

Information for accredited certifiers

New laws for the sale or lease of properties with a swimming pool in NSW

What's changing?

From 29 April 2016, new laws apply to the sale and lease of properties with a [swimming pool](#) in NSW. The new laws have an impact on anyone who is selling, buying or leasing a property with a pool.

These changes have been introduced to further protect the safety of children under the age of five around backyard swimming pools.

Properties to be sold with a pool must have:

- A [certificate of compliance](#); or
- A [relevant occupation certificate](#) and a [certificate of registration](#); or
- A [certificate of non-compliance](#).

Please refer to the Minister's [media release](#) for further information.

Properties to be leased with a pool must have:

- A certificate of compliance; or
- A relevant occupation certificate and a certificate of registration.

What is exempt?

These new laws **do not apply** to properties with more than two lots and a shared pool, such as units in strata complexes or community schemes. This information sheet should be read in conjunction with the *NSW Conveyancing (Sale of Land) Amendment (Swimming Pools) Regulation 2016*, which can be accessed [here](#).

Your obligations:

- At the request of the owner, inspect the swimming pool barrier.
- If the pool barrier is compliant, issue a certificate of compliance within three days of the date of inspection.
- If the pool barrier is non-compliant, issue a written notice under section 22E of the NSW *Swimming Pools Act 1992* and a certificate of non-compliance within seven days of the date of inspection.
- Certificates of compliance, certificates of non-compliance and registration certificates are only valid when issued from the NSW Swimming Pools Register.
- The local council must be notified immediately if you are of the opinion that the swimming pool poses a significant risk to public safety.
- A copy of the section 22E written notice should be provided to the relevant local council:
 - Immediately where the pool poses a significant risk to public safety; or
 - Within five days after the expiry of six weeks from the date of inspection if the owner fails to rectify pool barrier non-compliances.

Pool inspection and certification process

