Swimming Pool fencing Legislation will come into force from January 1, Chief Minister Clare Martin said today.

"The aim of the legislation is the prevention of child drownings, particularly in those under the age of five, and providing the safest possible environment for children around water," she said.

"It will require pool fencing to comply with Australian standards but it gives owners of existing pools some flexibility in bringing their fences up to those standards.

"Under the Legislation pools and spas on properties under two hectares will have to be registered within 18 months of the starting date.

"New pools will need to comply with the Australian Standards from January the first, but existing pools owners don’t have to upgrade until they sell their property.

"However to encourage early upgrading the legislation also provides for an Early Registration Incentive Scheme (ERIS) offering a cash bonus and interest free loans to help people meet the costs of upgrading fencing and barriers around existing pools."

Ms Martin said that people with existing pools would be eligible for a rebate of up to a third of the upgrade costs (to a maximum of $1667) with the remainder of the cost (to a maximum of $3333) available in the form of an interest-free loan.

The legislation also establishes a Swimming Pool Fencing Authority that will register and inspect pools and spas as well as determining any bonus and loan amount eligible under ERIS.

"The Swimming Pool Fencing Authority will also have the power to vary fencing standards in some circumstances and will have the power to register an existing or new swimming pool with a non-standard enclosure where it is satisfied no other practical or reasonable fencing solution exists," Ms Martin said.

"The guiding principle will always be to give carers time to react to a child in danger."

The Chief Minister said the new legislation exempts owners of properties larger than two hectares in size from the fencing requirements but allows them to seek access to the ERIS scheme if they want to install fencing to the Australian Standards.

"Importantly, owners of investment properties will also be required to
upgrade fencing to Australian standards when there is a change of occupancy but fencing will remain the responsibility of the landlord," she said.

"There will also be a two-stage appeal process for people who are unhappy with decisions of the Swimming Pool Fencing Authority."

The pool fencing legislation is just one element of the Government’s Water Safety Education and Awareness strategy that will include a widespread education campaign before the new laws are introduced and continuing safety education and awareness programs.

"The Government will also be issuing water safety vouchers to parents or carers to help offset the cost of providing water safety or swimming lessons for children under the age of five," Ms Martin said.

"These will be the responsibility of the new Water Safety Advisory Council."

To find out more about the new legislation please contact the helpline on 1300 301 059