



Agreement for Swimming Pool Inspection

Introduction: The certifier (Patrick Warren) is accredited under the Building Professionals Act 2005 & is authorised to inspect swimming pools & to issue Certificates of Compliance under the Swimming Pools Act 1992.

The Certifier

Name: Patrick Warren - Registration Number: BCD
2466 Trading as: Trading as PK's Pool Care Pty Ltd
22 Dampier St, Tamworth 2340
P: 0407 793 792 E: info@pkspoolcare.com.au

Certifier's Insurance Details:

Policy: APRI 5083/ASR Period of Insurance: 22.7.25 to 22.7.26
Insurer: Certain Underwriters at Lloyd's

Fees:

Fees to be paid to Certifier **BEFORE** Certifier carries out the work described (unless a Real Estate Agent provides a work order).

Initial Inspection **\$427** (if property is >20km from Tamworth CBD the price will differ).

Subsequent Inspections if needed **\$87**

Payment to be made to BSB 012-830 ACC 166 711 814 (Ref: Your Surname)

Description: Certifier will perform all work necessary to comply with relevant statutory requirements, including:

- Inspecting the swimming pool
- Assessing whether the swimming pool complies with the requirements for the issue of a certificate of compliance under s.22D Swimming Pools Act 1992
- If swimming pool complies, issuing a certificate of compliance to the Client
- If swimming pool doesn't comply, issuing a notice under s.22E Swimming Pools Act 1992
- Forwarding a notice to council if required by s.22E Swimming Pools Act 1992
- If necessary, re-inspecting the swimming pool
- Updating the property record on the NSW Swimming Pool Register, as required

Note:

1. NSW Properties can be sold with a non-compliance certificate.
 2. When buying a property with a non-compliant pool barrier, the buyer takes responsibility to fix any areas of non-compliance within 90 days and maintain compliance.
 3. If any part of a pool barrier is modified, altered or rebuilt, then the current Swimming Pools Act 1992, Swimming Pools Regulation 2008 and Australian Standard AS1926.1-2012 is applied and previous exemptions cease.
 4. If a pool is deemed a risk to public safety, a notice will be forwarded immediately to the relevant local Council.
- Print & complete page 2 and return via email. The Client will be contacted to make a booking when payment has been received.

Parties to the Agreement:

This is an agreement between Patrick Warren (Certifier) and The Client:

NAME :

NSW Swimming Pool Register Number:	
Date Pool Constructed (supply evidence if possible):	
Real Estate Agent (if Applicable):	W/O:
Address of the Pool or Spa:	
Mobile:	
Email:	

The Client to indicate by ticking each box:

- ☐ My pool is registered on NSW Swimming Pool Register & the number is listed above
- ☐ I understand to be compliant my pool must have a current CPR sign
- ☐ I understand to be compliant gates must swing outwards, away from the pool
- ☐ I understand to be compliant my pool gates must lock and latch from every position
- ☐ I understand to be compliant my pool fence must be in a good state of repair
- ☐ I understand to be compliant my pool fence must not have any scalable objects within 900mm of it
- ☐ I have freely chosen to engage in the contract with the certifier
- ☐ I have read and understood the attached document supplied by NSW Fair Trading
- ☐ I have made payment via EFT to PK's Pool Care **BSB 012-830 ACC 166 711 814**
(Ref: Your Surname)

This agreement is made on the _____ day of _____ 20____

Signatures of both parties:

Patrick Warren



Client _____



Fair
Trading

PO Box 972
Parramatta NSW 2124
Tel: 02 9895 0111 TTY: 1300 723 404
ABN 81 913 830 179
www.fairtrading.nsw.gov.au

Info about registered certifiers – swimming pool inspectors

Important: this is a summary document only.

Before signing any contract for certification work, make sure you understand your obligations and what you are agreeing to. The Fair Trading website has more information about certifiers.

Under section 31(2) of the *Building and Development Certifiers Act 2018* and clause 31 of the *Building and Development Certifiers Regulation 2020*, a contract to carry out certification work must be accompanied by an applicable document made available on the website of the Department of Customer Service (which includes NSW Fair Trading)¹. This is the applicable document for certification work involving a certifier registered in the class of **swimming pool inspector**. It does not apply to swimming pool inspections by a local council².

This document summarises the statutory obligations of the registered certifier who will assess your swimming pool or spa pool barrier and your obligations as the pool owner. It also sets out the types of information that can be found on Fair Trading's online register of registrations and approvals.

Obligations of registered certifiers

The general obligations of registered certifiers include compliance with their conditions of registration, to hold professional indemnity insurance, comply with a code of conduct and avoid conflicts of interest.

Who does a registered certifier work for?

A registered certifier is a public official and independent regulator, registered by the Commissioner for Fair Trading. Certifiers must carry out work in a manner that is impartial and in the public interest, even if this is not in the interests of the pool owner. Receiving a certificate is not guaranteed – the applicant is paying for the certifier to assess the application and determine *whether or not* a certificate can be issued. It is a serious offence to attempt to bribe or influence a certifier, attracting a maximum penalty of \$110,000 and/or two years imprisonment.

¹ Visit www.fairtrading.nsw.gov.au and search 'certification contracts'.

² Council officers who inspect pools do not have to be registered as certifiers by Fair Trading.

Obligations of the pool owner

As a pool owner, you have the following obligations:

- Visit the NSW Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au to register your pool.
- Appoint, and enter into a contract with, your chosen certifier.
- Pay the certifier's fees before you receive a certificate. The certifier may refuse to issue a certificate of compliance until the fee is paid.
- Ensure your pool barrier continues to comply at all times. If needed, ask your council to see a copy of the Australian Standard that applies to your pool.

What does a registered certifier – swimming pool inspector do?

A registered swimming pool inspector is authorised to carry out all certification work under the *Swimming Pools Act 1992*, but not if the swimming pool achieves compliance with the performance requirements of the Building Code of Australia by means of a performance solution. They cannot issue certificates under the *Environmental Planning and Assessment Act 1979* for newly constructed pools.

Registered building surveyors (a different type of certifier) also certify pool barriers. Only a building surveyor may certify a pool that has a performance solution under the Building Code of Australia.

A swimming pool inspector may issue a certificate of compliance if the pool barrier complies with requirements under the *Swimming Pools Act*. A certificate of compliance is valid for three years and may be required in order to sell or lease the property.

If the swimming pool is non-compliant, the certifier may issue a certificate of non-compliance and a notice of non-compliance setting out the defects.

Notes about swimming pool certificates of compliance

- A certificate of compliance is not an occupation certificate and does not certify that the pool meets all conditions of its original development consent
- A certificate of compliance becomes invalid if the council issues a direction requiring compliance with the *Swimming Pools Act*.

Non-compliant pool barrier

If a swimming pool is non-compliant, you will need to address the defects set out in the certifier's notice, then contact the certifier (or another certifier or the council) for a reinspection. If you do not obtain a certificate of compliance within six weeks of the first inspection, the certifier must send the notice of non-compliance to the council, which may take enforcement action. If the certifier deems the pool to be a significant risk to public safety, they must notify the council immediately and the six-week period will not apply.

Minor repairs to pool barriers

Some certifiers can do minor repairs to a non-compliant pool barrier that they have inspected, but only if:

- they are licensed or authorised under the *Home Building Act 1989* to construct a swimming pool or structural landscaping, and
- the repairs cost no more than \$1,000 including materials and labour, and
- the repairs are for the purpose of issuing a certificate of compliance.

You can check if a certifier is authorised to do minor repairs by checking their *Home Building Act* licence or certificate number at www.service.nsw.gov.au (search 'builder licence').

Finding more information on certifiers

Details of the class of registration each certifier holds, their period of registration, professional indemnity insurance and disciplinary history can be found at www.fairtrading.nsw.gov.au:

- [Details of registered certifiers](#) (or search 'appointing a certifier' from the homepage)
- [Disciplinary actions against certifiers](#) (or search 'certifier disciplinary register' from the homepage).

Questions?

Visit www.swimmingpoolregister.nsw.gov.au and follow the 'information' or 'inspections' tabs for more information and swimming pool safety and certification.

You can also visit www.fairtrading.nsw.gov.au and search '[concerns with development](#)' for information about how to resolve concerns about a certifier.

Note, although Fair Trading regulates certifiers, it does not mediate in contract disputes and does not regulate councils carrying out their functions under the *Swimming Pools Act*. Visit the Fair Trading website for more information.