



CONTRACT OF AGREEMENT FOR SWIMMING POOL INSPECTION

Please print out, complete and sign, and return the contract to us as a PDF or Word file. If you are unable to supply any of the requested information, please do let us know: we shall endeavour to help you find the necessary details.

A: INTRODUCTION

The Registered Certifier/Swimming Pool Inspector is registered under the Building and Development Certifiers Act 2018, and is authorised to carry out inspections of swimming pools and to issue Certificates of Compliance under the Swimming Pools Act 1992 (SP Act).

B: PARTIES TO THE AGREEMENT

This is an agreement between:

- The Certifier:** Andrea Keen, Registered Swimming Pool Inspector, accreditation number BDC 3215, trading as: 'Dolphin Pool Safety Inspections'. (Accreditation valid until 20 October, 2026.)
Business Address: P.O. BOX 4334, Forster Shopping Village, NSW 2428
Contact Number: 0401 276 770
Email address: info@inspectmypool.com.au

AND

- The Client/s:**
Who is: The owner / the owner's legal representative (please attach documentary evidence)

Name of all pool owner/s (if not the abovementioned client/s):

Address of pool as on rates notice:

- Lot/D.P. number: Local Gov't Area:

Your contact phone:

Your email address for all correspondence:

CERTIFIER'S INSURANCE DETAILS

Name of Certifier's Insurer: Lloyd's of London, c/o ASR Underwriting Agencies Pty Ltd

Address of Insurer: 25 Main Street, Beenleigh QLD 4207

Policy number/identifier: ARP17117/ASR **Current period of insurance cover:** 31/08/2025 – 31/08/2026

POOL DETAILS

- If you have more than one pool – by definition, a spa is a swimming pool – and they are **NOT** within the same pool barrier, then two different registered pools, inspections, and certificates of compliance are required. Combined pool/spa pools are considered to be one pool and are registered as such. For pool barrier compliance purposes above ground swim spas with a swimming section are considered to be swimming pools and not spa pools. Please complete a separate application form/contract for any further pools.
- **(N.B.:** If there are two pools, or a spa pool and a swimming pool, on the same property, please ask us to register the second pool/spa pool. This must be done internally, on the Swimming Pool Register. If owners do this, the second pool can override the first pool, and the first pool may have to be re-registered.)

Pool

- Is this inspection for: outdoor inground pool portable spa pool with hardcover lid indoor pool
 swim spa plunge pool aboveground pool indoor/outdoor pool other - please describe

- Is the pool registered on the Swimming Pool Register? Yes No
- If so, what is the registration number?
- What was the date of registration?
- Is this swimming pool subject to a Section 22 exemption? Yes No
- If 'yes', please attach a copy of the exemption as issued by the local council.
- The construction of the swimming pool/spa pool was completed before:
 - Before 31 August 2008
 - Between 1 September 2008 and 30 April 2013
 - After 1 May 2013
- Is the property:
 - A private single dwelling on a normal residential block of land
 - A private single dwelling on greater than two hectares
 - A private single dwelling on a block of less than 230 square metres
 - A private single dwelling on a waterfront property
 - Multi-occupancy or strata title building
 - Tourist and Visitor Accommodation
- Have there been any significant modifications to the fencing since it was first constructed? Yes No
- If yes, when did these alterations take place
and what are they?
- What is the name of pool builder/installer (if known)?
- Has a 'Direction' or a 'Notice of Intent to issue a Direction' been issued against this pool by the local council, and is it still current? Yes No
If 'yes', please attach a copy of these documents if available.
- Is this pool in a property for sale or lease? Sale Lease Neither
- Is this pool located in a property for permanent rental? Yes No
- Is this a holiday rental property (STRA)? Yes No
- Is this a serviced apartment or a 'Bed and Breakfast' property? Yes No

PLEASE NOTE: If there are any building walls that act as the pool barrier that have windows in them, access to the building concerned may be required to check that the windows meet compliance requirements.

INSPECTION FEES

It is a requirement that the fees for an inspection be paid to the Certifier before the Certifier carries out the work described in the section, 'Description of Services' that follow.

- For pools outside of the areas indicated, please contact us directly to discuss applicable fees.

Location	Inspection fee per swimming pool or spa pool per inspection	Re- inspection fee per swimming pool or spa pool within 6 weeks of initial inspection
Swimming pool, swim spa (or inground spa pool), spa pool.		
Forster/Tuncurry	\$250.00	\$150.00
Within 30 kms drive of Forster	\$300.00	\$150.00
Within 60 kms drive of Forster	\$350.00	\$200.00
Within 100 kms drive of Forster	\$400.00	\$200.00
All distances by road as per Google Maps	For locations further afield please request a quote	N.B.: If there are 3+ inspections at a location further afield to be inspected on the same day, extra distance tariffs may be waived

Please note: for urgent inspections within 24 hours of booking an inspection, there is an additional fee of \$50.00.

RE-INSPECTIONS: For re-inspections within six (6) weeks of the initial inspection, the inspection fee is as per the third column. Inspections after six weeks of the initial inspection, these inspections are considered to be a new inspection and the normal inspection fee applies e.g. \$250.00 at Forster.

REGISTRATION OF POOL: There is no fee to help you register your pool if you are booking an inspection with us. If not booking an inspection, the fee for helping you register your swimming pool or spa pool is \$30.00.

CPR CHARTS: CPR charts are available for \$30.00. Please request when forwarding the contract. Payment is to be made to the same account as the pool barrier inspection. **N.B.:** The CPR chart must be affixed in a permanent manner in order to meet compliance requirements.

Payment options: preferred payment method is bank transfer (see following); or, payment may be made in cash on the day, but, as per NSW legislation monies must be received before the inspection takes place. Please advise if wishing to pay by cash so that we may bring a receipt to the inspection.

Payment details: Please transfer the agreed amount to **Dolphin Pool Safety Inspections**

BSB: 062 669

Account number: 1022 6189

PLEASE ensure that you put the **surname of the pool owner (NOT the agent/legal representative)** as the **description of the transaction**. Please also email us a copy of the transaction – most banks have a box to tick so that a copy of the transaction may be emailed directly from the bank itself – if your inspection is urgent, so that the inspection may be carried out as soon as possible.

DESCRIPTION OF SERVICES

The Certifier is registered under the Building and Development Certifiers Act 2018, and is authorised to carry out inspections of swimming pools and to issue certificates of compliance under the Swimming Pools Act 1992.

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

- inspecting the swimming pool

- onsite discussion/explanation of issues of non-compliance, if any, and suggestions for remediation. Please note: possible remediation suggestions will be in writing in the Notice of Non-Compliance. Please refer to written suggestions before undertaking any works.
- updating the property record on the NSW Swimming Pool Register, as required.
- assessing whether the swimming pool complies with the requirements for the issue of a certificate of compliance under s.22D of the Swimming Pools Act 1992
- issuing a certificate of compliance to the Client if the swimming pool complies
- issuing the following if a swimming pool is non-compliant
 - written notice under sections 22E of the Swimming Pools Act 1992, and
 - a certificate of non-compliance within seven days of the date of inspection
- providing a copy of the section 22E written Notice of Non-Compliance to the relevant local council:
 - immediately where, in the opinion of the Certifier, the pool poses a significant risk to public safety, or
 - within five days after the expiry of six weeks from the date of inspection unless a certificate of compliance is issued beforehand
- if requested, re-inspecting the swimming pool/spa pool, and issuing certificates and/or written notices as appropriate (re-inspection charges apply) within six weeks from initial inspection date.

N.B.: please note that all care is taken when inspecting a pool's barriers but Dolphin Pool Safety Inspections/Inspectors will not be held responsible for any damage that may occur during the course of an inspection.

OWNER'S/OWNER'S AUTHORISED AGENT'S CONSENT

I, the owner/authorised legal representative of the owner of the above property:

- give permission for Andrea Keen, of Dolphin Pool Safety Inspections, to enter the property for the purpose of inspecting the swimming pool/spa with a view to issuing a Certificate of Compliance/Non-Compliance.
- I/we consent to her taking photographs/videos of the pool area.
- I/we acknowledge that this contract, and all of its contents, applies to all inspections within 6 weeks of the first inspection. Payment for inspections, including those subsequent to the first inspection, will be paid as per above inspection fee schedule.
- If acting as an authorised legal representative of the owner/s of the above property I warrant that I have legal authority to act on behalf of the owner/s in the matter of authorising this swimming pool compliance inspection.
- I acknowledge that I have freely chosen 'Dolphin Pool Safety Inspections', without coercion, to carry out this inspection.
- I have read and acknowledge the role and responsibilities of Swimming Pool Inspectors, the role of the person contracting the work, and the corresponding information, if any, available on the online register. (see attached document – *'Information about registered certifiers – swimming pool inspectors'*)
- I confirm that all information furnished in this contract has been sighted by me/us, and is accurate.

WHO SIGNS THE FORM?

1. All owners of the subject property must sign this application, OR
2. The owner's legally authorised representative: please attach a copy of this signed authorisation, OR
3. If the owner is a company - a director, secretary, or authorised delegate, OR
4. If the property is strata titled and relates to the entire strata – the common seal of the owner's corporation must be stamped on this application and signed by the authorised delegate of the Owner's Corporation, OR
5. If the property is strata titled and relates only to a single lot in the strata - all owner/s of the particular lot, OR
6. If Crown land - an authorised officer of the relevant government authority must sign the application, OR
7. If signing on the owner's behalf as the owner's legal representative, you must state the nature of your legal authority and attach any available evidence (e.g., power of attorney, executor, trustee, company director), OR

- 8. If signing on behalf of a corporate body or company, the application should be signed by an authorised person under common seal and the position of that person in the corporate body or company must be stated on the form. Alternatively, the Common Seal is not required if two Directors or authorised persons sign the application form, or if you are a sole Director, OR
- 9. If the property has been recently purchased, written confirmation from the purchaser’s solicitor must be provided. If the contracts have been exchanged for the purchase of the property but settlement has not taken place, the current owner is to sign the application.

PLEASE INDICATE BELOW UNDER WHICH OF THE ABOVE CATEGORIES THE SIGNATORY/SIGNATORIES BELONG...

SIGNATURES TO AGREEMENT

I am: The owner (owners)/the owner’s (owners’) legally authorised representative, under category 1-9? _____

(N.B.: Please attach documentation showing legal authorisation by owner to act on their behalf.)

Please print names of all signatories:

Signature and/or stamps/seals of ALL pool owner(s) or their legally authorised representative (electronic signatures are accepted):

Certifier’s electronic signature:

For security reasons, this will be added to the completed form and returned to you before the inspection takes place.

DATE OF AGREEMENT

Please attach a copy of a current rates notice to this application. This is required as proof of ownership of the property.

PRIVACY STATEMENT: The personal information that *Dolphin Pool Safety Inspections* is collecting from you is personal information for the purposes for the Privacy and Personal Information Protection Act 1998. Any personal information supplied or collected will only be stored and processed for lawful purposes directly related to the functions and activities of *Dolphin Pool Safety Inspections*.

Information 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 any certification work is carried out. 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.

Information about registered certifiers – swimming pool inspectors – June 2020

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.

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