

## Inspections and Compliance

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### Certificates of pool and spa compliance

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#### **How long is a certificate of barrier compliance valid?**

A certificate of barrier compliance is only valid for 30 days after it is issued. It must be lodged with the relevant council within this period.

If the certificate is not lodged within the 30 days, a new inspection must be carried out and a new certificate issued and lodged with the relevant council.

#### **What happens if I don't lodge a certificate of barrier compliance?**

It is an offence to not lodge a certificate of barrier compliance.

If you don't lodge a certificate of pool and spa barrier compliance by the due date, you may face an on-the-spot fine of approximately \$330 and a penalty of up to \$1,652.20.

#### **How do I lodge the certificate of barrier compliance with my council?**

You should contact the council or check their website about their process for lodging a certificate of barrier compliance.

### Non-compliant barriers

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#### **What is a certificate of barrier non-compliance?**

A certificate of barrier non-compliance can be issued by a pool and spa inspector if they determine that the barrier is not compliant.

#### **When is a certificate of barrier non-compliance issued immediately?**

An inspector must immediately issue a certificate of barrier non-compliance if:

- > the barrier is not capable of being made compliant or the owner is unlikely to bring the barrier into compliance with the applicable barrier standard within 60 days
- > the non-compliance of the barrier poses a significant and immediate risk to life or safety
- > the barrier is non-compliant in any of the following ways:
  - a door or gate, when closed, is able to be opened by a person who is unable to reach the opening mechanism for that door or gate
  - a door or gate forming part of the barrier is unable to be completely closed
  - any part of the barrier is less than 1 metre in height, measured above ground level from the approach side

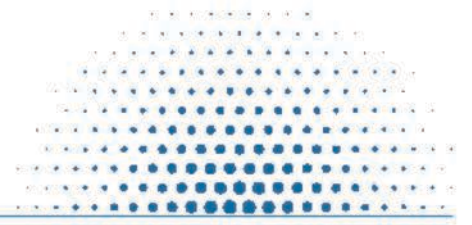
#### **Who lodges the certificate of barrier non-compliance?**

The inspector will lodge the certificate with the relevant council and provide you with a copy.

#### **Is there a fee payable if a certificate of barrier non-compliance is lodged?**

Yes – after the inspector lodges the certificate of barrier non-compliance with the council, the council will notify you of the fee and the due date for payment (not less than 28 days).

The maximum fee that can be charged is \$385.10. Please check the council's website for the applicable fee in your municipality. If you do not pay the fee by the due date, you may face an on-the-spot fine of approximately \$330 and a penalty of up to \$1,652.20.



### Barrier improvement notices

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#### **How long do I have to comply with the barrier improvement notice?**

The barrier improvement notice will specify a date by which you must rectify the barrier and lodge the certificate of barrier compliance with your council.

This means that you will need to have the barrier re-inspected before the specified date.

#### **What happens if I don't comply with the barrier improvement notice within the specified period?**

If you do not comply with the barrier improvement notice within the time specified, you may face an on-the-spot fine of approximately \$330 and a penalty of up to \$1,652.20 if the certificate of barrier compliance is not lodged as required.

In addition, the municipal building surveyor may then issue other notices or orders under the *Building Act 1993*.

### Alterations to a registered pool or spa

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#### **What happens if I make alterations/changes to a pool barrier after I've registered my pool or spa?**

After registering your pool or spa, if building work is carried out on the barrier that requires a building permit, the relevant building surveyor must inspect the barrier and determine if it complies with the applicable barrier standard.

If the relevant building surveyor determines that the barrier complies with the applicable barrier standard, they will issue a certificate of barrier compliance and provide the certificate to you. You must then lodge the certificate with your council within 14 days.

If the barrier does not comply with the applicable barrier standard, the relevant building surveyor will require the work to be brought into compliance.

#### **What happens if I don't lodge a certificate of barrier compliance after an alteration/change?**

If you fail to lodge a certificate of barrier compliance within 14 days of receiving the certificate, you may face an on-the-spot fine of approximately \$330 and a penalty of up to \$1,652.20.

*Penalty units are indexed and increase on 1 July each year, in accordance with the Monetary Units Act 2004. From 1 July 2019 to 30 June 2020, one penalty unit is \$165.20.*

What happens after I lodge the certificate with council following alterations/changes?

After receiving the certificate following alterations, the council will register the applicable barrier standard and give you a notice in writing of the following:

- > that they have received the certificate
- > the date by which the next certificate must be lodged
- > confirmation that the applicable barrier standard has been updated (if applicable) and details of the barrier standard that now applies