

Home Swimming Pool Safety Reforms

Fact Sheet - Obligations

Regulatory reforms will be introduced in 2023 that will require all home swimming pools to have a barrier compliant with modern safety standards (within a specified transition period).

The reforms will apply to all ACT home swimming pools and spa pools that are capable of containing water to a depth greater than 30cm and are associated with a residential building such as a house, unit, townhouse or block of apartments. Exemptions will be available for specific circumstances.

The prescribed safety standard will be the current version of the Building Code of Australia that requires compliance with Australian Standard AS1926.1 (2012) and AS1926.2 (2007).

The reforms are anticipated to commence in late 2023 with associated transitional arrangements. These arrangements are designed give property owners time to comply with the prescribed safety standard and support the community and industry to meet the new requirements. The transition period arrangements will be determined following public consultation. Obligations for owner occupiers, rental providers and tenants with a home swimming pool or spa pool are outlined below.

OBLIGATIONS DURING TRANSITION PERIOD

NOTE: These obligations apply to all swimming pools irrelevant of when approved, constructed or altered

Owner occupier	Rental providers	Tenant
If purchasing a home with a pool, ensure you are provided with information compliant with disclosure requirements with the contract for sale	If purchasing a home with a pool, ensure you are provided with information compliant with disclosure requirements with the contract for sale	
Check pool is compliant with prescribed safety standard by end of transition period*	Check pool is compliant with prescribed safety standard by end of transition period	Provide homeowner with reasonable access to the property to enable them to upgrade the pool to the prescribed safety standard
Undertake any required upgrades to make pool compliant with prescribed safety standard by end of transition period*	Undertake any required upgrades to make pool compliant with prescribed safety standard by end of transition period	
Submit an application for an exemption prior to the end of transition period*	Submit an application for an exemption prior to the end of transition period	
<p>Declare to potential purchasers the status of their pool** under pool safety laws</p> <p>**status could be:</p> <ul style="list-style-type: none">• date pool constructed,• date of any alterations,• date of building approval,• date house built,• date property purchased <p><i>The purchaser is provided with sufficient information that informs them of whether they may need to take future action under the scheme.</i></p>	<p>Declare to potential tenants or purchasers the status of their pool** under pool safety laws</p> <p>**status could be:</p> <ul style="list-style-type: none">• date pool constructed,• date of any alterations,• date of building approval,• date house built,• date property purchased <p><i>The tenant or purchaser is provided with sufficient information that informs them of whether they may need to take future action under the scheme.</i></p>	

Owner occupier	Rental providers	Tenant
Provide information compliant with disclosure requirements with lease/contract for sale	Provide information compliant with disclosure requirements with lease/contract for sale	Ensure you are provided with information compliant with disclosure requirements with the lease
Ensure barrier is securely closed when not in actual use		Ensure barrier is securely closed when not in actual use
Maintain pool barrier, ensure no objects that can be used to climb over the fence are placed next to the fence*		Maintain pool barrier, ensure no objects that can be used to climb over the fence are placed next to the fence
		Promptly report any maintenance issues with swimming pool and provide reasonable access for any maintenance work to be provided

*This includes an owners corporation where a pool is located on common property. Where the property is part of an owners corporation but the swimming pool is not on common property the obligations fall on the owner.

OBLIGATIONS ON FULL COMMENCEMENT OF THE SCHEME

NOTE: These obligations apply to all swimming pools irrelevant of when approved, constructed or altered

Owner occupier	Rental providers	Tenant
If purchasing a home with a pool, ensure you are provided with a certificate of compliance or exemption with contract for sale	If purchasing a home with a pool, ensure you are provided with a certificate of compliance or exemption with contract for sale	
Declare to potential purchasers the status of their pool under pool safety laws through a valid compliance certificate or provision of evidence of exemption	Declare to potential tenants or purchasers the status of their pool under pool safety laws through a valid compliance certificate or provision of evidence of exemption	Ensure you are provided with a certificate of compliance or exemption with lease
		Provide the homeowner with reasonable access to enable a certificate of compliance to be obtained or evidence for an exemption to be obtained
Undertake any remedial work required to obtain certificate of compliance*	Undertake any remedial work required to obtain certificate of compliance	Promptly report any maintenance issues with swimming pool and provide reasonable access for any maintenance work to be provided
Obtain and maintain an exemption if applicable*	Obtain and maintain an exemption if applicable	
Ensure pool barrier is securely closed when not in actual use		Ensure pool barrier is securely closed when not in actual use
Maintain pool barrier, ensure no objects that can be used to climb over the fence are placed next to the fence*	Ensure any work required to maintain the pool barrier is undertaken and undertaken in a timely manner	Maintain pool barrier, ensure no objects that can be used to climb over the fence are placed next to the fence

*This includes an owners corporation where a pool is located on common property. Where the property is part of an owners corporation but the swimming pool is not on common property the obligations fall on the owner.