The Territory Government has responded to community concerns about the implementation of pool fencing legislation over the past 12 months by replacing the old pool fencing act with new simplified, common sense pool laws.

Chief Minister, Clare Martin, said that she was sorry for the frustration many pools owners had faced and the new simplified act will be more workable while still helping to protect young children.

The new laws - which will be introduced into Parliament next week and implemented in March - will create a new minimum safety standard known as the Community Safety Standard for pools installed prior to 1 January 2003.

“I have listened to community concerns and have responded with a common sense, practical new law,” she said.

“There is overwhelming support to increase safety for kids around pools, however, the current system for pre-existing pools is too inflexible and is failing to properly encourage pool owners to upgrade their fencing.

“Our intention remains the same - and that’s to make backyard pools and spas safer for young children - but the laws will now be more workable.”

Following the review recommendations, a key principle of the new scheme is increased personal responsibility for individual pool owners.

The changes include:

- The standard’s will be modified so that a neighbouring property will not affect a pool or spa’s compliance

- For pre-existing pools and spas (installed prior to Jan 2003) - a new minimum safety standard will be introduced known as the Community Safety Standard

- Guidelines for the new Community Safety Standard require effective barriers to be in place – without the inflexibility of the current system

- For pre-existing pools the new Community Safety Standard will require a self-declaration process where pool owners can declare that their pools comply with the new minimum standard

- Boundary fencing alone will not meet the Community Safety Standard

- Pools on blocks over 1.8 hectares continue to be exempt

- Upgrading to the appropriate standard will apply at the point of
sale or change of tenancy

- A more practical approach will now apply at the point of sale. For example a purchaser can agree to take on the responsibility for upgrading a pool within a set period.

- Certification to the modified Australian Standard will continue to be assessed by the Pool Safety Advisory Unit

- Pool Safety Inspectors will be replaced with Pool Safety Advisers who will be on hand to provide free advice to assist owners through the process.

- Registration of pools is no longer required. People who have registered their pools under the old system will be entitled to a refund of the registration fee of $100.

- A new generous Safe Pool Grant scheme will apply to assist Territorians safely secure their pre-existing pool or spa. The Government will contribute 75% of the costs of upgrading to a maximum of:

  $3,000 for the new Community Safety Standard

  $4,000 for the modified Australian Standard

- Grants will be available until 31 December 2007. No other jurisdiction provides financial assistance to upgrade pool safety.

- Owners of pre-existing pools who have already upgraded their fences under the current system will be eligible to apply for a Safe Pool Grant.

- Existing loans will be converted to grants and loan amounts already paid will be refunded in line with the new grant scheme.

- There will be ongoing pool and water safety campaigns as part of the Five Point Water Safety Plan.

Ms Martin said that the new laws provide pool owners with practical, sensible solutions to upgrading the safety of their pool and generous incentives to encourage pool owners to upgrade sooner rather than later.

“The Territory is the only jurisdiction where Government provides an incentive scheme. We believe it’s the best way to get as many pool owners as possible to comply with the appropriate standards as soon as possible.”

Ms Martin thanked the public and stakeholder groups for their submissions to the Review of the Pool Fencing legislation.

“There were 43 submissions in total and people clearly indicated their support for the aim of the legislation - just not the way we had been going about it,” she said.