

## Council Information

# Pools and Spas – New Regulations

**On 1 December 2019, the State Government introduced state-wide legislation to prevent young children tragically drowning in private swimming pools and spas.**

### Step 1: Register your pool or spa

All owners of permanent and relocatable swimming pools and spas are required to register their pool or spa with their local Council by 1 November 2020. Brimbank City Council will be taking registrations online.

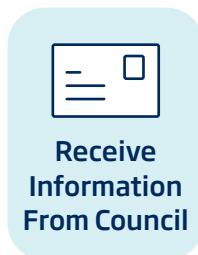


Attach all relevant building permit documents including the final inspection or occupancy permit (if you have them). These documents will help determine the relevant safety barrier standard, which differ depending on the age of your pool or spa barrier.

A one-off registration and search fee applies. This fee has been set by the State Government.

### Step 2: Receive letter from Council

**Once registered, Council will investigate your property's history to determine the relevant safety barrier standard.** There are three standards based when your pool or spa barrier was installed\*:



- Before 8 April 1991
- Between 8 April 1991 and 30 April 2010
- After 1 May 2010

You will be sent a letter detailing which standard applies, as well as information on the next steps you will need to take.

\* *If you made changes to your barrier or the surrounding area (such as a deck), a different standard may apply.*

### Step 3: Safety barrier inspection

Owners will need to organise an inspection by a registered building inspector or building surveyor to determine if their safety barrier is compliant with the appropriate standard.



Find a registered building inspector or building surveyor by visiting the Australian Institute of Building Surveyors website or the Victorian Building Authority website.

#### Compliant

The inspector will issue a compliance certificate which the owner needs to provide to council.

#### Non-Compliant

The inspector will either:

1. **Issue a notice** identifying areas that need to be addressed. A follow-up inspection is required OR
2. **Issue a non-compliance certificate** if the barrier poses a significant and immediate risk to life or safety. The inspector will lodge the non-compliance certificate with Council and Council will contact the owner. The owner must pay a fee to Council at this stage. This fee has been set by the State Government.

## Step 4: Submit compliance certificate



Compliance certificate due dates:

For a swimming pool or spa with a date of construction on or before 30 June 1994	1 June 2022
For a swimming pool or spa with a date of construction on or after 1 July 1994 and before 30 April 2010	1 June 2023
For a swimming pool or spa with a date of construction on or after 1 May 2010 and before 31 October 2020	1 June 2024

### Pools and spas constructed on or after 1 November 2020

Your first certificate of barrier compliance must be lodged within **30 days of the date of issue of the certificate**. This certificate must accompany your application for registration.

## Step 5: Repeat the process every four years



When the council receives a certificate of barrier compliance, they will send you a written notice, which confirms:

- the date the certificate was lodged
- the date by which the next certificate is required to be lodged, which is 4 years after the previous certificate.

It is important to note that under this new legislation the standards are not getting stricter - they are the same as when your pool or spa barrier was built. The aim of the new laws is to make sure your barrier continues to meet that standard. This is because over time gates, latches and fences can become unsafe because of wear and tear, house alterations or ground movements.

## Pool and spa definitions

All swimming pools and spas containing water greater than 30cm must have a compliant safety barrier to restrict access to the pool area. This includes:

- In-ground pools and spas
- Indoor pools and spas (except for bathroom spas)
- Above ground pools and spas
- Relocatable (including inflatable) pools, spas and hot tubs.

All pool and spa barriers require a building permit.

## Pool and spa safety barrier checklists

To help reduce the risks of drowning incidents, the Victorian Building Authority (VBA) has developed three self-assessment checklists to help swimming pool and spa owners check the safety of their barriers.

Visit: [www.vba.vic.gov.au/consumers/swimming-pools](http://www.vba.vic.gov.au/consumers/swimming-pools)

Council encourages all owners to use these checklists to maintain the safety of their pools and spas.

Inspectors will look for a range of factors to do with barrier compliance. Inspectors will ensure that:

- Gates are self-closing and self-latching
- All barriers are rigid and secure
- All climbable objects like pot plants, garden furniture, BBQs and toys are 1.2m away from the barrier.

For more information on safety around pools and spas, visit Life Saving Victoria and Kidsafe Victoria. Also check the VBA Pool and Spa FAQs.

## Works without a permit

Please provide information, such as photos or plans, related to any works without a permit that are in the vicinity of your pool or spa safety barrier. This will help determine the relevant safety barrier standard you will need to comply with.

### Note:

- **It is an offence to prop open any gate or door providing access to a swimming pool or spa.**
- Owners and occupiers have an obligation in accordance with Division 3, Part 9A of the Building Regulations 2018 to ensure maintenance and operation of barrier for swimming pools and spas are properly maintained and operating effectively at all times

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