimming pool or spa pool

From 29 April 2016 onwards, when a residential tenancy agreement is entered into for a property with a swimming pool or spa pool, the landlord or real estate agent must provide the tenant with a copy of the valid certificate of compliance or occupation certificate.

This requirement does not apply to a lot in a strata scheme or in a community scheme if that strata or community scheme has more than two lots.

Selling a property with a swimming pool or spa pool

If you are selling a 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
- a relevant occupation certificate issued within the last 3 years and evidence that the pool is currently registered
or
- a valid certificate of non-compliance.

This requirement does not apply to a lot in a strata scheme or in a community scheme if that strata or community scheme has more than two lots, or if the sales contract is for an off-the-plan property.

Not attaching the certificates when required may allow the purchaser to rescind the contract within 14 days of exchange, unless settlement has already occurred.

If a certificate of non-compliance is attached to the contract for sale, the vendor is transferring the obligation to obtain a certificate of compliance to the purchaser. The purchaser will have 90 days from the date of settlement to rectify defects listed in the certificate of non-compliance and obtain a certificate of compliance.

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. They can then issue a certificate of compliance if the swimming pool or spa pool meets all the safety requirements.

Pool owners should contact their local council or a private certifier early to organise a compliance inspection.

A swimming pool certificate of compliance is valid for 3 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 3 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.

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 a 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 (<https://kidshealth.schn.health.nsw.gov.au/>).

Pool cleaning systems

There have been several incidents where children have become trapped in 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 pose a risk of trapping hair, fingers, toes or another part of the body
- ensure that any broken or damaged suction outlet covers, particularly those of main drains, are replaced immediately.

All pool owners should:

- prevent anyone using their pool, particularly children, from playing with or near any pool outlets
- clearly label and know the location of the on/off switch for the pool filtration system
- display an approved resuscitation chart 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 before mowing any lawn area near the pool.

Fencing requirements

Owners of premises with swimming pools must:

- surround their pools at all times with a child-resistant safety barrier separating the swimming pool from any residential building and any place adjoining the premises
- keep all doors and gates providing access to the swimming pool closed at all times
- have the required warning sign displayed near the pool
- ensure fences surrounding pools are designed, constructed, installed and maintained to comply with Australian standards for swimming pools.

Please visit the pool safety checklists page on the NSW Swimming Pool Register for further information.

Inflatable pools

For safety information about inflatable or portable 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.