

Pool certificate bottleneck expected

REINSW members have been urged to advise their vendors and landlords to obtain pool certificates sooner rather than later in order to avoid delays as the deadline approaches.

REINSW is urging members to encourage their vendors and landlords to apply for pool certificates where required, as concerns have been raised that there are not enough qualified inspectors to meet the expected demand for certificates when new legislation comes into force this month.

Into force

From 29 April 2014 property owners with a swimming pool or spa pool (as defined by the *Swimming Pools Act 1992* (NSW)) will be required to register their pool and produce a certificate of compliance before they can sell or lease their property. These requirements are due to the introduction of the *Swimming Pools Amendment Act 2012* (NSW).

Raising the issue

REINSW was prompted to make the announcement after the issue was raised by Swimming Pool and Spa Alliance CEO Mr Spiros Dassakis and Tru Pool Director Mr Robert Guthrie in a meeting with REINSW CEO Tim McKibbin.

In February, Mr McKibbin addressed the issue in a letter to Minister for Local Government Don Page. He asked Mr Page to review whether there is enough capacity to meet the impending demand for certificates and to consider whether transitional procedures are required as part of the introduction of the legislation. REINSW has now received feedback from the Minister.

"We've now had a response from the Minister and I didn't gain a lot of comfort from what he had to say," Mr McKibbin said.

"I still hold grave concerns as to whether or not the market, and specifically councils and other providers of these certificates, can respond," Mr McKibbin said.

"Unfortunately, I'm predicting that we are going to see issues in leasing and selling properties with pools as of 29 April 2014 onwards.

"The information that I have received from practitioners who have requested the certificates, even as of now, has led me to believe that the turnaround time is quite slow," Mr McKibbin said.

REINSW recommendation

Mr McKibbin told the *Journal* that he expected a "bottleneck" to occur in the weeks post 29 April 2014, as vendors and landlords scramble to obtain certificates for their pools. He urged REINSW members who will be selling or leasing properties with a pool in the next 12 months to start systematically contacting vendors and landlords to encourage them to apply for pool certificates for their properties.

"If a vendor or landlord has a property that has a pool and it is likely to be leased or sold in the immediate future, then it may be wise to encourage them to go and get a certificate now before the demand peaks post 29 April 2014," Mr McKibbin said. "These certificates have a three-year life."

What does the certificate mean?

A certificate of compliance certifies that the pool and pool barrier meet the relevant safety requirements. They must be held by owners of standalone properties, or in the case of strata or community title schemes, the Owners' Corporation or community association (as the case may be) should

arrange for the pool to be inspected and obtain the certificate of compliance or occupation certificate.

Individual lot owners may access the certificate of compliance through the Swimming Pool Register website or their strata manager may hold the certificate on behalf of the Owners' Corporation and may make it available when required.

Failure by the pool owner to register a pool attracts a fine of \$220 but, in the event an inspector refers the matter to court, a fine of up to \$2200 may be imposed. In addition, failure to comply with pool safety requirements may attract a fine of \$550, although a fine of up to \$5500 may be imposed.

For more information, visit swimmingpoolregister.nsw.gov.au. ♦

WHO SHOULD APPLY FOR A CERTIFICATE?

The new laws will apply to swimming pools or spa pools that are capable of being filled to a depth of 300mm. These include:

- Private houses
- Townhouses
- Units (both strata and community schemes)
- Moveable dwellings
- Hotels, motels, serviced apartments, backpackers' accommodation
- Homestay and farm stay, bed and breakfasts and other tourist and visitor accommodation (other than camping grounds, caravan parks and eco-tourist facilities).