



REGISTRAR-GENERAL'S NEWSLETTER

MARCH 2003 ISSUE 2

Office of the Registrar-General: Land Titles Office - Titles Production - Births, Deaths and Marriages - General Registry
Northern Territory Department of Justice

IMPORTANT NOTICE

SWIMMING POOL LEGISLATION

As you are probably aware by now section 38 of the *Swimming Pool Fencing Act* provides:

(3) *The Registrar-General must not, under Part 6 of the Land Title Act, transfer a fee simple interest in small premises at which a swimming pool is situated, unless there is a compliance certificate in relation to the premises.*

After further discussions with the REINT and the Swimming Pool Fencing Authority it has now been decided that statutory declarations will not be accepted from the owners of property in a private sale.

If it is a private sale then the Swimming Pool Fencing Authority will issue a letter stating that no swimming pool exists on the premises or a Certificate of Compliance if there is a swimming pool.

As from 1st April 2003 the Land Titles Office will no longer accept any transfers of property unless the following is produced:

- A statutory declaration signed by a licensed real estate agent stating that there is no pool on the premises or that the premises are a motel or hotel and are excluded under the Swimming Pool Fencing Regulations. If the real estate agent is not prepared to sign the statutory declaration then a letter from the Swimming Pool Fencing Authority to that effect will be accepted as an alternative.
- A Certificate of Compliance which is produced at the time of lodgement of dealings.

There has been some conjecture as to why a statutory declaration will not be accepted from the owner of a property. Unfortunately, notwithstanding the sanctions already contained within the *Swimming Pool Fencing Act* against an owner, the Swimming Pool Fencing Authority is aware that since the commencement of the legislation, three transfers have allegedly taken place of small premises on which there is a

swimming pool with no Certificate of Compliance issued. As a result, the Registrar-General has decided that only a statutory declaration from a licensed real estate agent will be accepted as evidence as to the non-existence of a swimming pool.

It should be noted that this is not an attempt to single out real estate agents. What is being offered is an alternative to having all premises inspected by the Swimming Pool Fencing Authority regardless of whether there is a pool or not thereby avoiding delays in the settlement process.

Please note that this process only applies to "small premises" which are defined in the *Swimming Pool Fencing Act* as premises that are less than 2 hectares in area. Where the premises are 2 hectares or more, that information can be verified from the Land Register and no other evidence is required.

Copies of the preferred wording for the Statutory Declarations together with a copy of the new Swimming Pool Fencing Regulations exempting swimming pools at hotels or motels were attached to the newsletter issued earlier this month. Copies are available at the Land Titles Office counter or can be forwarded upon request.

For information regarding Compliance Certificates contact the Pool Fencing Unit on 1300 301 059 Mondays to Fridays 8.30am to 4.30 pm
e-mail address: poolfencing.dcdsca@nt.gov.au

SWIMMING POOLS ON COMMON PROPERTY

After discussions with the Swimming Pool Fencing Authority a Certificate of Compliance where there is a pool or a statutory declaration or a letter from the Swimming Pool Fencing Authority where there is no pool will be required for transfers of units both in respect of the unit(s) being transferred and the common property. If a Certificate of Compliance was issued recently for the same complex then the Authority will re-issue the certificate of compliance.

Some units have a pool situated on the unit and these will be treated individually.