

INDEPENDENT REVIEW OF SWIMMING POOL REGULATION

The NSW Government is committed to an effective swimming pool regulatory framework that protects children in and around backyard swimming pools. The Review was commissioned to ensure this framework remains best practice.

Active adult supervision is the first barrier in protecting young children around water. However, momentary lapses in supervision can occur.

The NSW Government's swimming pool regulatory framework is not intended to replace active adult supervision but provide a secondary defence against drowning and near drowning.

A strong and effective swimming pool regulatory framework will increase safety and save lives.

What has the Government already done to promote child safety around backyard swimming pools?

In recent years, the Government has:

- > established a comprehensive register that enables councils, Government and the community to know where more than 340,000 backyard swimming pools in NSW are located;
- > required mandatory inspection programs for high-risk pools, such as strata properties, and tourist and visitor accommodation;
- > required pools to be inspected before sale or lease;
- > enabled the issuing of close to 50,000 certificates of pool barrier compliance; and
- > continued to support the Royal Life Saving Society of NSW with its 'Be Pool Safe' program.

What is the Government proposing to do to further increase child safety around backyard swimming pools?

The Government is working with the NSW Royal Life Saving Society on an enhanced pool safety campaign that reinforces the importance of active supervision of young children in and around backyard pools and promotes the concept of a 'designated child supervisor'.

The best protection against young children drowning in backyard swimming pools is active and responsible adult supervision.

Royal Life Saving Society's recent report, *Drowning Deaths of Children Under Five in Private Swimming Pools in NSW: A 13 Year Review*, states that, for the 13-year period to 30 June 2015, supervision was completely absent in 59 per cent of cases. That is why the Government is focusing its response on increased education as the most potent way to reduce the number of drownings and near-drownings.

The Government will make it easier for pool owners to understand their obligations by producing easy-to-understand guidance material. Guidance material will also be produced for accredited and council certifiers on their legislative and regulatory responsibilities.

What did the Government do after receiving the Final Report of the Independent Review of Swimming Pool Regulation?

The Government has accepted the majority of the recommendations of the Independent Review of Swimming Pool Regulation and has already implemented a number of them.

An analysis of the recommendations revealed that, fully implemented, a significant increased regulatory and financial burden (estimated at over \$1 billion) would be imposed on swimming pool owners, with limited additional improvement in child safety. This would be a cost of between \$2,000 and \$5,000 per pool, borne by pool owners.

The evidence shows that most drownings occur due to inadequate adult supervision rather than gaps in the regulatory framework.

Why isn't the Government moving to a single pool barrier standard?

All new pools in NSW must comply with the same regulatory framework.

Independent analysis shows that applying the current standard to older pools would provide a limited increase in safety at a substantial cost to pool owners.

The evidence is that most drownings occur when there is inadequate adult supervision.

How do pool owners know which standard is relevant to them?

There are three standards, depending on when the pool was built:

- > Before 1 August 1990: Access to the pool from the house must be restricted at all times. Windows and doors may form part of the barrier, but they must be compliant.
- > After 1 August 1990 but before 1 July 2010: The pool must be surrounded by a fence that separates the pool from the house. Exemptions apply if the pool is part of a very small property (less than 230 square metres); a large property (two hectares or more); or a waterfront property.
- > After 1 July 2010: All new pools must be surrounded by a fence that separates the pool from the house, unless a section 22 exemption applies (for example, disability), which will mean an alternative provision is in place.

Why isn't the Government introducing four-yearly mandatory inspections?

The Government has already introduced mandatory inspections for high-risk pools, such as strata properties, and tourist and visitor accommodation.

All councils in NSW have the option, in consultation with their community, to adopt an inspection program that meets the needs and expectations of the local community.

Introduction of the sale and lease provisions from 29 April 2016 has already resulted in a sharp increase in the number of compliance certificates issued in NSW. Close to 50,000 swimming pools in NSW have now had compliance certificates issued.

The Independent Review of Swimming Pool regulation, the Analysis and the Government Response can be found at: www.olg.nsw.gov.au/content/swimming-pool-barrier-review-2015

