

New pool rules a legal minefield, says lawyer

Rachel Olding

POOL owners face a greater risk of manslaughter charges after new laws introduced the option for owners to self-certify their pools.

Under the laws announced yesterday, every pool owner in NSW must register their pool on a free, statewide register and certify "to the best of their knowledge" that their fence complies with legislation. Property owners have 12 months to register or face fines of \$2200.

Pool owners and landlords will also have to pay up to \$150 for a pool to be inspected by the local council each time a property is sold or leased.

Kim Lovegrove, a solicitor and conjoint professor of building regulation and certification at the University of Newcastle, said the move created a legal minefield.

"The concept of self-certification will potentially change the liability dynamic," he said.

In July, a 61-year-old Armidale grandfather became the first person in the state to be charged with manslaughter after a two-year-old boy wandered into his backyard and fell into his poorly fenced pool.

The Minister for Local Government, Don Page, said a regime of mandatory, periodic inspections of the state's 340,000 pools would be too costly for owners and councils.

Instead, inspections would be mandatory for tourist accommodation, unit blocks and before a property could be sold or leased. The cost of an inspection would be capped at \$150.

Kelly Taylor, whose son Jaise drowned two years ago in a non-compliant pool on a rental property, said the laws did not go far enough.

"The life of a child is too precious to leave to chance that a parent could be right when it comes to compliance," she said.