

## Swimming pools and spas

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Drowning in swimming pools is a significant cause of preventable death in children under five years of age.

Pool owners are required by law to maintain the safety of their pool area and must ensure that children are properly supervised.

All pool owners need to be aware of laws.

### Do swimming pool laws apply to me?

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The *Swimming Pools Act 1992* applies to swimming pools and spa pools that are located (or being built) on sites with a residential building, movable dwelling or tourist and visitor accommodation.

If you're the owner of a property with a swimming pool or spa pool, these laws apply to you.

In a strata or community scheme, all of 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.

### Registration

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Pool owners must register their pools online on the [NSW Swimming Pool Register](#). You can pay a fee to your local council to do this on your behalf.

A certificate of registration will be issued to the pool owner. Go to the [NSW Swimming Pool Register](#) website to check that your pool has been registered.

### Fencing

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Owners of properties with swimming pools must at all times:

- ensure that pools are surrounded with a child-resistant safety barrier that separates the swimming pool(s) from any residential building and any place adjoining the property
- keep closed the doors and gates that provide access to the swimming pool
- ensure that fences surrounding pools are designed, constructed, installed and maintained to comply with the relevant Australian Standards.

Visit the [pool safety checklists page](#) on the NSW Government's Swimming Pool Register for more information.

Note that portable and inflatable pools that are capable of being filled to a depth of 30cm (300mm) or more must also be surrounded by a swimming pool safety barrier and meet the requirements listed above.

Safety information about inflatable or portable pools is on the [inflatable swimming pools page](#).

## **CPR Signage**

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In case of an emergency the law requires that you have a cardiopulmonary resuscitation (CPR) sign displayed near your pool.

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 Royal Life Saving.

The sign must be in good condition and able to be read easily from 3 metres.

From 1 September 2019, new CPR signs come into effect. From this time, all new pools must use the updated signage.

Owners of existing pools aren't required to update their signage unless the pool barrier is substantially altered or rebuilt.

## **Signage for pools under construction or renovation**

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For pools under construction a sign must be displayed that states: "This swimming pool isn't to be occupied or used".

The sign must be displayed at all times while the pool is under construction and only removed once a certificate of compliance or occupation certificate has been issued.

## **Certification**

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### **Selling a property with a swimming pool or spa pool**

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Owners who are selling a property with a swimming pool or spa pool must ensure the contract for sale includes a registration certificate issued from the Swimming Pool Register, and one of the following:

- a valid swimming pool certificate of compliance, or
- a relevant occupation certificate issued within the last 3 years, or
- a certificate of non-compliance.

If one of the above isn't included, the purchaser may rescind the contract within 14 days of exchange, unless settlement has already occurred.

If a certificate of non-compliance is attached to the contract, the purchaser takes on the obligation to obtain a certificate of compliance. They will have 90 days from settlement to rectify defects listed in the certificate of non-compliance and obtain a certificate of 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.

## **Renting a property with a swimming pool or spa pool**

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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 certificate of compliance or occupation certificate.

A certificate of non-compliance cannot be used to rent a property.

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.

If you have any concerns about the actions of a real estate agent, contact Fair Trading.

## **How can I obtain a certificate of compliance?**

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Local councils and registered swimming pool inspectors (certifiers) can inspect swimming pool and spa pool barriers and issue a certificate of compliance if the barrier meets requirements.

Pool owners should contact their local council or a private certifier early, to allow time to organise an inspection before renting or selling a property.

A certificate of compliance is valid for three years.

Visit the NSW Swimming Pool Register website to check if a certificate of compliance has been issued for a particular property.

## **Hazards and risks**

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### **Pool cleaning systems**

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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.

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 cardiopulmonary resuscitation (CPR) sign in the pool area.

## **Electrical**

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Pools and electricity can be a lethal combination. Take extreme care if you have a swimming pool that has a portable electrical pump and filter system, particularly if it does not have 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.

## **Building a new pool**

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When building a new pool, you must:

- obtain the required planning consent
- use a builder who is licensed by Fair Trading
- ensure that a principal certifier (council or private certifier) has been appointed

- install child-resistant temporary fencing around the pool area while it is under construction
- ensure that the permanent pool fence complies with the Building Code of Australia
- arrange an inspection by the principal certifier once the permanent fence has been installed
- not allow the pool to be used by anyone, until an occupation certificate has been issued by the principal certifier
- install and maintain signage stating that the pool is not to be used until an occupation certificate has been issued.

## Council responsibilities

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In NSW, local councils are required to:

- develop and implement a swimming pool barrier inspection program in consultation with their communities
- inspect pools associated with moveable dwellings, tourist and visitor accommodation at three-year intervals
- at the request of a pool owner, inspect a swimming pool or spa pool prior to the sale or lease of the property
- issue either a certificate of compliance or non-compliance after an inspection
- investigate complaints about breaches of the *Swimming Pools Act 1992*
- where necessary, direct pool owners to take action to ensure that legislated pool barrier requirements are complied with
- make publicly available a relevant extract of the Building Code of Australia, Cardio Pulmonary Resuscitation Guideline and applicable Australian Standards
- report annually on the number of pool inspections undertaken and the level of compliance with the requirements.

Any concerns about the regulatory actions of councils should be raised with the [Office of Local Government](#)

## Private certifier responsibilities

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NSW Fair Trading registers professionals to inspect and certify private swimming pools under NSW swimming pool laws.

Registered swimming pool inspectors (certifiers) are required to:

- at the request of a pool owner, inspect a swimming pool or spa pool prior to the sale or lease of the property
- issue either a certificate of compliance or non-compliance after an inspection
- provide written notice to owners and council when a pool does not comply.

Registered swimming pool inspectors may only certify existing (not new) pools, and cannot certify any pool that achieves compliance with the Building Code of Australia by means of a 'performance solution'.

Some certifiers may do minor repairs (up to \$1,000 including materials and labour) to enable them to issue a certificate of compliance.

To do so, they must have an endorsed contractor's licence or qualified supervisor's certificate under the *Home Building Act*, authorising them to build a swimming pool or structural landscaping.

The pool owner is free to hire another tradesperson to do the work.

## Product safety laws

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There is a national product safety regulatory framework which generally applies to consumer goods, including those associated with swimming pools. This allows for safety standards to be developed and product bans or recalls to be issued.

These laws also impose general prohibitions on misrepresentations about products and the requirements for products to be fit for purpose. To raise concerns about products, contact Fair Trading.

## Portable pools

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All portable swimming pools are covered by a mandatory Standard: Consumer Goods (Portable Swimming Pools) Safety Standard 2013.

This requires portable swimming pools and their packaging to carry warning messages to remind purchasers, pool owners, parents and others of their safety obligations in and around these pools.

Go to the [inflatable swimming pools](#) page or the [Product Safety Australia website](#) for safety information about inflatable or portable pools.

## More information

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You can search the [NSW Swimming Pool Register](#) to check if a pool has been registered and whether a certificate of compliance (valid for three years) has been issued.

Visit the [Royal Life Saving NSW](#) website or contact your local council for more information, fact sheets in other languages and water safety requirements.

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## Other resources

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- [Inflatable swimming pools](#) - Safety guidelines for inflatable or portable pools.
- [Spa pools](#) - Safety guidelines for spa pools.
- [Office of Local Government website](#) - Search for your local council contact details.
- [Find a private certifier](#) - NSW Swimming Pool Register authorised swimming pool inspectors
- [Swimming Pool and Spa Association of Australia](#)

- [Royal Life Saving NSW website](#) - Information on swimming pool/spa and water safety requirements.

## Next Portable swimming pools

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<https://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/pools-and-pool-safety/swimming-pools-and-spas>

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