



FACT SHEET – SWIMMING POOL REGISTER – FREQUENTLY ASKED QUESTIONS

QUESTION	ANSWER
What is the definition of a swimming pool?	The <i>Swimming Pools Act</i> describes a swimming pool as an <i>excavation, structure or vessel</i> : That is capable of being filled with water to a depth of greater than 300mm. That is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used for the purpose of swimming, wading, paddling or any other human aquatic activity. A spa pool is classified as a swimming pool by the Act. The definition of a spa includes any excavation, structure or vessel in the nature of a spa pool, floatation tank, tub or the like, but not a spa bath.
What changes have been made to fencing requirements in the Swimming Pools Amendment Act 2012?	None. The requirements for fencing remain the same as prior to the Swimming Pools Amendment Act 2012.
Do I need to fence (install a child-resistance barrier for) my fish pond?	No. If a fish pond has been designed and, manufactured to be solely used as a fish pond, then no child-resistant barrier is required. <i>It should be noted, however, that for a fish pond to be exempt development it must not have a depth of more than 300mm (although a pond sump may be placed below a water depth of 300mm if the sump is covered with a bolted or anchored grate that is capable of supporting a weight of 150kg), not have a surface area of more than 10m² and, if constructed or installed in a heritage (or draft heritage) conservation area, be located in the rear yard.</i>
Do I need to fence (install a child-resistance barrier for) my spa?	You need to fence your spa if it is not covered and secured by a lockable lid.
Does my portable pool need to be fenced (have a child-resistant barrier installed)?	Yes. By definition, a portable pool capable of being filled with water to a depth of greater than 300mm is a swimming pool and is required to be fenced (child-resistant barrier). The fence/barrier has to meet the requirements of AS 1926.1-2012.
Will pool owners with existing pools that have exemptions for fencing requirements now be required to upgrade their pool barriers?	No; however , if a pool owner has voluntarily fenced the pool or has made substantial changes, then any exemption is voided and the pool must meet current fencing requirements.
Whose responsibility is it to make sure children are safe around private pools?	The pool owner's: while the Government provides the legislative framework to ensure a high standard of private pool barrier fencing, ultimate responsibility





	for pool safety lies with pool owner/s to ensure that their pool barriers comply with the prescribed standard, and with parents and carers of young children to ensure that they are adequately supervised around pools at all times.
Can I get a Compliance Certificate for peace of mind, even if I'm not selling or leasing my property?	Yes. You can organise for a private certifier or a council officer to inspect your pool. A fee will be charged.
How do I find out which Australian Standard applies to my pool fence?	Checklists are available at: www.dlg.nsw.gov.au and www.swimmingpoolregister.nsw.gov.au .
How do I register my pool?	Swimming pools are to be registered at www.swimmingpoolregister.nsw.gov.au . Your local council can do this for you for a fee of up to \$10.00.
What information do I need to register my swimming pool?	You will be required to enter your name, address, contact details, the type of pool, the approximate age of pool and the area of the allotment the pool is to be installed upon/in (not the area of the pool/ spa). You will need to complete a self-assessment checklist about your pool.
Will I incur a fine if I get my self-assessment wrong?	No. It is a self-assessment only.
What does a 'self-assessment' entail?	You will use a simple checklist to self-assess if your pool fence meets the appropriate Australian Standards.
When do I have to register my pool?	Prior to the initial Compliance Certificate being issued and the initial use of the pool.
Will I be fined if I don't register my pool?	From 29 October 2013, authorised officers <i>may</i> fine pool owners if their pool is not registered on the NSW Swimming Pool Register. The fine is \$220.00. In the event that an inspector refers the matter to court, a fine of up to a maximum of \$2,200 may be imposed.
How much will it cost me to register my swimming pool?	There is no fee to register your swimming pool on-line. Your local council may charge you up to \$10.00 if you ask them to register your pool on your behalf.
I have recently purchased a property that has a swimming pool. What do I need to do to change the registration details?	Call your local council to make the change/s for you.





I own a home unit in a complex that has a swimming pool. Do I need a Compliance Certificate before I can sell or lease it?	After 29 April 2016 you will need a pool Compliance Certificate to sell or lease your unit. Your body corporate or strata manager will hold the Compliance Certificate on behalf of all unit holders and make it available to pool owners when or if required.
How do I know if a pool has been registered?	You will not be able to search the Swimming Pool Register to check if a pool is registered at an address. Council will be able to provide this information upon request.
I am looking at selling my property with a pool. What are my responsibilities?	From 29 October 2013, your pool must have been registered on the NSW Swimming Pool Register. From 29 April 2016, you will need to have a current swimming pool Compliance Certificate.
My current Compliance Certificate will soon expire (after three years). Do I need to get another Compliance Certificate before it expires?	Only tourist, visitor and multi-occupancy developments automatically need a current Compliance Certificate. You do not need to update your Compliance Certificate unless you are selling or leasing your property after 29 April 2016.
Do I need to get another Compliance Certificate every time I lease my property to a new tenant?	No. A Compliance Certificate is valid for three years.
I don't think my neighbours have registered their pool. Can I do it for them?	No. It is the owner's responsibility to do this. If you have concerns about the swimming pool's compliance, contact your local council.
My neighbour leases his property and I don't think the pool is registered or has a Compliance Certificate. Who should I contact?	You should contact your local council regarding enforcement of the Swimming Pools Act.
Who will need a current Compliance Certificate?	All tourist, visitor and multi-occupancy developments (such as hotels, caravan parks and residential unit blocks). Also pools on private properties that are for sale or lease after 29 April, 2016.
I have a swimming pool. Do I need a Compliance Certificate?	Not necessarily. Contact your local council to determine if/when your pool may need to be inspected/certified. It is imperative, however, that your pool is listed on the NSW Register.
How long is a Compliance Certificate valid?	A Compliance Certificate is valid for a period of three years, unless a subsequent inspection finds the pool to be non-compliant.

