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# SWIMMING POOL LEGISLATION DEFERRED 12 MONTHS

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## SWIMMING POOL LEGISLATION DEFERRED 12 MONTHS

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The NSW Office of Local Government has announced laws that require owners corporations with common area swimming pool and spa facilities that the new legislation has been postponed until 29 April 2015.

Owners corporations across NSW will need to ensure that any resident selling or leasing a property within their building that a certificate of compliance is made available.

The Real Estate Institute of New South Wales commented that it is not uncommon for inspection failure rates to be high and can take up to three months from first inspection to the issuing of a compliance certificate.

To avoid delay and to ensure that you comply our recommendation at JS Mueller & Co is to make it an agenda item prior to the 29 April 2015 to ensure that you are prepared for these changes and have a certificate of compliance readily available.

For details of the legislation and consequences for owners corporations please click here to view the full article.

Not sure if we need to click through to this from the above information or just click through to the URL link in the article below?

Commencement of the *Swimming Pools Amendment Act 2012* has now been deferred for 12 months to 29 April 2015.

From 29 April 2015 any Contract for Sale relating to land on which there is a swimming pool must have attached to it a copy of either of the following in respect of the swimming pool:

- (a) a valid Certificate of Compliance issued under the Swimming Pools Act 1992; or
- (b) a relevant Occupation Certificate issued under the Environmental Planning & Assessment Act and that authorises the use of the swimming pool.

Failure to attach the Certificate entitles the purchaser to rescind the Contract at any time within 14 days of exchange.

The government legislative makes it quite clear that the government believes that a Contract for the sale of a home unit where the common property contains a swimming pool is a Contract relating to land on which there is a swimming pool. It is also clear that it is the responsibility of the owners corporation to obtain a Certificate of Compliance. Whilst such Certificate is needed for the sale of a home unit, there does not appear to be an obligation upon an owners corporation to obtain a Certificate of Compliance.

The legislation requires a landlord to ensure that at the time of entry into the Residential Tenancy Agreement, the swimming pool on the residential premises is registered and has a valid Certificate of Compliance or a relevant Occupation Certificate.

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**About JS Mueller & Co Lawyers**

JS Mueller & Co Lawyers has been servicing the strata industry across metropolitan and regional NSW for almost 40 years. We are a specialist firm of strata lawyers with in depth and unmatched experience in, and comprehensive knowledge of strata law and levy collection.

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