

INSPECTION OF SWIMMING POOLS SWIMMING POOLS ACT 1992 FREQUENTLY ASKED QUESTIONS

1. Who can request a swimming pool inspection?

Section 23 of the Swimming Pools Act 1992 allows the owner of the premises on which the swimming pool is situated to request the swimming pool to be inspected. If an agent (such as a real estate agent or solicitor) makes an inspection request on behalf of an owner, evidence must be provided that the owner(s) have authorised them to do so. If the premises has only recently been sold, confirmation from the solicitor or conveyancer may be required.

2. Is there a fee for this inspection?

Yes, Council's fee for the carrying out of an inspection under the Swimming Pools Act 1992 is \$150.00. If a second inspection is required, a further \$100.00 fee applies. There are no additional fees for third or subsequent inspections. No further fees apply until the Certificate of Compliance expires or you request an inspection for a new certificate.

3. What will happen after the inspection?

Following the inspection, one of two things will happen. If the pool is found to be compliant with the Act, registered (at www.swimmingpoolregister.nsw.gov.au) and any applicable inspection fee has been paid, a certificate of compliance will be issued. If this is not the case, Council will notify you of the reasons it is not issuing a Certificate. If the pool does not comply with Part 2 of the Act (which deals with barriers and signage), a direction may be served requiring you to take specific actions to make it compliant.

4. Will my fencing have to be upgraded?

If a pool barrier still meets the standards and requirements that were in force at the time it was built and has not been substantially altered or rebuilt, it does not need to be upgraded. If a pool barrier (fence, gate, etc) does NOT meet the older standard's requirements at the time of the inspection, it will need to be upgraded to meet the current requirements. Anytime a pool (or its barrier/fencing etc) is substantially altered or rebuilt, it must be made to comply with the standards in force at the time of the works.

5. Where can I find out more about pool requirements?

The NSW government swimming pool register has checklists available for self-assessment - www.swimmingpoolregister.nsw.gov.au. Also, the NSW Government has partnered with Royal Life Saving Australia to produce the website www.bepoolsafe.com.au. This site contains videos, information and fact sheets on a number of pool safety issues. Copies of AS1926.1 (the relevant Australian Standard) and the Building Code of Australia are available for public viewing at Council's Administration Centre, 240 Blende Street. The Building Code of Australia (the NCC) is free online at www.abcb.gov.au. Public access to NSW legislation is available via www.legislation.nsw.gov.au

6. Do I have to get Council to inspect the swimming pool?

Two groups of people are able to inspect swimming pools under the Act: Local Authorities (Councils) and Accredited Certifiers. Local Authorities appoint Authorised Officers to carry out inspections, who must carry a certificate of identification. Accredited Certifiers are regulated by the Building Professionals Board and a written contract is required between you and the certifier. The Building Professional Board's website has more information about and a register of Accredited Certifiers: www.bpb.nsw.gov.au