

Inspections and compliance

On 1 December 2019, new laws to improve swimming pool and spa safety come into effect in Victoria. It will be mandatory for owners of land where a swimming pool or spa is located to [register their pool or spa](#) with the relevant council.

Owners are also required to have their safety barriers inspected and to lodge a certificate of barrier compliance with their council. If a safety barrier is not compliant, it is the owner's responsibility to make the barrier compliant.

The new laws apply to swimming pools and spas that are capable of holding more than 300mm (30cm) of water. This includes permanent pools, above ground pools, indoor pools, hot tubs, bathing or wading pools and some relocatable pools.

Relocatable pools that do not consist of multiple components and do not require any assembly are not subject to the barrier requirements. An example of such a product is a small inflatable pool that requires no assembly other than inflation.

Barrier inspections

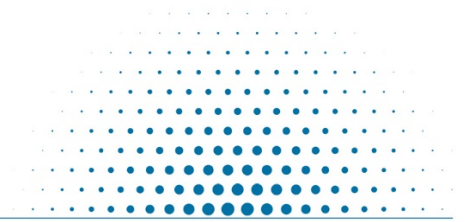
Once your swimming pool or spa has been registered, you need to arrange an inspection of the safety barrier to determine if the barrier is compliant with the applicable barrier standard.

An inspection of your pool or spa barrier can only be carried out by:

- > a registered building surveyor
- > a registered building inspector
- > a municipal building surveyor

Certificate of barrier compliance

If the inspector determines that your safety barrier complies with the applicable barrier standard, they will issue a certificate of barrier compliance. As the owner of the land with the pool or spa, you then need to lodge the certificate with your council. You must do this within 30 days of receiving the certificate. Contact your council for more information.



When the council receives the certificate, 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

You will need to pay a fee to the council when you lodge the certificate.

Deadlines for inspection and lodgement of certificate of barrier compliance

Pools and spas constructed before 1 June 2020

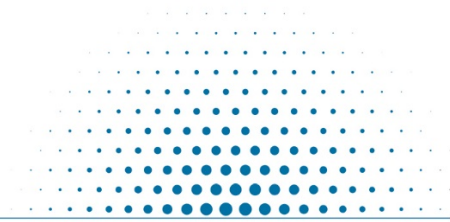
Pool/Spa Construction Date	Compliance Certificate must be lodged by
On or before 30 June 1994	1 June 2021
From 1 June 1994 until 30 April 2010	1 June 2022
From 1 May 2010 until 31 May 2020	1 June 2023

You are required to lodge a certificate of barrier compliance every 4 years. Check with your council for exact dates.

Pools and spas constructed on or after 1 June 2020

Your first certificate of barrier compliance will be due **within 30 days of occupancy permit or certificate of final inspection**. This certificate must accompany your application for registration.

Your next certificate of compliance is due 4 years after registration. Check with your council for exact dates.



Non-compliant barriers

If the inspector determines that your safety barrier is not compliant, they can either:

- > immediately issue a certificate of barrier non-compliance; or
- > issue you a written notice specifying:
 - the matters which must be addressed to bring the pool barrier into compliance;
 - the period in which the barrier must be made compliant (within a maximum of 60 days); and
 - the date and time they intend to reinspect the barrier.

After re-inspection, if the inspector determines that the pool barrier is compliant, they will issue a certificate of barrier compliance, which you must then lodge with council.

If the barrier remains non-compliant, but the inspector is satisfied that progress has been made towards bringing the barrier into compliance, they may allow you an additional 7 days to rectify the barrier. Otherwise they will issue a certificate of barrier non-compliance.

If an inspector issues a certificate of barrier non-compliance, they will lodge it with the relevant council and provide you with a copy. The council will notify you and you will have to pay a fee by the due date specified in the notice.

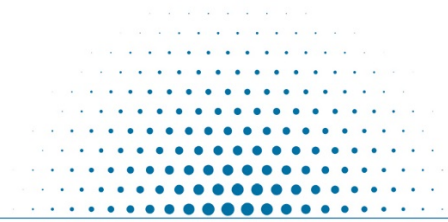
What happens next

When the council receives the certificate of barrier non-compliance, the municipal building surveyor will issue either:

- > a barrier improvement notice, or
- > a notice or order under the *Building Act 1993* (if the municipal building surveyor considers that this is appropriate, depending on the nature of the non-compliance).

Barrier improvement notices

A barrier improvement notice may be issued by a municipal building surveyor after the council receives a certificate of barrier non-compliance. A barrier improvement notice is usually issued for minor non-compliance matters. The notice specifies what you must fix to make the barrier compliant, as well as the period that you must take this action within.



Fees and penalties

Type of Fee or Penalty	Amount (2019-2020)
Fee for lodging a certificate of barrier compliance with council	\$20.44*^
Fee for lodging a certificate of barrier non-compliance with council	\$385.06*^
Failure to lodge certificate of barrier compliance by date specified	up to \$1,652.20^
Failure to lodge certificate of barrier non-compliance by date specified	up to \$1,652.20^
Failure to comply with barrier improvement notice by date specified	up to \$1,652.20^

There is no set fee for a safety barrier inspection. We recommend obtaining quotes for this work from at least two practitioners before you proceed with the inspection.

Owners of pools or spas with barriers that require multiple inspections before being certified as compliant will likely face higher costs than those whose barrier is certified as compliant after the first inspection.