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## SWIMMING POOL SAFETY CAMPAIGN 2011

The Division of Local Government, Department of Premier and Cabinet is again seeking the cooperation of all NSW councils in undertaking a state-wide swimming pool safety education campaign as part of the 2011/2012 swimming season, which commenced on 1 October.

As councils should be aware, section 5 of the *Swimming Pools Act 1992* requires councils to promote awareness within their local government areas of the requirements of the legislation in relation to swimming pools.

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 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, in 2010 the Division distributed printed bulk copies of the following resources:

- [Swimming Pool Laws Brochure](#)
- [Home Swimming Pool Safety Checklist](#)

Salmat continues to hold a limited supply of these resources, which can be obtained by contacting Salmat on telephone 02 9311 9899 or fax 02 9311 1076. There is no cost to councils for these existing stocks.

The Government has committed to establishing a new website: [www.watersafety.nsw.gov.au](http://www.watersafety.nsw.gov.au) by the end of 2011. It is intended that this will act as a source of advice on NSW Government programs and policies relating to water safety.

The NSW Water Safety Advisory Council has been tasked with developing a NSW Water Safety Strategy, focused on meeting the Federal target of reducing drowning deaths by 50% by 2020. Local government will continue to be represented on the Water Safety Advisory Council and swimming pool safety will be considered in the development of the NSW Water Safety Strategy.

Councils are requested to continue to bring these resources to the attention of pool owners. Previously councils adopted a range of strategies to do this, including 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](http://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 information on council websites, including 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. The kit is designed to encourage more home pool owners to learn CPR. Councils may also find further information on the home pool safety kit on Royal Life Saving's website at [www.royalnsw.com.au](http://www.royalnsw.com.au).

The importance of swimming pool safety is underscored by a series of findings handed down by the Deputy State Coroner in 2010 and 2011. 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.*

Councils are also requested to remind 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 on its website ([www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)) a safety guide to help avoid entrapment on suction outlets on spa pools.

Councils are reminded that the Swimming Pools Act was amended in 2010 in relation to limiting automatic exemptions from the requirement for four-sided, child-resistant pool barriers (Circular to Councils 09-41 refers) and increased penalties for non-compliance.

Councils are also reminded that the Conveyancing (Sale of Land) Regulation 2010 was amended so that from 1 September 2010 contracts for the sale of land are required to include a warning in relation to a land owner's obligations under the Swimming Pools Act, which states that:

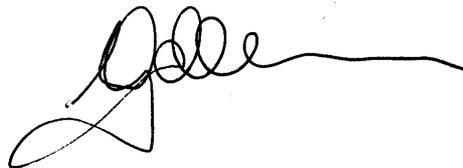
*An **owner** of a property on which a swimming pool is situated must ensure that the pool complies with the requirements of the Swimming Pools Act 1992. Penalties apply. Before purchasing a property on which a swimming pool is situated, a **purchaser** is strongly advised to ensure that the swimming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

The continued assistance of all councils in undertaking this state-wide swimming pool safety education campaign is critical in ensuring that the 2011/2012 swimming season is a safe one for all children in NSW.

Your cooperation is appreciated.



**The Hon Don Page MP**  
**Minister for Local Government**  
**Minister for the North Coast**



**The Hon Michael Gallacher MLC**  
**Minister for Police and Emergency Services**  
**Minister for the Hunter**

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