



Swimming Pool Inspection Program



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Program Title	Swimming Pool Inspection Program
Responsible Manager(s)	Manager Development and Environment
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1. Purpose

In accordance with section 22B of the *Swimming Pools Act, 1992* (the Act) and *Swimming Pools Regulation 2018* (the Regulation) all NSW councils are required to develop and implement a swimming pools inspection program.

This Program aims to increase pool safety awareness and compliance within the Hilltops Council Local Government Area, explain the scope of the inspection program, ensuring compliance with the Act and Regulation.

2. Scope

The Program applies to all residential, commercial and industrial premises within the LGA that contains a swimming pool for public or private use and other such pools identified as mandatory under the Act. It provides detailed information for Council staff, registered certifiers, pool owners and the wider community and also includes a spa pool as defined under section 3 of the Act.

3. Objectives

The objectives of this Program are to outline:

- The obligations of Hilltops Council under section 22B of the Act, as amended.
- How Council proposes to increase community awareness of pool safety and incidences of drowning and near drowning events for young children in the LGA.
- The process for ensuring all private swimming pools have suitable child-resistant barrier that is designed, constructed and maintained in accordance with the relevant Australian standards and legislative requirements.
- The process for ensuring all public swimming pools are maintained and operated in accordance with the relevant Australian standards.
- The process relating to the monitoring and inspection of identified swimming pools within the LGA by Council.
- The process for ensuring rectification works are undertaken where a non-compliance has been identified.

- The requirements for a property owner selling or leasing a property containing a swimming pool.
- The duties of Council in relation to carrying out inspections of child-resistant barrier for the purposes of issuing certificates of compliance and certificates of non-compliance
- The role of Registered Certifiers in conducting swimming pool barrier inspections for the purpose of issuing Certificates of Compliance and certificates of non-compliance.

5. Legislative and Policy References

This Program is informed and guided by the following pieces of legislation:

- *Swimming Pools Act 1992 and Regulations 2018.*
- *Conveyancing (sale of Land) Amendment (Swimming Pools) Regulation 2016*
- *Residential Tenancies Amendment (Swimming Pools) Regulation 2016*
- *Building Code of Australia*
- *Australian Standard AS1926-Swimming Pool Safety, Part 1: barriers for swimming pools (2012)*
- *Australian Standard AS1926-Swimming Pool Safety, Part 2: Location of safety barriers for swimming pools (2007).*

5. Background

Under the Swimming Pools Act, local government authorities have a regulatory responsibility for swimming pool safety. Accordingly, each Council must develop a program for a swimming pool safety barrier inspection program.

5.1 NSW Swimming Pools Register

The NSW Division of Local Government has an online State-wide Swimming Pool Register by which all swimming pool owners must register www.swimmingpoolregister.nsw.gov.au.

A pool owner who fails to register their pool is guilty of an offence which attracts a maximum penalty of \$2200.

The Register records whether a swimming pool has been inspected by Council or a Private Certifier and if a current certificate of compliance has been issued. Councils are provided with access to this Register to assist with the administration of its inspection programs.

Hilltops Council will rely upon this Register to determine what swimming pools require inspection in accordance with this Program.

5.2 General duties and responsibilities of the pool owner

The owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times enclosed by a child resistant barrier:

- That separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and
- That is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations.

5.3 Sale and Lease of a Property

A contract for sale of land for a property with a swimming pool must have one of the following attached, in accordance with the *Swimming Pools Amendment (Inspections) Regulation 2016*:

- A Certificate of Compliance; or
- A relevant Occupation Certificate and a Certificate of Registration; or
- A Certificate of Non-Compliance.

Properties with swimming pools that are leased after 29 April 2016 must have a valid swimming pool certificate of compliance issued by an Accredited Certifier of Council.

6. Inspection program

The primary aim of this Program is to increase the levels of swimming pool barrier compliance. Where a swimming pool complies with these requirements, a certificate of compliance will be issued and remains valid for three years.

6.1 Types of swimming pools to be inspected every three years

The Act requires properties with swimming pools defined as tourist and visitor accommodation or that contain more than two dwellings (including hotels, motels, serviced apartments, backpacker accommodation, residential flat buildings and dual occupancy developments) are inspected every three years.

Council's Inspection Program must include the inspection of swimming pools on these properties.

6.2 Inspection of other pools

From 29 April 2016, all other properties with a swimming pool being sold must have a certificate of compliance or non-compliance attached to the contract of sale. If a property is being leased it must have a current swimming pool certificate of compliance. The swimming pool barrier must comply with the Act and relevant

Standards to obtain a certificate of compliance and be able to lease a property with a swimming pool.

In these instances, the property owner must request an inspection from an Accredited Certifier or Council so that the appropriate certificate can be issued beforehand.

6.3 Inspection Program

According to the NSW Swimming Pools Register, there are 883 swimming pools within the Hilltops LGA as at 14 April 2026.

The Council's Inspection Program adopts a risk-based approach to improve the levels of compliance relating to swimming pool fencing and satisfy obligations under the Act.

Council's inspection program will consist of mandatory and non-mandatory components comprised of:

1. A mandatory three-year inspection program for pools situated on land for the purpose of tourist and visitor accommodation, residential flat buildings and properties containing two or more dwellings.
2. Inspections upon receipt of an application made to Council for inspection and a certificate of compliance in relation to the sale or lease of a property which contains a swimming pool, in accordance with the *Conveyancing (Sale of Land) Regulation 2010* and the *Residential Tenancies Regulation 2010*.
3. Inspections upon receipt of an application by the owner of a property which contains a swimming pool for an inspection and certificate of compliance under section 22C of the Act.
4. Inspections in response to a complaint made to Council in accordance with our Enforcement Policy concerning an unauthorised or non-compliant swimming pool.
5. Inspections in response to receipt of notification from an Accredited Certifier, under section 22E(4) of the Act, who is unable to issue a certificate of compliance.
6. Inspections of swimming pools within a property for which an application has been made to Council for a Building Information Certificate.
7. Proactive observations where it has been identified (i.e. by a Council officer) that the swimming pool barrier appears to be deficient or may otherwise not be compliant.

Resources permitting, Council will also seek to inspect other private swimming pools where there is no valid certificate of compliance or occupation certificate. The Program does not apply to swimming pools that have already been issued a certificate of compliance or occupation certificate within the last three years, unless Council has received a complaint.

7. Inspection Fees

Inspection fees will be charged in accordance with Division 5 of the Swimming Pools Act, 1992, Part 5 - Section 19 of the Swimming Pools Regulation 2018 and as prescribed in Councils Fees and Charges schedule.

Council or a registered certifier may refuse to issue a certificate of compliance until any fee payable for the inspection has been paid as specified in section 22D(4) of the Act.

8. Community Education

Council will undertake regular community education pieces through community publications, media releases, and its own website.

Our core message relates to the importance of barrier maintenance, adult supervision and first aid awareness.

9. Enforcement

The Swimming Pools Act provides Council's Authorised Officers powers of entry and the power to give a Notice and Directions to require swimming pool safety work to be undertaken. Council Officers also have the power to issue a Penalty Infringement Notice for certain offences.

Failing to comply with a swimming pool requirement may constitute an offence under the Act. The Land and Environment Court of NSW has the jurisdiction to hear appeals against decisions of Council in respect to:

- The refusal to grant an exemption under s22 of the Act in relation to an application;
- The imposition of a condition on an exemption under s22;
- Refusal to grant a certificate of compliance under s22D; and
- The issue of a direction under s23.

Appeals can be made within 28 days after the date on which a decision was made or is taken to have been made.