

## Update on Swimming pool safety certificate requirements and sales of residential property

On 1 December 2010 the changes imposed by the Building and Other Legislation Amendment Act (No. 2) 2010 on swimming pool safety laws come into effect. These were discussed in an earlier bulletin. Also relevant is Part 4 of the Building Regulation 2006 which was amended at the same time.

Section 246ATF of the Act requires that, BEFORE SETTLEMENT of a sale of regulated premises (i.e. property with a pool), the owner must give to the buyer a copy of any existing safety certificate or, if there is not an existing certificate, a notice in the approved form (Form 36) telling them there is no such certificate. A copy must also be sent to the Department of Infrastructure and Planning and, if the pool is a shared pool, to the pool owner (e.g. the Body Corporate). Significant penalties apply for non-compliance.

Section 16(2) of the Regulation requires that a notice in Form 36 must be given to a prospective buyer BEFORE CONTRACT. Again significant penalties apply for non-compliance.

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