

Information for legal professionals

New laws for conveyancing 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.

When preparing a contract for the sale of land of a property with a pool, the following documents are “prescribed documents” for the purposes of the *NSW Conveyancing Act 1919* and are listed in the *NSW Conveyancing (Sale of Land) Regulation 2010*:

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

Failure to attach a prescribed document to the contract for the sale of land may render the contract incomplete and enable the purchaser to rescind the contract.

You can download certificates of registration, certificates of compliance and certificates of non-compliance by visiting the NSW online swimming pool register [here](#).

These new sale laws **do not apply** to properties with more than two lots and a shared pool, such as units in strata complexes or community schemes. For access to the *NSW Conveyancing (Sale of Land) Amendment (Swimming Pools) Regulation 2016*, click [here](#).

Vendor's obligations

- Arrange for the pool to be inspected. This should be done well in advance of selling the property to allow for the availability of local council inspectors or accredited certifiers to carry out the pool inspection.
- If the pool is found to be compliant, the inspector will issue a certificate of compliance from the NSW Swimming Pool Register. Ensure that the certificate of compliance is attached to the contract for the sale of land.
- A certificate of compliance is valid for three years from the date of issue.
- If the pool is found to be non-compliant, the inspector will issue a certificate of non-compliance from the NSW Swimming Pool Register and an inspection report.

- The vendor can either:
 1. Fix any defects and organise a re-inspection of the pool to obtain a certificate of compliance; or
 2. Attach the certificate of non-compliance to the contract for the sale of land.
- A certificate of non-compliance is valid for 12 months from the date of issue.
- A local authority may order the property owner to remedy any identified defects under section 23 of the *NSW Swimming Pools Act 1992*.

Purchaser's obligations

- The purchaser has 90 days from the date of settlement to remedy any identified defects and bring the pool barrier into compliance.

Pool inspection and certification process

Strengthening swimming pool safety

