

MEDIA RELEASE

LIFE SAVING VICTORIA FOR IMMEDIATE RELEASE



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Victorian Government ignores World Health Organisation recommendations on home pool drowning prevention

Life Saving Victoria is urging the Victorian Government to introduce additional legislation to enforce compliance with home pool and spa fencing regulations, in line with best-practice guidelines published by the World Health Organisation.

The regulatory impact statement for the 2017 Building Regulations, released last week, includes new legislation to bring in uniform pool and spa fencing laws, requiring all home pools and spas in Victoria to have four-sided isolation barriers.¹

While LSV welcomes this change in legislation, we believe that unless supportive legislation is introduced to encourage pool and spa fencing compliance and maintenance, it is unlikely that the proposed changes would make a significant difference to the drowning toll.

According to the World Health Organisation "... legislation must ... be accompanied by active awareness-raising efforts directed at the community, and enforcement measures." ⁱⁱ It stresses that low compliance and weak enforcement of legislation can lead to pool fencing being ineffective.

Therefore, LSV is calling on the Victorian Government to introduce a number of measures including:

- **Regular mandatory inspections of all home pools and spas**
- **A mandatory certificate of compliance for home pools and spas prior to sale or lease of a property; and**
- **A mandatory register for all home pools and spas in Victoria.**

These actions are supported by multiple coronial inquests, which have called for changes to pool safety fencing laws and listed these actions among their recommendations.

LSV Principal Research Associate Dr Bernadette Matthews says that having only a single solution to reduce drowning in home pools, such as the uniform fencing laws alone, is not enough to prevent drowning deaths and injuries.

"Requiring a four sided barrier/isolation fence for all home pools and spas in the state will provide a significant safety improvement on many barriers that are currently still allowed, and will also reduce the confusion for home owners, building surveyors and pool inspectors about what is required," she said.



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Life Saving Victoria Media Unit: 0411 193 962
Email: media@lsv.com.au**

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“However where this type of legislation has been introduced in other states, concurrent measures were also introduced to ensure ongoing compliance with regulations, including regular mandatory safety inspections of pool barriers (WA), mandatory compliance of home pool safety barriers prior to sale/lease (QLD, NSW) and a mandatory register of all home pools and spas (QLD, WA, SA, NSW).

“The regulatory impact statement lists a voluntary swimming pool and spa register and a voluntary annual pool and spa self-assessment tool as non-regulatory options that could be implemented alongside the uniform barrier legislation; however it is our firm belief that these actions need to be mandatory to have an effect.

“Drowning prevention research shows us that there is no single solution that will be effective on its own.

“A combination of education, legislation and enforcement provides the most significant improvements in reducing drowning deaths.

“We know that young children aged 0-4 are at greatest risk of drowning in home pools and spas.

“Coronial records indicate that many of these deaths resulted from a combination of inadequate supervision, as well as inadequate safety barriers, such as a faulty a gate lock, or the gate or door being left open.

“These types of failures aren’t going to be addressed unless measures are taken to ensure ongoing compliance with the legislation, as well as providing education to homeowners, parents and carers.”

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ⁱ There are currently three different sets of pool fencing requirements, depending on when construction of the pool/spa was commenced. There are different sets of requirements for home pools/spas constructed on or after 1 May 2010, those constructed between 8 April 1991 and 30 April 2010, and those constructed before 8 April 1991. See

[https://engage.vic.gov.au/application/files/6514/9497/9461/RIS - Part B.pdf](https://engage.vic.gov.au/application/files/6514/9497/9461/RIS_-_Part_B.pdf) p114.

ⁱⁱ (Preventing Drowning: An Implementation Guide. World Health Organisation: 2017.

<http://apps.who.int/iris/bitstream/10665/255196/1/9789241511933-eng.pdf?ua=1> p27-28)



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