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SWIMMING POOL SAFETY CAMPAIGN 2010

The Division of Local Government, Department of Premier and Cabinet is seeking the cooperation of all NSW councils in undertaking a state-wide swimming pool safety education campaign before the 2010/2011 swimming season.

All local councils are strongly encouraged to deliver a locally based campaign that draws attention to the critical importance of swimming pool barriers meeting the requirements of the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*. It is important to emphasise that, while fencing may assist in reducing drownings in backyard pools, the most effective way to prevent drowning or near drowning is for children to be adequately supervised by a parent or other responsible adult.

To assist councils with this initiative, the Division has arranged the printing and bulk distribution to councils of the following resources:

- Swimming Pool Laws Brochure
- Home Swimming Pool Safety Checklist

4,000 copies of each brochure are currently being delivered to each of the 81 urban/large regional councils (in DLG classification group numbers 1-7) and 1,000 copies of each brochure to each of the 71 rural/small regional councils (in DLG classification group numbers 8-11). The Division has printed sufficient copies of these brochures for distribution to every backyard pool owner in NSW. Councils can obtain additional copies by contacting Salmat on telephone 02 9311 9899, or fax 02 9311 1076.

Councils are requested to distribute a copy of the brochure and checklist directly to every backyard pool owner and occupier. This can be achieved by direct mail utilising existing council databases, inclusion with rates notices, making copies available at council offices and/or requesting local businesses that retail swimming pool related products to distribute them through their outlets.

The brochure, checklist and other important information relating to backyard swimming pools targeting both the general public and councils can be found on the Division's website at www.dlg.nsw.gov.au under *Browse by Topic - backyard swimming pools* and in the *Directory of Policy Advice for Councils - backyard swimming pools*.

The brochure and checklist are also available in 15 community languages on the Division's website to assist councils to provide key water safety messages to culturally and linguistically diverse groups within the community.

Councils are encouraged to supplement the distribution of these brochures with other strategies to promote swimming pool safety, including the issuing of media releases and the inclusion of information on council websites, which as a minimum should include a link to the Division's webpage *Browse by Topic - backyard swimming pools* that includes the brochure and checklist and is available at: <http://www.dlg.nsw.gov.au/dlg/dlghome/PublicTopicsIndex.asp?mi=0&ml=10&id=12>

Councils may also promote to pool owners in their area the *Home Pool Safety in a Box* kit distributed to all NSW councils in early 2010 as an initiative of Royal Life Saving and the NSW Government. The kit is designed to encourage more home pool owners to learn CPR. Councils may also find further information on the home pool safety on Royal Life Saving's website at www.royalnsw.com.au.

This request is consistent with section 5 of the Swimming Pools Act, which requires councils to promote awareness within their local government areas of the requirements of the legislation in relation to swimming pools. It also requires councils to take such steps as are appropriate to ensure they are notified of the existence of all swimming pools in their areas to which the legislation applies.

The importance of swimming pool safety is underscored by the findings handed down on 30 April 2010 by the NSW Deputy Coroner in relation to an inquest into the deaths of eight children in NSW swimming pools between 2006 and 2009. The Deputy Coroner found that the breakdown of supervision was a significant contributing factor to all deaths, and the failure to ensure the barrier was properly constructed and maintained was a significant contributing factor to the deaths of several children.

The Deputy Coroner stated, among other things,

"A barrier fence surrounding a home swimming pool is not a first line of protection for young children. Supervision is always the first line of protection however no matter how vigilant a carer may be supervision of a young child can break down. It is in these situations that the barrier fence gives added protection by preventing the child from gaining access to the danger that the pool poses for them... It is trite to say that there is no point in having a barrier fence around a home swimming pool if it is not compliant or effectively maintained.."

The Deputy Coroner has made a series of recommendations calling for increased public education and strengthened legislation, including removal of pool barrier exemptions for existing pools as well as development of a compliance program. The recommendations are currently being given careful consideration.

The full report is available under 'Infant Pool Drowning Findings' on the NSW Coroner's Court webpage on the NSW Lawlink website at: http://www.lawlink.nsw.gov.au/lawlink/Coroners_Court/ll_coroners.nsf/pages/coroners_findings. The page may also be accessed via a link from the Division's *Directory of Policy Advice for Councils – backyard swimming pools*.

The NSW Deputy Coroner also handed down findings and recommendations on 10 February 2010 in response to the death of Shannon Rankin on 25 March 2006 in a spa pool. The report found that the cause of death was drowning following entrapment due to issues of design and construction.

Councils are requested to inform the public about the potential dangers associated with spa pools and to promote compliance with statutory requirements. Under the Swimming Pools Act councils have a role in ensuring access to spa pools by young children is restricted by a child-resistant barrier or a lockable child-safe structure (such as a lid) when not in actual use. Councils may also promote the safe design and construction of spa pools. Further information about this issue is available from NSW Fair Trading which has published a safety guide to help avoid entrapment on suction outlets on spa pools on its website at www.fairtrading.nsw.gov.au.

In accordance with the *Swimming Pools Amendment Act 2009*, as of 1 July 2010 newly constructed pools on very small properties (less than 230 square metres), large properties (2 hectares or more) and waterfront properties will no longer receive automatic exemptions from the requirement for four-sided, child-resistant pool barriers (Circular to Councils 09-41 refers). Penalties for non-compliance with the requirements of the principal Act and Regulation have also been increased significantly.

Councils are also advised that recent amendments made to the Conveyancing (Sale of Land) Regulation 2010 mean that from 1 September 2010 contracts for the sale of land must include a warning in relation to a land owner's obligations under the *Swimming Pools Act 1992*, which states that:

*An **owner** of a property on which a swimming pool is situated must ensure that the pool complies with the requirements of the *Swimming Pools Act 1992*. Penalties apply. Before purchasing a property on which a swimming pool is situated, a **purchaser** is strongly advised to ensure that the swimming pool complies with the requirements of that Act.*

Councils may receive an increased number of requests from land owners of properties with swimming pools to issue a Certificate of Compliance under the Swimming Pools Act prior to the sale of their property to satisfy this requirement.

The continued assistance of all councils in undertaking this state-wide swimming pool safety education campaign is critical in ensuring that the 2010/2011 swimming season is a safe one for all children in NSW.

Your cooperation is appreciated.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet