

FACT SHEET 1

Pool and Spa Barrier Compliance

Information for homeowners and applicants

Muswellbrook Council has developed fact sheet to give pool and spa owners general information about:

- the legislative requirements that apply to your barrier;
- your responsibilities, and those of registered certifiers ;
- the inspection process and its possible outcomes;
- self-assessment tools you can use before an inspection.

Read these factsheets with the Swimming Pools Act 1992, the Swimming Pools Regulation 2018, and any guidance issued by Building Commission NSW.

Owning a pool or spa: your obligations

Owning a swimming pool or spa carries legal responsibilities to keep the pool area safe and prevent drowning. Every pool and spa that can hold 300 mm or more of water must meet the legislative requirements, including having an effective child-resistant barrier. This includes portable pools such as inflatable pools.

As an owner, you are responsible for:

- 1 registering your pool or spa on the NSW Swimming Pool Register
- 2 maintaining the barrier, gates and latches so they stay safe and compliant
- 3 keeping gates closed, and keeping the barrier clear of climbable objects and damage
- 4 displaying a compliant CPR sign in the pool area
- 5 supervising children whenever they are in or around the pool
- 6 obtaining the right certificates when you sell or lease a property with a pool or spa

Important: your barrier must be compliant at all times. If you alter the barrier or the area around it, the barrier must then meet the current legislative requirements.



Owner Obligations —
NSW Government

Owner obligations — NSW Government

For detailed information about your obligations, scan the QR code or visit nsw.gov.au/housing-and-construction/building-or-renovating-a-home/pools-and-pool-safety/owner-obligations

The inspection process

Booking

Call Council on (02) 6549 3700 or fill out our online form to book a barrier inspection with a Council certifier. We need at least 72 hours' notice. If your inspection is urgent, call us to discuss availability.

Prefer a private certifier? You can engage a registered private certifier instead. Visit the NSW Swimming Pool Register

www.swimmingpoolregister.nsw.gov.au/spr/s/pool-inspection#Find-a-Private-Certifier

Access

You do not need to be home, but our officers need safe access to the pool area. Please unlock any access gates, secure animals and clear the way to the pool.

Barriers built before 1 September 2008

Send us any supporting documents before the inspection. See our fact sheet Swimming pool barriers constructed before 1 September 2008.

Outcome

You will be sent the result. If the barrier complies, you will be issued a Certificate of Compliance. If it does not, you will be provided with directions to help you understand what work is needed to get one.

Legal Requirements of Certifiers

Council's registered certifiers must assess barriers under the Swimming Pools Act 1992, the Building and Development Certifiers Act 2018 and Building Commission NSW guidance.

A Certificate of Compliance can only be issued when every legislative requirement is met.

Registered Certifiers do not have the authority to waive these requirements and are personally accountable for the certificates they issue.

Council has updated its process to match those legislated requirements, so some barriers previously considered compliant may now need extra evidence or upgrades to obtain a Certificate of Compliance.

For more information regarding documentary evidence, see our supporting fact sheets or visit swimmingpoolregister.nsw.gov.au.

How to obtain a certificate of compliance

1. Book

Call (02) 6549 3700 or complete booking request online

2. Inspection

A registered certifier checks your barrier against requirements

Does the barrier comply?

✓ Yes
Certificate of compliance issued

OPTIONS AVAILABLE

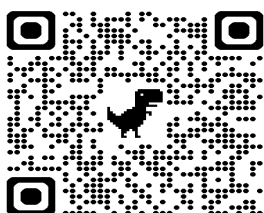
If you require a **Certificate of Compliance**, upgrade the barrier as required, and then book a reinspection.

If you do not want a certificate of compliance, a **Certificate of Non Compliance** can be issued.

X No

Certifier lists the works required

This may include upgrading to current standards. The certifier will provide help on how to meet any requirements.



Building Commission NSW

Want More Information?

For further information regarding barriers, including registration requirements, inspections, alternative certifiers, and frequently asked questions, scan the QR code or visit the **Building Commission NSW** website www.swimmingpoolregister.nsw.gov.au/s/