

New safety laws for owners of pools and spas

Frequently Asked Questions

Why have the requirements changed?

New safety standards have been introduced to improve swimming pool and spa safety throughout Victoria.

Drowning is the most common cause of preventable death of young children (children aged under five years). Drowning incidents can also be non-fatal. On average, for every fatal drowning of a young child in a private swimming pool, there are approximately fifteen non-fatal drowning incidents.

The high levels of non-compliance of safety barriers indicate that the past regulatory requirements have not been successful in ensuring safety.

As part of this, legislation was recently passed by the Victorian State Government to make the registration of swimming pools and spas mandatory.

What pools and spas need to be registered?

Any swimming pool or spa that can hold water to a depth greater than 300mm and principally used for swimming, wading, paddling, or the like, including a bathing or wading pool, or spa must be registered with Council.

This includes: In-ground and above ground pools and spas, inflatable pools, indoor pools and spa pools, children's paddling and wading pools, spas, jacuzzis, hot tubs and swim spas (including portable spas)

This does not include: Structures such as bird baths, fish ponds, fountains, spas inside a building that are used for personal hygiene, water supply/storage tanks and dams' rivers creeks and lakes.

When do I need to register by?

The Regulations require mandatory registration of a swimming pool or spa by 1 November 2020. Owners will be able to register their swimming pool or spa from 1 December 2019.

New swimming pools and spas constructed after that date must be registered within 30 days of receipt of the relevant occupancy permit or certificate of final inspection.

Do I need to register my swimming pool and spa separately?

Where an Owner has both a swimming pool and a spa, they will only be required to provide one registration. Both the swimming pool and spa can be registered on the same application therefore one fee applies.

New safety laws for owners of pools and spas

How do I register?

To register your pool or spa with Mornington Peninsula Shire [click here](#)

What's the cost?

A one-off registration fee will be required. The fees, as set by the Victorian State Government are as follows:

- Pools/Spas built before 1 December 2019: \$80.25
- Pools/Spas built after 1 December 2019: \$32.30

The fee to lodge the Certificate of Compliance is \$20.75.

What happens if I don't register?

Council will be tasked to ensure all affected property Owners comply with the new regulations and penalties will apply for non-compliance.

Failing to register a swimming pool and/or spa with the Shire is an offence under the Regulations and carries a penalty (this fine amount is currently \$363.50).

What happens after I register?

When you complete your application to register your swimming pool or spa, Council will confirm the date of construction of the swimming pool, the relevant standard that the safety barrier must comply with and the date that the safety barriers must be compliant. The timeframe to provide this information will depend on the age of the swimming pool or spa and may take up to 30 days.

Once the swimming pool and/or spa has been registered with Council, it will remain registered until the owner removes the swimming pool or spa and applies to take it off the register. There is no requirement to renew the registration.

What is the standard for my safety barrier?

The date of construction of the swimming pool or spa will generally determine the applicable barrier standard which is the set of technical requirements that the barrier must comply with.

However, the applicable barrier standard will also factor in alterations to the safety barrier that were made after the date of construction. The relevant compliance standards are:

- Swimming pool or spa constructed before 8 April 1991 are to comply with Part 2, Division 1 of the Building Regulations 2018
- Swimming pool or spa constructed between 8 April 1991 to 30 June 1994 are to comply with Australian Standard AS1926.1-1986 Amendment 1—March 1987

New safety laws for owners of pools and spas

- Swimming pool or spa constructed between 1 July 1994 to 30 April 2010 are to comply with Australian Standard AS1926.1-1993
- Swimming pool or spa constructed between 1 May 2010 to 30 April 2013 are to comply with Australian Standard AS1926.1-2007 Amendment 1
- Swimming pool or spa constructed after 1 May 2013 are to comply with Australian Standard AS1926.1-2012

A self-assessment checklist for each standard is available from the [Victorian Building Authorities website](#).

Copies of the Building Regulations 2018 are available to download [here](#).

Copies of the Australian Standards are available to buy [here](#).

Do my safety barriers have to be inspected?

Swimming pool or spa safety barriers will be required to be inspected and certified by a registered building practitioner. The building practitioner will assess compliance against the relevant barrier standard.

The date by which the barriers must be inspected and certified will be based on the date of construction that has been determined by Council.

Once the registered building practitioner has certified the safety barriers, the owner must provide a copy of the certification (certificate of barrier compliance) to Council by the applicable date nominated by Council.

Compliance Certificate lodgement is due:

Pools/spas built pre 1994	1 November 2021
Pools/spas built up to 2010	1 November 2022
Pools/spas built post 2010	1 November 2023

Who can inspect my safety barriers?

Any building surveyor or building inspector who is registered with the Victorian Building Authority is able to inspect and certify your safety barriers. You can also check if a building practitioner or company is registered using the VBA's [Find a practitioner](#) directory.

Will Council provide details on who will inspect my safety barriers?

The council is unable to recommend or provide details of building surveyors or building inspectors that can inspect your safety barriers. A list is available by searching the VBA's [Find a practitioner](#) directory

New safety laws for owners of pools and spas

Will Council inspect my safety barriers?

No, as Council will be following up on those that do not register their swimming pools or spas or have not had their barriers inspected and certified. Council will not inspect pools unless it is to confirm that a pool/spa has been decommissioned.

Council recently inspect my safety barriers, do I have to have them reinspected again?

Yes, whilst Council may have recently inspected your safety barriers, the changes to the Building Act and Regulations require all swimming pool or spa safety barriers to be reinspected and certified by the required dates.

What happens if my barriers don't comply?

Following an inspection in which the inspector determines a barrier is non-compliant, the inspector may:

1. Where the defects are minor, the building practitioner will provide the Owner with a date by which the identified non-compliant matters must be fixed. The practitioner will then return to re-inspect the barrier. If the barrier remains non-compliant, the inspector must issue a certificate of non-compliance and provide this to Council.

Or

2. Where the barrier cannot be made compliant within the maximum time period or the nature of the non-compliance poses a significant and immediate risk to life or safety, a certificate of non-compliance will be submitted to Council.

Once Council receives a certificate of pool and spa barrier non-compliance, Council will utilise their existing powers under the Building Act to address the issue. It will depend on the nature of the non-compliance and the level of risk to life or safety as to what action will be taken. A penalty applies to the Owner, should a certificate of non-compliance be lodged with Council. This penalty is currently \$385.00.

What happens if I don't have my barriers inspected?

It is an offence, under the Building Regulations, for failure to provide a certificate of compliance by the due date. Penalties may apply which include an Infringement and/or prosecution.

What happens once the barriers have been certified?

If the inspector is satisfied that the safety barrier is compliant with the applicable barrier standard, they will issue a certificate of pool and spa barrier compliance and provide a copy to the Owner. The Owner, or their agent, must then provide a copy of the certificate to Council.

New safety laws for owners of pools and spas

Councils will then record details of the certificate of pool and spa barrier compliance on the register.

Can I decommission my pool/What do I need to do if I decommission my pool?

Yes, an owner can request to remove or decommission their swimming pool or spa. This can be done by completely removing the swimming pool or spa or placing holes in it to prevent it from being capable of containing more than 300mm of water. Access ladders and filtration system will also need to be removed. Once decommissioned the site must be inspected by Council prior to it being removed from the register. Full details on the acceptable method of decommissioning a swimming pool or spa is available of Council's website.