Management of domestic swimming pools and compliance levels

A comparison of approaches in three local government areas

NSW Water Safety Taskforce
Report for NSW Water Safety Taskforce
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Three local councils in regional NSW participated in this study which compared their approaches to managing domestic swimming pools and the levels of compliance achieved in relation to the current NSW Swimming Pools Act (1992). The three councils (referred to as Councils A, B and C) represented a small, medium and large local government area based on their residential populations.

1.1 Management processes and compliance levels

The management processes implemented within each of the three councils varied significantly, however a number of key processes presented as significant to the efficient management of domestic swimming pools and the resultant levels of compliance.

The current NSW Swimming Pools Act (1992) was a major influence on the way in which each council interpreted their responsibilities and managed the inspection of domestic swimming pools. Quality information systems and the existence of a working pool register were important to the effective monitoring of pools and the coordination of inspection programs. Clear lines of managerial responsibility were important to ensure that priority was given to domestic swimming pool compliance programs and sufficient program resources were allocated for this purpose. Efficient enforcement protocols were important to the management of inspection program costs and to facilitate the achievement of compliance. Regular contact with pool owners during inspections was identified as important for developing a practical understanding of the requirements of the Act and receiving advice about adequate maintenance of their pool fences.

1.2 Council A

Council A had not conducted inspections on existing pools for at least three years, and as a result, there had been negligible enforcement action or pool owner contact during that time. Council A’s general property management database enabled identification of properties with approved swimming pool applications, however, no register or database of swimming pools existed, and the total number and compliance status of pools in Council A’s area was unknown. Internal departmental restructuring had resulted in the lines of responsibility and priority given to the management of domestic pools not being clearly designated or defined.

Council A participated in the trial of an outsourced inspection program where a sample of 1003 pools were inspected by Royal Life Saving Society trained inspectors. At the first inspection, baseline compliance levels were 48.6% compliant and 51.4% non-compliant. There was a 55.5% conversion rate to compliant in the sample of non-compliant pools where a second inspection was completed.
1.3 Council B

Council B had a long term, ongoing inspection program in place, complemented by an annual 'blitz' period. There were clear lines of managerial responsibility for the coordination and implementation of the inspection program, and sufficient annual allocation of human and financial resources. There was a comprehensive pool register linked to the general property management system and processes for ensuring pool owner contact at inspections. There was also an efficient enforcement protocol in place which included the use of fines. Files on properties with non-compliant pools remained active for reinspection and enforcement until compliance was achieved.

Of the 1262 pools on Council B’s register, 31.6% had ‘unknown’ status, meaning inspections were pending, leaving a remaining 66.2% pools compliant, and 2.2% non-compliant. However, when considering only the pools with ‘known’ status (863), 96.8% were compliant and only 3.2% were non-compliant.

1.4 Council C

After establishing a swimming pool register in the early 1990s, Council C had only conducted inspections irregularly from year to year, due to fluctuating priority and resources allocated for inspections. However, in 2000 Council C committed to a three year program to ensure all domestic swimming pools in its area would be inspected. ‘Blitz’ type inspection programs were conducted in 2000 and 2001, followed by an extensive inspection program involving the rest of the pools in their area during 2002 – 2003.

Responsibility for the ongoing management of domestic swimming pools, particularly inspections, is designated to the Building and Development Services section. Although Council C had an electronic register or database of swimming pools in place for many years prior to 2000, this was not up to date in relation to the compliance status of the pools in its area. An enforcement process was in place, however, there was a preference for achieving voluntary compliance via pool owner education strategies including pool owner contact during inspections and targeted information mail-outs.

At the first inspection, 45.7% of the pools were compliant and 54.3% were non-compliant.
1.5 Pool owner survey

205 pool owners (20.5%) responded to a written survey undertaken in Council A and almost all (98.5%) were owner/occupiers of the property. Only 16% of respondents had children under the age of five years living at the residence, however 66% of respondents stated that children under the age of five years had visited in the previous six months. 77% of respondents had completed a resuscitation course. Whilst 44% had completed it in the previous 1–3 years, 34% had completed a course more than 10 years ago.

95.6% of respondents reported having a fence surrounding their pool and 95.6% believed that fencing should be required by law. 95.6% of respondents also supported Council A inspecting pools and the most commonly suggested timeframes were 1–2 years (40%) and every five years (23%). 60% of respondents stated that Council A provided information on pool fencing safety.

1.6 Outsourced inspections

Inspections in Council A’s area were conducted by The Royal Life Saving Society Australia (RLSSA) trained inspectors. The trial program yielded both positive and negative outcomes as an inspection management option for this council. Outsourced inspections have been implemented effectively by RLSSA in Western Australia and by private contractors in the Noosa Shire in Queensland. This study does not draw any conclusions about the overall value of outsourced inspection programs but rather that individual councils must consider if this is an appropriate, workable option given their individual situation.
1.7 Essential elements for best practice

Experienced local government inspectors and managers repeatedly identified the significant weaknesses and limitations of the current NSW Swimming Pools Act (1992) in ensuring the safety of domestic swimming pools and recommended its immediate review. A number of other key processes relevant to a best practice model for the management of domestic swimming pool inspections and compliance by local government authorities were also identified in the study:

- Recognised priority for a domestic swimming pool compliance program
- Clear lines of responsibility across and within relevant divisions of council
- Project management and allocation of appropriate human, financial and IT resources
- Electronic swimming pool register or database linked to a general property-management system
- Efficient enforcement protocol, including the use of fines, fully endorsed by council
- Comprehensive training of inspectors on the requirements and enforcement of the Act
- Annual quota of inspections to be completed
- Maximum 3–5 year inspection cycle
- Inspections conducted throughout the year and/or during a ‘blitz’ period
- Inspection fee implemented to assist with program costs
- Pool owners to be present during inspections
- Strategies including booked appointments to deal with property access and pool-owner awareness issues
- Use of inspection time for simple pool-owner education
- Complementary local media campaign to raise community awareness of domestic swimming pool safety and drowning prevention measures
- Direct communication with pool owners as a group via mail-outs, etc.
Introduction

There is a long term and ever-growing body of evidence supporting the role of pool fencing in the prevention of drowning in children under the age of five years (1,2).

A Cochrane Collaboration review of the available scientific evidence regarding pool fencing concluded that it significantly reduces the risk of drowning in children, and the risk of drowning in an unfenced pool is four times greater than in a fenced pool. Further, isolation fencing which encloses the pool only, has a significantly more protective effect than perimeter fencing which encloses the property and pool, and allows access from the house to the pool (1).

Swimming pool fencing in various forms has been a legal requirement in most Australian states and territories for at least the past ten years, however the compliance of domestic swimming pools with the requirements of this legislation remains an ongoing problem. Following the introduction of mandatory fencing laws across Australia, studies have consistently documented baseline swimming pool fencing compliance levels of 50% or less (3,4,5,6).

There is a clear relationship between domestic swimming pool compliance levels and the ability of pool fencing to prevent drownings. A Queensland study found that from 1992–1997, 87% of the pools where a drowning occurred did not comply with current state legislation (2). A recent NSW study of drowning in children replicated previous findings that ‘compliance with gate closure is a major limiting factor in the effectiveness of gates to prevent drownings.’ (7).

In the first two years after the introduction of legislation requiring isolation fencing in Queensland, the child–drowning rate dropped from an average of 12 per year (over the previous 9 years) to an average of only 2 per year. However, it was of great concern that in the following three years the rate climbed back to 11 per year (2).

One study suggested that, as well as an increase of around 70% in the number of domestic swimming pools in Queensland from 1990–1997, the increased drowning rate was related to the low level of swimming pool compliance (approximately 30–50%) as surveyed at that time. The study also concluded that inspection and re-inspection of new and existing pools offered the greatest potential to reduce toddler drowning (5).

A clear link exists between inspections and compliance levels, with studies demonstrating significant improvements in baseline compliance rates with each inspection, and subsequent re-inspection, undertaken (4,10).

The National Injury Prevention Advisory Council (1999) suggested that further reductions in the rate of child drowning could be gained by increasing the compliance of swimming pool fencing with legislative requirements, and also
identified that ‘gaining the co–operation of local government in enforcing compliance with the legislation is an important component of efforts in this area.’ (8, p. 23)

Although the specific requirements vary from state to state, local government authorities have generally been expected to monitor and enforce the compliance of domestic swimming pools with the respective state legislation. However, in the years since pool fencing legislation has been introduced, local government authorities have demonstrated a poor track record in the initiation and maintenance of ongoing pool inspection programs.

Local government authorities across NSW continue to be inconsistent in their approach to ensuring compliance of domestic swimming pools with the current NSW Swimming Pools Act 1992. Although little research has been undertaken, it would appear that councils in NSW range in their level of activity on swimming pool fencing compliance from some form of inspection program to no action at all.

In summarising the current status of legislation in NSW, Scott (2002) observes ‘inspections, compliance and on-going checks are controlled by local authorities and in practice, are extremely variable’ (9). A 1998 survey of NSW councils concluded that many were unaware of their responsibilities under the Swimming Pools Act 1992, and reported generally low rates of pool inspection (10).

An inconsistent approach to swimming pool inspections is common to local government authorities in other states as well. In Victoria, a survey of local councils found a wide variation in enforcement of pool fencing regulations by local councils (11). In Queensland, pool inspection programs were recently described as ‘variable and inconsistent’ (12).

The lack of commitment and action by local government authorities in the area of pool inspections is a major concern, given the established link between inspection programs, increased compliance rates and the effectiveness of pool fencing in the prevention of drownings.

Before local government authorities can become more proactive in improving the compliance levels of domestic swimming pools, it is essential that more is known about existing management practices and the barriers which clearly impact on their capacity and motivation to implement inspection programs. This is the context from which the purpose of this study was identified.

This study documents the approaches taken to the management of domestic swimming pool compliance in a small, medium and large local government area on the south coast of NSW. It documents the existing compliance levels of swimming pools in each local government area and considers the relationship between the type of management program and the resultant compliance levels.

Barriers to the effective management of domestic swimming pools by local government authorities are identified, based on the experience and views of key council staff. The experience of implementing an ‘outsourced’ community-based pool inspection program is documented, as are the views of the inspectors involved. Pool–owner attitudes to pool fencing and inspections are also surveyed in the study.
Study aims

- To document and compare swimming pool inspection programs and compliance management practices in a small, medium and large local government area on the south coast of NSW.

- To compare swimming pool compliance levels across the three local government areas where different types of inspection programs are in place.

- To identify barriers and issues faced by local government authorities in the effective management of domestic swimming pool compliance.

- To trial an independent, non-council run inspection program in one council area, incorporating the provision of water safety education materials to pool owners, and assess its impact and viability.

- To survey the attitudes of pool owners in one local government area regarding fencing and inspections, and to gauge the exposure of children under five years to these pools.

- To identify models of best practice regarding the management of domestic swimming pools and the improvement of baseline compliance levels.
Three geographically adjacent local councils agreed to participate in the study. Throughout the report they are referred to as Council A, B and C. Coincidentally, they represent a large, medium-sized and small local government area respectively, based on their residential populations.

A local project steering committee was established consisting of representatives from each of the partner organisations. The committee consisted of a representative from each of the councils involved, The Royal Life Saving Society, Healthy Cities Illawarra and the project officer. The role of this committee was to provide professional advice and input both prior to the commencement and throughout the course of the study, as well as provide a feedback loop to the partner organisations on the progress and findings of the study.

Data collected in the study was both quantitative and qualitative. Key personnel within each council, typically managers and/or senior staff from Health, Building, Planning and/or Environment divisions, with direct experience and responsibilities in the area of management of domestic swimming pools (inspection and compliance procedures), participated in individual semi-structured interviews on a range of issues.

From the information provided, specific management procedures implemented by each council in relation to domestic swimming pools were documented. Interviewees’ opinions regarding the issues and barriers faced by local government authorities in managing domestic swimming pool compliance were also documented. A list of interview questions is included in Appendix 1.

Council C conducted a domestic swimming pool inspection program in the six months from January–June 2002. The compliance data arising from this program was utilised in this report.

Council B has an ongoing inspection program and swimming pool register which is regularly updated. A summary of the compliance status of pools in its area was compiled after the completion of its annual inspection ‘blitz’ undertaken in November 2002. This compliance data has been incorporated into this report.

Council A’s inspection program had not operated for at least three years, so no current compliance data was available.

An independent non-council run swimming pool inspection program was trialed in Council A’s area as a means of attaining the required compliance data from Council A for comparison with the other two local government areas. The other purpose of this was to assess the viability of out-sourcing swimming pool inspections to an external organisation as another
management option for local government authorities in NSW.

The Royal Life Saving Society Australia (RLSSA), in its role as an independent, community-based water safety organisation, was contracted to conduct 1000 first inspections on a random selection of swimming pools in Council A’s local area. Second inspections were to be conducted on any pools which were non-compliant at the first inspection. The sample size selected was based on a projected 45% first inspection compliance rate.

The 1000 pools to be inspected were randomly selected from Council A’s database of properties with past approved swimming pool development applications. The sample included only pools installed from 1991 onwards. This was done to simplify inspection procedures and maintain an homogenous sample, considering the vastly different requirements in the NSW Swimming Pools Act (1992) in relation to pools installed before, versus after, 1 August 1990.

Owners/occupiers of properties with pools selected were notified by a letter co-signed by the General Manager of Council A and the RLSSA Inspection Program Co-ordinator (Appendix 2). This letter notified them of the intention to inspect and informed them that they could book a time for an inspection if they wished. It also notified that if they chose not to make an inspection appointment, their pool would still be inspected. Accompanying the letter was a swimming pool safety checklist to assist pool owners to identify and address any potential problems prior to the official inspection (Appendix 3).

Inspections commenced in Councils A’s area in August 2002 and were completed in March
2003. Just prior to commencement, Council A placed a notice regarding the inspection program in its community information page in a local newspaper, as well as on its website.

Once the inspection program began, properties were excluded from the original sample and replaced if the pool had been removed, the inspection notice letter was returned or the property could not be entered due to access issues including locked gates, dangerous dogs, owner refusal, etc. (9.9%, 118 of 1191).

Owner/occupiers of inaccessible properties were left a note requesting that they contact RLSSA to make arrangements to allow entry to the property. Any pools which were inaccessible for a first or second inspection were referred back to Council A for future follow-up (35.8%, 426 of 1191).

The inspection checklist was developed by Healthy Cities Illawarra, with input from RLSSA and the project steering committee, for use by the RLSSA inspectors (Appendix 4). The checklist was based on the requirements of the current NSW Swimming Pools Act (1992), Regulations and relevant Australian Standards.

The inspectors recruited by RLSSA undertook a two–day training course developed by RLSSA prior to the commencement of the inspection program, to orientate them to the checklist, the current NSW Swimming Pools Act (1992), Regulations and the relevant Australian Standards, as well as to the inspection procedures.

RLSSA inspectors were officially granted ‘delegated authority’ under the Act, as representatives of Council A, to enter properties for the purpose of inspecting swimming pools. Official identification was issued by Council A and inspectors wore official RLSSA shirts during the inspections.

A copy of the inspection checklist was left with the owner/occupier if present during the inspection. Any faults found, and the changes required to achieve compliance, were also explained at this time. RLSSA water safety literature was distributed along with a pool–owner survey (Appendix 5) and reply paid envelope.

This short survey was developed by the Evidence Sub-committee of the NSW Water Safety Taskforce and reviewed by the Ethics Committee of the University of Wollongong. It included questions that aimed to determine the number of residents with a swimming pool who had children less than five years of age or who had children of this age group visit their property. Questions were also included to determine the residents’ opinions of swimming pool fencing and swimming pool inspections.

If pool owners were not present for the inspection, a copy of the completed inspection checklist, which included a description of any faults found, RLSSA literature and a survey, was left in the letterbox for the owner/occupier. Inspectors’ names and RLSSA contact details were included on the checklist so that owners could make contact with inspectors if they needed clarification or any further information about the inspection/s.

Any pools found to have faults at the first inspection were re-inspected within a six week period. Any pools considered to pose a significant and immediate danger were notified to Council A immediately for follow-up action.

At the conclusion of the inspection program the experiences and views of the RLSSA inspectors regarding the program were compiled via a group interview.
5.1 COUNCIL A – Swimming pool management process

At the time Council A was approached to participate in this study, there were a number of significant issues affecting their management of domestic swimming pools.

Routine inspections of existing domestic swimming pools had all but lapsed. Council A confirmed there had been no systematic swimming pool inspection program in operation for at least three years, apart from inspections conducted on newly installed pools. These inspections occur only when Council is nominated by the applicant as the Principal Certifying Authority.

Council A reported that several one-off, ‘blitz’ type inspection programs were completed in past years, however details of how or when these programs were conducted were vague, with little evidence to suggest that inspections have been conducted regularly or have been a recognised priority for Council A in terms of dedicated human, financial and IT resources.

The recording of information on domestic swimming pools in their local area presented as a significant weakness in Council A’s management of domestic swimming pools. No register of swimming pools existed and little more than an estimate of the total number of pools in the area was known.

Council A’s current property management database could generate a list of properties with approved swimming pool development applications, which may or may not include a final inspection date. Dates and results of inspections conducted in the years following installation, or a pool’s current compliance status was not available. Individual hard copy files must be accessed to source this information.

The lapse in active management of domestic swimming pool safety in Council A was largely attributed to the significant restructuring of Council’s divisions in recent years and the consequent redefinition of roles and responsibilities.
Despite this, Council A’s past record of management of domestic swimming pools is unclear, with little evidence to suggest that this has been an ongoing priority or adequately resourced program within Council A. It appears that to date, the priority given to the management of domestic swimming pools, and the human, financial and IT resources allocated, has been inconsistent.

On initial contact it was difficult to establish which department/s within Council A took responsibility for managing domestic swimming pool safety. Prior to the commencement of this study, discussions were held with three different divisions within Council A to clarify the lines of responsibility on this issue.

In the past, the Health and Building Division was responsible for the approval and ongoing management of domestic swimming pool compliance. Recreation Services were reported to have provided staff to assist with swimming pool inspections on occasion.

Following the restructure period, a Planning and Development Division was created, which has responsibility for new swimming pool development approvals and initial inspections. The Environment and Health Division has responsibility for the ongoing compliance of swimming pools with safety requirements, and is also responsible for community education and enforcement related to the NSW Swimming Pools Act. The Recreation and Natural Resources Division may also play a future role in providing staff for inspection programs.

Council A agreed to participate in this study where trained inspectors from the Royal Life Saving Society would conduct 1000 pool inspections in their area. This would generate data for the study as well as provide Council A with a snapshot of current compliance levels of a sample of domestic swimming pools in their area.

Whilst participating in this study, Council A’s Environment and Health Division has developed a plan to re-establish an ongoing inspection program and implement a more effective system for managing domestic swimming pool safety. The inspection program is scheduled to commence in winter 2003.

Initial plans are for an inspection program which will run on a three–year cycle, depending on the total number of pools in the area and the inspection resources allocated. An annual quota of inspections are likely to be conducted, predominantly during the winter months as a precursor to the summer swimming season. A project manager will oversee the program
which will utilise existing staff as well as lifeguards employed by Council’s Recreation and Natural Resources division, who are available during the winter months in the ‘day labour’ program.

Council plans to run an annual media campaign to inform the community about the inspection program and raise awareness of swimming pool safety requirements and drowning prevention.

At this stage, the option of imposing an inspection fee on pool owners is not being considered. Initially, Council plans to run the program through a three–year cycle and then analyse the costs involved, also looking at how the number of reinspections required for non-compliant pools possibly relates to the types of faults and how best to manage these to reduce the number of inspections required.

Preliminary discussions have been conducted regarding a relatively new opportunity to utilise this council’s Geographic Information System (GIS) to scan all available aerial maps for blue shapes, thus identifying all outdoor pools in the area. This strategy will be implemented to establish a database or ‘register’ of pools, including the illegal pools installed without council permission.

The resultant list of properties with pools can then be crosschecked against council records of properties which have approved swimming pool development applications (DAs).

Council’s current property management system is known as ‘Genesis’ and has been in place for many years. Over the next eight months, the existing ‘Genesis’ system will be run into a new system known as a ‘Land Information System’ (LIS).

The change from the Genesis system to the LIS, combined with the GIS analysis to be undertaken and the addition of the sample of inspection data gathered by this study, will provide the foundations for a comprehensive swimming pool ‘register’ in this local government area.

The introduction and use of these new management systems will enable access to a complete list of properties with a swimming pool in Council A, as well as information about each pool’s compliance status and other relevant information, such as when the pool was last inspected, what was wrong, and what action was taken.

A management process for non-compliant pools is already in place and currently involves up to three inspections. If safety faults are not rectified after the second inspection, fines are issued or the work is done by Council and the owner is billed for the costs.

This enforcement protocol has been endorsed by Council, however, its impact and efficacy will be reviewed after the initial three–year inspection cycle.
5.2 COUNCIL A – Compliance data

The following is a summary of the data arising from the inspection of a random sample of 1003 pools in Council A by RLSSA inspectors.

At the first inspection, 1003 pools were inspected:
- 48.6% (487) were fully compliant with current safety requirements
- 51.4% (516) were not compliant.

A second inspection was completed on 227 (44%) of the 516 non-compliant pools, with the following results:
- 125 compliant (24.2 %)
- 1 removed (pool modified into fish pond) (0.2%)
- 101 non-compliant (19.6 %)

Of the remaining 289 non-compliant pools:
- 59 (11.4 %) could not be reinspected due to property access issues
- 230 (44.6%) not reinspected.

The total number of compliant pools in the sample increased from 487 after the first inspection, to 613 after the second inspection. Based on the total sample of 1003 pools, there was a net improvement in compliance of 12.4% from the first to the second inspection, with a final compliance level in the sample of 61%.

Of the 227 non-compliant pools that were reinspected, 126 became compliant. This represents a conversion rate of 55.5% in non-compliant pools following reinspection.
### Inspection results (n = 1003 pools)

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<th>Frequency</th>
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<td>Complaint</td>
<td>487</td>
<td>48.6</td>
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<tr>
<td>Non-Complaint</td>
<td>516</td>
<td>51.4</td>
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### Faults (n = 516 pools)

#### Fence-related faults

- Not isolation fence: 27 (5.2%)
- Height less than 1200 mm: 36 (7.0%)
- Defective condition: 15 (2.9%)
- Incorrect vertical spacing: 25 (4.8%)
- Incorrect horizontal spacing: 24 (4.7%)
- Excess space under fence: 94 (18.2%)
- Climbable objects too close: 132 (25.6%)

#### Gate-related faults

- Height less than 1200 mm: 13 (2.5%)
- Not opening outwards: 36 (7.0%)
- Not self-closing: 163 (31.6%)
- Not self-latching: 234 (45.3%)
- Latch not minimum 1500 mm (externally): 53 (10.3%)
- Latch not minimum 1200 mm (internally): 25 (4.8%)
- No latch shield: 33 (6.4%)

#### Other faults

- Door access to pool area: 44 (8.5%)
- Window access to pool area: 30 (5.8%)
- No/inadequate signage: 169 (32.8%)

*TABLE 1: First inspection results and faults found – Council A*
Faults were categorised into fence–related (Figure 1), gate–related (Figure 2) and other types of faults (Figure 3). In descending order, the most common type of faults found in non-compliant pools at the first inspection were gates not self-latching (45.3%); inadequate safety signage (32.8%); gates not self-closing (31.6%); climbable objects within 1.2m of the fence (25.6%); and greater than 100mm space under fence (18.2%) (Table 1).

**Fence-related faults**

![Fence-related faults chart](image)

**FIGURE 1: Percentage and types of fence–related faults recorded at the first inspection (n = 516)**

**Gate-related faults**

![Gate-related faults chart](image)

**FIGURE 2: Percentage and types of gate–related faults recorded at the first inspection (n = 516)**
Management of domestic swimming pools and compliance levels

FIGURE 3: Percentage of other types of faults recorded at the first inspection (n = 516)
5.3 COUNCIL A – Pool owner survey

Of the 1,000 residents in Council A who had their swimming pool inspected, 205 (20.5%) responded to the swimming pool inspection survey.

5.3.1 Characteristics of respondents

Equal number of males and females responded to the survey (49.3% each), with gender missing for three survey respondents (1.5%). Both males and females in the 36–45 year age group were the most common group of participants who responded to the survey (Figure 4).

**FIGURE 4: Age group and sex of respondents**
A university degree or other tertiary institution qualification (29.3%) and a TAFE certificate or diploma (28.3%) were the most common highest levels of education reached by survey respondents (Figure 5).

FIGURE 5: Highest level of education of respondents
The majority of survey respondents were owner/occupiers (98.5%), with one individual renting and one other housing arrangement (1.0%). Information was missing for one respondent.

5.3.2 Children aged less than five years
A relatively small percentage of survey respondents (15.6%) had children less than five years of age residing in the home with an average age of 2.5 years. However, around two-thirds of respondents (65.9%) had children aged less than five years visit their home in the previous six months.

Of those respondents who had children less than five years of age, just over half of the children (56.4%) had attended swimming lessons or water familiarisation classes.

5.3.3 Resuscitation course
Around three-quarters of respondents (77.1%) had completed a resuscitation course. Of the respondents who had completed a resuscitation course, just over 40% (44.4%) had completed this course in the last one to three years and around one-third (34.4%) had completed this course over ten years ago (Figure 6).

![FIGURE 6: Years since completed a resuscitation course](image-url)
5.3.4 Backyard swimming pool and pool fencing

The majority of survey respondents (76.6%) had their backyard swimming pool installed post 1990. Twenty-three respondents (11.2%) had their swimming pool installed during 1990 and seven respondents (3.4%) had their swimming pool installed pre 1990. Information regarding the year the swimming pool was installed was not known for 8.8% of pools.

Nearly all of the survey respondents (95.6%) reported that they had a fence that surrounded the swimming pool.

Nearly all of the survey respondents (95.6%) believed that swimming pool fencing should be required by law. Only 2.9% believed that pool fencing should not be required, one person (0.5%) was uncertain whether or not swimming pool fencing should be required by law and for two respondents (1.0%) this information was missing.

The reasons indicated by survey respondents as to why backyard swimming pools should not be fenced were:

- You shouldn’t need a pool fence if your property is fenced (4.9%)
- Pool fencing should not be required if you supervise your children (1.5%)
- Pool fencing should not be required when children can swim (1.0%)
- Pool fencing is too expensive (1.0%)
- Pool fencing destroys the design of the pool area (1.0%)
- Pool fencing should not be required for people who don’t have children (0.5%)
- Pool fencing is an invasion of privacy (0.5%).
5.3.5 Backyard swimming pool inspections and safety information

Around 60% of survey respondents (60.5%) stated that Council A provides information on pool fencing safety.

Almost all of the survey respondents (95.6%) supported Council A checking that backyard swimming pools met specified safety requirements. When respondents were asked how often Council A should check that backyard swimming pools met specified safety requirements, the responses varied. The most common timeframes suggested were every one to two years (40.0%), every five years (23.0%) and every three to four years (10.7%).

A sample of the comments received in the survey from respondents included:

I think that it is about time that all pool owners had their pools fenced. Why weren’t the unfenced pools part of this crackdown? My pool has always been regulation. Sydney councils have made it happen so why not here?

Why check pools only that were installed after 1990? Don’t kids drown in these pools? All pools in backyards should be checked.

My gate goes inside pool. Council never complain, now everything in concrete and now have to dig everything up.

I think that it is a great idea that everyone has their pool inspected, it should be law.

Although I believe pool fencing is a good idea, probably should be mandatory, especially for families with young children under 8 years however continuous inspections are an invasion of privacy – too many laws/rules.

I believe that it is a great idea as a fresh set of eyes looking at my pool area and finding anything or nothing could save a life.

People might say their children can swim or fencing is expensive and ugly, I say what about friend, children and if you can afford the pool you can afford the fencing.

The resuscitation signs should be provided free to low income families and replace when they fade in the sun or provided by inspectors when they check compliance.

I know of some people with above ground pools that have been sunken into the ground that haven’t had council approval to install them and no fencing around them, do these people get surveyed? How does council keep a check on backyard pools that have been installed without council approval?

High cost of pool fencing is a factor in pool owners not fencing pools.

I think that it is a great idea to come around and check the pool area. Being a first–time mother, they answered all my questions.

Overall, the majority of respondents who commented in the survey were supportive of the inspection program.
5.4 COUNCIL B – Swimming pool management process

Council B’s area has undergone rapid growth in recent years due to an extended residential property boom. With the proliferation of new housing estates in this area, there has also been a substantial increase in the number of domestic swimming pools being managed by this council.

After a swimming pool development application has been approved, a construction certificate is issued, and Council officers conduct the inspections required if they are the nominated principal certifying authority (PCA). Details of the pool and any inspections conducted are entered on a swimming pool database or ‘register’.

This swimming pool register is currently linked to the ‘Authority’ property-based record keeping system implemented in this council in 2000. The ‘Authority’ system maintains a complete record of all applications made and approved for each property listed. Currently, any properties that have an approved swimming pool development application are entered on the Authority system and then have to be entered separately on the register. This duplication will be overcome in the near future, when the property details will be entered on the swimming pool register automatically.

Taking into account the number of illegal, non-approved pools installed since the register was established, there are an estimated 1500–1800 swimming pools in the area, with 1268 currently
listed on the register. It is envisaged that in two to three years the register will be complete and all pools on the register will have a satisfactory status. The council will then decide how often the pools will be reinspected which, given the current allocation of resources, is likely to be once every five years.

Using the register, this council operates an inspection program throughout the year. When a swimming pool is inspected and a relatively minor or easily fixed fault is discovered, the problem, and how it should be rectified, is explained to the owner, who is usually present at the inspection. A copy of the inspection sheet is also left with the pool owner. The inspection sheet is then scanned into the computer system and the advice given is also recorded. These pools do not require a follow-up inspection.

Initially, for non-compliant pools where more significant faults were found at the first inspection, pool owners were advised of what was required to rectify the problem/s and a second follow-up inspection was conducted in 7–28 days, depending on the seriousness of the fault/s. If the fault/s had not been rectified, a direction to do the work was issued and a third and possibly subsequent inspections were required.

This management process was found to be too costly and demanding on the council’s time and resources and was not achieving compliance quickly enough. Councillors then endorsed a more streamlined system where a direction to comply is immediately issued if any significant faults are found at the first inspection. If the faults have not been rectified by the second inspection, an on-the-spot fine of $220 is issued. The owner is then given one week to comply and will continue being fined until the pool is made compliant.

As well as conducting swimming pool inspections throughout the year, this council conducts an inspection ‘blitz’ each November. During this ‘blitz’, inspections concentrate on any pools known to be ‘defective’ until satisfactory or compliant status is achieved. The blitz period also follows up on pools on the register with ‘unknown’ status. These may be newly installed pools or properties which were recorded as having an approved swimming pool development application in the past, but have never been recalled by the system for inspection.

The swimming pool register was predominantly compiled through an analysis of aerial maps and a retrospective building application search undertaken in 1990, around the time of the introduction of the NSW Swimming Pools Act. This formed a baseline record of pools in the area, with most of the pools currently in the ‘unknown’ compliance status group on the register, discovered through this process.

Aerial maps have not been utilised to update the register since it was initially established, due to the time and labour intensity of the task. Council now relies on the building certificate process (issued when properties are placed on the market), as well as complaints received from local residents, to pick up on illegal pools or those missed by the system.

A major benefit of the register is that at any time council staff can call up all properties where the compliance status of the pool is unknown or
defective. This system prevents duplication of inspections on properties since the complete inspection history of any pool, including the number of inspections conducted and the types of enforcement actions taken, is readily accessible and easily able to be monitored. The system was described as ‘excellent’ by staff, making the management of domestic swimming pools a relatively simple, straightforward process.

The register also allows the council to communicate directly with pool owners, for promotional and educational initiatives. An example of this was when this council participated in a collaborative Illawarra-wide child drowning prevention campaign over the summer of 1999–2000, where pool safety checklists and information about child drowning prevention was distributed directly to pool owners using data from the pools register.

The amount of work and cost involved in the establishment of a system like this was acknowledged: The expense is in getting the system up and running, you know, getting your database accurate. They’re the expensive things, but once you’ve got all that information, the actual program, over five years, is not that expensive. For us, we’d be looking at maybe three hundred inspections per year, and you’ve hopefully got those satisfactory [already] so they’re going to be pretty straightforward inspections with a bit of luck – maybe need a new resuscitation chart or the gate needs oiling or something like that.

For the long term management of domestic swimming pool safety by local councils, the benefits of a swimming pool register which is part of a computerised property management system were thought to be more than worthy of the resources required to establish it.
5.5 COUNCIL B – Compliance data

Information from the pool register has been integrated into the ‘Authority’ system since 2000. The following table summarises the compliance status of all pools currently on Council B’s swimming pool register (Table 2). The column titled ‘Pools Registered’ refers to the number of pools entered into the Authority system each year since its establishment.

<table>
<thead>
<tr>
<th>Year</th>
<th>Pools Registered</th>
<th>Satisfactory</th>
<th>Defective</th>
<th>Unknown</th>
<th>Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>449</td>
<td>282</td>
<td>5</td>
<td>162</td>
<td>(1)</td>
</tr>
<tr>
<td>2001</td>
<td>459</td>
<td>272</td>
<td>3</td>
<td>184</td>
<td>(3)</td>
</tr>
<tr>
<td>2002</td>
<td>354</td>
<td>281</td>
<td>20</td>
<td>53</td>
<td>(2)</td>
</tr>
<tr>
<td></td>
<td><strong>Totals</strong></td>
<td><strong>835</strong></td>
<td><strong>28</strong></td>
<td><strong>399</strong></td>
<td><strong>(6)</strong></td>
</tr>
</tbody>
</table>

**TABLE 2:** Compliance status of pools – Council B

Of the 1262 pools on the register:
- 31.6% (399) have ‘unknown’ compliance status and are still to be inspected.
- 68.4% (863) pools on the register have ‘known’ compliance status.

Of the 863 pools with ‘known’ compliance status:
- 96.8% (835) are compliant
- 3.2% (28) are non-compliant.
Council B’s swimming pool register does not generate summary data on the types of faults found in non-compliant pools, as this information is recorded on individual inspection forms which are scanned into the register after each inspection.

Inspectors can access all relevant information on the faults found and advice given, prior to conducting follow-up inspections on known non-compliant pools. Council B also has a policy of following through with each non-compliant pool until it achieves compliance, hence property files remain active until compliance is achieved.

Currently, summary data on the breakdown of faults does not have a significant functional value to Council’s management of non-compliant pools. This information may, however, be of use for pool owner education relating to the types of faults most likely to arise.

Based on the experience of a senior Council officer, the following is an estimated breakdown of the types of faults commonly found in non-compliant pools (Table 3). Based on these observations, up to 50% of faults fall into a ‘minor’ category, some requiring reinspection and others not.

<table>
<thead>
<tr>
<th>Type of Fault</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>No fence</td>
<td>5%</td>
</tr>
<tr>
<td>Fence less than minimum 1.2 m high</td>
<td>5%</td>
</tr>
<tr>
<td>Windows onto pool area not protected</td>
<td>30%</td>
</tr>
<tr>
<td>Access from dwelling into pool area</td>
<td>10%</td>
</tr>
<tr>
<td>Minor defects – reinspection required (gates not self-closing, objects too close to fence, etc.)</td>
<td>40%</td>
</tr>
<tr>
<td>Minor defects – reinspection not required (CPR chart upgrade, gate needs oil, garden furniture near fence, etc.)</td>
<td>10%</td>
</tr>
</tbody>
</table>

*TABLE 3: Types and percentage of faults found in non-compliant pools – Council B*
5.6 COUNCIL C – Swimming pool management process

Historically, Council C has recognised the importance of domestic swimming pool safety. As early as the 1980s, this council had a Domestic Swimming Pool Fencing Policy that required swimming pools located in urban and rural areas to be completely fenced in accordance with the provisions of the relevant Australian Standard (1926). At this time, Council C’s policy was stricter than the subsequent NSW Swimming Pools Act (1992) and no exemptions were granted.

Council C’s current swimming pool approval process requires the submission of a swimming pool development application and, if approved, a construction certificate may be issued. Council officers conduct the inspections required if Council is the nominated principal certifying authority. Details of the pool, and any inspections conducted, are entered on a swimming pool register and on the separate hard copy registration system. Ongoing management of each pool then becomes the responsibility of Council’s Building and Development Services Section.

In the past, Council C’s management system relied heavily on a hard copy record system with basic information also being recorded on Council’s property approval system. In the early 1990s, to coincide with the introduction of the NSW Swimming Pools Act, a comprehensive audit was undertaken to identify the location of all swimming pools in Council C’s area.

Following an analysis of aerial maps and approved building applications, an electronic swimming pool register was developed to complement the separate hard copy record system which contained the swimming pool plans, specifications and approval conditions. The hard copy and computerised systems now operate in tandem, and inspection details, including orders issued and reinspection and resubmit dates, are available.

Once the register of pools in the area was complete, Council C inspected them all. However, in the years following this initial audit, no set reinspection program for existing pools was implemented.

In 2000, Council C committed to a 3-year initiative that will result in all of its known swimming pools in urban and rural areas being inspected by the end of 2003. This arose from Council C’s participation in the Illawarra Safe Communities Child Drowning Prevention Campaign implemented from September 1999 – February 2000, which also involved Councils
A and B. The aim of this program was to raise community awareness of drowning prevention strategies including requirements for swimming pool fencing, supervision, water familiarisation, CPR skills and key locations where potential drowning could occur, including pools, dams, creeks, baths, inflatable pools, nappy buckets, fish ponds, etc.

A pool owner checklist was developed for self-assessment of compliance with pool safety requirements. Council C utilised its swimming pool register system to distribute this information to properties that were known to have pools. As part of this campaign, Council C also undertook a random audit of around 90 pools in their area, and wherever breaches were detected, action was taken.

During the 2000–2001 summer period, Council C repeated the inspection initiative in its area with a further 17% sample of pools randomly inspected. Of these 102 pools, 61% complied, 32% failed and the remaining 7% of pools had been removed.
The results of this program were reported to Council and the following recommendations were adopted:

- All pool owners be notified by mail of current standards and provided with information on how to comply.
- Random audits continue over each summer period until the remaining 75% of pools have been audited.
- Information be provided to local media outlets during the year to reinforce safety standards.
- All new pool owners be given information on compliance with safety standards, and pools are inspected on completion.
- Link with and support other community pool safety campaigns, e.g. Illawarra Safe Communities water safety campaigns.

Council C also determined to take the further initiative of undertaking a comprehensive auditing program of pool fencing in its area, including both urban and rural areas. At the beginning of 2002 it employed a Health and Building Surveyor to conduct an inspection program over a six-month period.

At the time the audit commenced there were 645 known residential swimming pools in this LGA. By the end of June 2002, 464 (72%) of these pools had been inspected.

Swimming pools on rural properties were not inspected given the time and resources allocated to the first stage of the inspection program. Some pools installed on rural properties since 1990 (particularly those over 2 hectares), are subject to a range of exemptions under the NSW Swimming Pools Act, whilst others installed prior to 1990 would have had to comply with Council C’s policy at that time, which required these to be fully fenced. Council C commenced a program to inspect all swimming pools located on rural properties in October 2002, to be completed in conjunction with Council’s program of inspections of on-site sewerage management systems.

When inspected, any pools with ‘minor’ or easily rectified faults receive a copy of the written inspection report with advice on how to fix the problem. The pool is then reinspected, normally within 14 days. Where major faults are found, an order is issued, taking into consideration the amount of time it should reasonably take to rectify the problem, before a second inspection is conducted. These details are recorded on the computerised swimming pool register and also on the hard copy file. If pools remain non-compliant after the second inspection, infringement notices are issued and legal action is commenced as a last resort.

This council allocates resources from within its departmental budget for inspections and in principal all ratepayers contribute to the costs of inspecting properties with domestic swimming pools in the years following installation.
5.7 COUNCIL C – Compliance data

464 residential swimming pools were inspected during the 2002 inspection program representing approximately 72% of the total number in the local area (n=645).

At the first inspection:

- 45.7% (212) were fully compliant with current safety requirements
- 54.3% (252) were not compliant (Table 4).

Of the 252 non-compliant pools:

- 41.6% (105) had latch faults
- 30.9% (78) had gate faults
- 25.0% (63) had non-compliant fencing
- 32.5% (82) had inadequate safety signage (Figure 7).

<table>
<thead>
<tr>
<th>Inspection results (n = 464)</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint</td>
<td>212</td>
<td>45.7</td>
</tr>
<tr>
<td>Non-Complaint</td>
<td>252</td>
<td>54.3</td>
</tr>
<tr>
<td><strong>Faults (n = 252 pools)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defective gates</td>
<td>78</td>
<td>30.9</td>
</tr>
<tr>
<td>Fence faults</td>
<td>63</td>
<td>25.0</td>
</tr>
<tr>
<td>Defective latches</td>
<td>105</td>
<td>41.6</td>
</tr>
<tr>
<td>Inadequate signage</td>
<td>82</td>
<td>32.5</td>
</tr>
<tr>
<td>No/inadequate signage</td>
<td>169</td>
<td>32.8</td>
</tr>
</tbody>
</table>

*TABLE 4: Summary of inspection results – Council C*
Management of domestic swimming pools and compliance levels

**FIGURE 7: Types and percentage of faults at first inspection (n = 252)**

<table>
<thead>
<tr>
<th>Fault Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gate faults</td>
<td>31</td>
</tr>
<tr>
<td>Fence faults</td>
<td>25</td>
</tr>
<tr>
<td>Defective latches</td>
<td>42</td>
</tr>
<tr>
<td>No signage</td>
<td>33</td>
</tr>
</tbody>
</table>

*Council C – Inspection faults*
5.8 Stakeholder interviews

5.8.1 Council A

Currently there is only one officer in the Environment and Health Division responsible for swimming pool inspections, so an ongoing inspection program will be reliant on accessing the ‘day labour’ program in the winter season, particularly any available lifeguards from the Recreation and Natural Resources division. The enthusiastic support offered for accessing the day labour program from within the Recreation and Natural Resources division has been very encouraging.

The option of outsourcing inspections to external agencies would be considered as an auditing or quality-control option, however, as part of the ongoing management of domestic swimming pools, it was seen as easier to keep the inspection function within council.

It’s also hoped that the use of trained lifeguards in the inspection program will enhance the drowning prevention education opportunities arising from the contact made with pool owners during the inspections. The importance of having pool owners involved in the inspections was also acknowledged as very important when explaining faults and encouraging people to rectify them.

The lapse in the priority given to swimming pool inspections over the last three years could be explained by the significant restructuring of divisions within council during that time, and the subsequent revision of each division’s responsibilities.

Also, inadequate staffing levels to maintain an efficient inspection program and issues with private certifiers conducting final swimming pool inspections have impacted on the quality of management strategies for domestic swimming pools in this council to date.

It was reported that swimming pool compliance has always been a high priority for this council and Council’s motivation to get the system back on track was high: [It’s] priority is incredibly high. We haven’t had a death in recent years, but, you know, it’s going to come if we don’t do something about it, and you also want lack of fatalities to be from good management, not just from good luck.

The need for a complementary community information program was also acknowledged: If you link the [inspection] program with an education program that runs every year, at least you are making people aware, whether you have inspected their pool or not, and people will do stuff to make sure that they comply. I think that we need a concerted campaign that is continuous and that people expect. You know, we send out a checklist just before summer to say, Have you checked your latch? Do you have your CPR chart?.

Management of domestic swimming pools and compliance levels
Working across sectors to promote swimming pool safety and drowning prevention and getting the support of other community based agencies was perceived as important: People get sick of stuff coming from Council, so if it comes from other agencies or other groups, then I think that is important. I don’t think you can double up too much on this sort of issue. I think it’s important that it’s not just a Council issue.

Concerns were raised regarding the current NSW Swimming Pools Act, which was viewed as inadequate and in need of revision: Like other legislation, it needs massive improvements and they seem to get submissions and never make any changes. I definitely think it does need revision, one to broaden powers, and two, to make certain areas quite specific. Some of it’s fairly generic and very difficult in terms of fining. I think there needs to be an in-depth review of the legislation.

The lack of retrospection in the legislation to pre-1990 pools, regarding the requirement for isolation fencing, was described as ridiculous. It was also strongly felt that the legislation should compel councils to inspect domestic swimming pools and that provision should also be made under the Act for councils to impose an inspection fee if they wish.
5.8.2 Royal Life Saving Society – Outsourced inspection program

This study included a trial of an independent swimming pool inspection program using non-council, Royal Life Saving Society Australia (RLSSA) trained inspectors. The regional branch, in its role as a community-based drowning prevention organisation, was contracted to conduct 1000 first inspections on a random selection of pools in Council A’s area. Second inspections were also to be conducted on any pools which were non-compliant at the first inspection.

At the completion of the program, the RLSSA inspectors and the program co-ordinators participated in a semi-structured group interview regarding their experiences.

Administrative issues presented the majority of difficulties experienced in the trial of this program.

The accuracy of a council’s database of swimming pools can significantly impact on the workability of an inspection program conducted by an external agency. For example, Council A’s sample of pools was drawn from a database of approved swimming pool development applications. Some of these pools had been approved but were never installed, however this was not recorded on Council A’s database, because there was no further contact or inspections undertaken once the pool was approved. Also, the inspection sample requested from Council was supposed to be post-1990 pools, however many pool owners insisted that their pools were installed pre-1990.

Notification letters were initially sent to pool owners in a block of 1000. The local RLSSA office was unexpectedly inundated with calls from people wanting to book an inspection time. This placed significant strain on RLSSA resources and created a negative impression on many pool owners who tried repeatedly, some over 3–4 days, to get through by phone and others who simply gave up.

It was suggested that an ongoing program should have a staged mail-out, broken into postcode groups with bookings available for set days during a set period only (e.g. 2 weeks). RLSSA inspectors would nominate the days of the week they are available to do inspections and those days would be filled with bookings first. Whilst in a certain area, inspectors could also conduct inspections on pools where no booking had been made. An ideally productive day for inspectors would include up to 10 booked inspections and 10 non-booked inspections.

Access to pools was a major issue that adversely affected the inspectors’ productivity. Once the booked inspections were completed, access issues prevented inspectors from completing inspections on properties where the owner had not responded. Locked gates and vicious dogs were the main factors preventing access to properties. Inspectors often returned...
several times if they were in the area, and left notes for owners requesting that they contact RLSSA to make arrangements, however the vast majority of these pool owners did not respond.

Current privacy laws had a significant impact on the outsourced inspection program. During the trial, privacy issues prevented inspectors from contacting pool owners by phone. However, in the situation where pool owners did not book an inspection, and the pool could not be inspected due to access issues, the opportunity to phone the owner to discuss options would have been beneficial.

Pool owners’ work commitments often made it difficult to find a mutually convenient time for inspections. However, RLSSA inspectors were available for appointments on Saturdays, and inspectors also found that 4–5 pm on weekdays was a convenient time for many working people. The ability of RLSSA inspectors to offer flexibility in accommodating pool owners’ limited availability has significant advantages over a council-run program where inspectors would normally not be available late in the day or on Saturdays.

Pool owners’ reactions to the inspection program varied, however the inspectors felt they were generally well received. Pool owners who made bookings were generally happy for the inspections to take place and were receptive to the information and materials provided by the RLSSA inspectors. Others did not feel it was worthwhile and the inspectors found them to be initially quite defensive. One inspector commented that: Most people thought you were from Council and the barriers went up.

Inspectors were generally surprised by the level of mistrust and animosity expressed towards Council A. RLSSA inspectors often had to deal with difficult, angry pool owners, however they found that people were generally happier to let them in and were more receptive when they realised they were from RLSSA and were not Council officers. Even after explaining the purpose and process of the study, one officer commented that many people: didn’t want a bar of the inspections. A lot of people said, If you were from Council I wouldn’t cop this.

The RLSSA inspectors raised the issue of perceived inconsistency in inspections undertaken by Council A officers. They generally felt that perhaps Council A’s inspectors were required to be too generalist or ‘multi-skilled’, with too many areas of responsibility and not enough in-depth training on the requirements of the current legislation which in this case applied to domestic swimming pools. One inspector commented: I can understand some people being ‘narky’
because I think Council and some building inspectors have a lot to answer for with some of the things I saw. I’m amazed at some of these pools that have been passed.

There was agreement that if councils choose to run their own inspection programs, they need to devote more resources to both the training of their inspectors and the regular inspection of pools. The inspectors were satisfied with the two-day training course they undertook at the commencement of the program and felt that the RLSSA training on the NSW Swimming Pools Act, Regulations and Australian Standards prepared them well for the inspections and queries from pool owners.

They commented on the obvious lack of knowledge of the requirements of the Act demonstrated by pool owners in Council A’s area. They found the most motivating part of the inspection program was the opportunity to spend time with pool owners to help them understand what was required to make their pools safe, as well as being able share information about drowning prevention, particularly for young children. The inspectors generally agreed that they found the work satisfying and almost all said they would participate in an ongoing inspection program if the administrative challenges were addressed.

Throughout the program, RLSSA office staff, particularly the inspection program co-ordinator, had to deal with numerous daily phone calls from often aggressive pool owners, typically wanting to challenge an inspection result or the inspectors’ right to enter their property. This was a negative aspect of the program, as it was extremely time consuming and demanding to deal with constant calls from angry and/or defensive pool owners.
The inspectors were happy with the inspection checklists developed for the program, and found them simple and easy to use. Suggestions for simple modifications included reworking the choices for ‘gate release mechanism’ and more gate tick boxes to accommodate pool fences with more than one gate. Another suggestion was to modify or delete the statement on the inspection form indicating that the information would be notified to council as this appeared to raise non-compliant pool owners’ concerns that they would be fined if council was notified, triggering many agitated phone calls to RLSSA.

Generally, the inspectors believed there were significant advantages in having a non-council and, in this case, RLSSA coordinated pool inspection program operating in the community. They expressed views that they are better received and trusted by pool owners, (than council officers), and that inspections should ideally be conducted by people with a credible background and professional training in water safety and life saving. They felt that direct contact with pool owners was a powerful water safety education opportunity better utilised by RLSSA inspectors. It also took the RLSSA message into more homes, which is beneficial to the community profile of the organisation.
5.8.3 Council B

This council has a long record of giving a high priority to domestic swimming pool safety. Prior to the introduction of the NSW Swimming Pools Act in 1990, this council had its own policy on domestic swimming pool safety which was described as ‘stricter’ than the Act which was eventually legislated. It was acknowledged that there weren’t always the systems and resources in place to adequately back up the implementation of this policy, however, in recent years this council has taken a very structured approach to inspections and record keeping.

The apparent high rate of compliance can hide the fact that the compliance rates of pools taken from the ‘unknown’ status category on the register, (indicating that they have not been inspected) is probably around the 50% mark at the first inspection. The difference is that when any pool inspected is known to be defective, it is then pursued until it becomes compliant, which can result in a number of inspections and enforcement actions.

A senior council officer interviewed felt that the level of commitment and action taken on swimming pool safety by any local government authority in NSW was more dependent on the combined commitment of a council’s elected representatives and key departmental managers, than on the existence of the current Swimming Pools Act itself.

The support of councillors has a major influence on the priority given to any program, including the management of domestic swimming pool safety, and the prioritisation and allocation of resources across and within departments. In turn, the support of departmental managers is key to the establishment of management systems and the allocation of resources specifically for inspections and enforcement of the Act.

It was felt that the inconsistent approach and commitment to the management of domestic swimming pool safety observed within councils across NSW could be blamed directly on the NSW Swimming Pools Act itself, specifically its lack of clarity and directives regarding councils’ responsibilities. It was felt that the Act should clearly direct and compel councils to develop a swimming pool register and to inspect domestic swimming pools on a regular basis, e.g. no less than once every five years. Inconsistencies between the Act, the Regulations and the related Australian Standards should also be clarified.

Compared to other pieces of legislation managed by local government authorities in the environmental health and building area, the current NSW Swimming Pools Act is viewed as inconsistent and: unique in that the responsibility of councils is very vague, very open-ended and very much open to interpretation and that’s not normally the case with local government legislation. There is usually a defined role, defined responsibility.
Where the current Act states that councils have a responsibility to make pool owners 'aware' of the requirements of the Act, councils are generally perceived to be inconsistent in their response:

My experience is that most councils don't do a lot. I mean they may do a bit of an ad thing or a media thing once a year. Most councils in my experience don't do a lot with swimming pool fencing at all and that's quite obvious when I go to conferences. The building surveyors don't even understand the legislation. They have no real concept of what the requirements are.

This raises another issue regarding the lack of any formal or recognised training courses on the interpretation or implementation of the NSW Swimming Pools Act. It was strongly suggested that a professional body such as the Local Government Shires Association or the Institute of Environmental Health should develop a short course of a few days duration to address this situation. One or more of these bodies might then become proactive in initiating discussions regarding much needed revisions to the current Act, and become a feedback point for council officers working in the field.

The current NSW Swimming Pools Act 1992 is not considered adequate to ensure the safety of domestic swimming pools, with major concerns relating to its fencing requirements and lack of retrospection: They watered down the legislation between 1990 and 1992. The 1990 [legislation] at least required all pools to have isolation fencing. They still allowed for boundary fences but there were certain requirements on the boundary fences. The 1992 legislation said we won't make it retrospective, you can have access from the house into the pool area prior to 1990, and boundary fences, well, we'll give them certain exemptions. There was a real watering down [of the 1990 legislation] and I believe that that really was for political reasons, which was extremely unfortunate.

A senior officer recalled numerous attempts to influence the development of the legislation more than a decade ago, and expressed regret that these efforts were unsuccessful: We [have] put numerous submissions to the [state] government when they were considering legislation saying that we wanted full isolation fencing, in 1990 and 1992. Our professional body put in
submissions, asking for full isolation fencing and not allowing boundary fences to be used…”

There was a strong preference expressed for the current Act to be revised and made even stronger than the original 1990 legislation. Specifically, full isolation fencing should be required, regardless of the age of the pool, with boundary fences not allowed as pool fencing. This would prevent the difficulties experienced by councils in applying current fencing requirements in the Act to shared boundary fences. For example, council has no control over a non-pool-owning neighbour who may choose to build a barbeque or plant trees, or place other ‘climbable objects’ along a boundary wall which also constitutes part of a swimming pool fence on the other side.

The use of on-the-spot fines was not originally an option for councils under the NSW Swimming Pools Act but was subsequently introduced in 1998. This council has found the use of fines, combined with issuing orders to comply after the first inspection, to be a very effective process for generating compliance and has only ever had one fine appealed in the courts.

A provision within the Act endorsing the voluntary use of an inspection fee was recommended as it would greatly assist councils with the costs involved in managing swimming pool safety, and could directly contribute towards the maintenance of a record-keeping system and/or the costs of the inspections themselves: I think it would be reasonable once every five years to get a bill for $30 or $40 for somebody to inspect your pool and give you a certificate to say it was satisfactory we do it with shops, food shop inspections, hairdresser inspections, skin penetration, so why can’t we do it for swimming pools?

Councils contracting out pool inspections to external agencies was not viewed as a workable option due to issues relating to the delegation of authority as well as the management of non-compliant pools: Entering somebody’s property for the purposes of enforcing an Act is a bit of a minefield and they’re going to have to refer [non-compliant pools] back to council to take appropriate action whether it be notices, orders, directions or whatever, or fines. Preference was expressed for the model already in place where council uses its own trained staff to conduct inspections and operates the record-keeping and enforcement systems as well.

Property access issues have been an ongoing issue for the management of this council’s inspection program. Council B prefers that an appointment is made with the pool owner before any inspections are conducted to avoid property access problems and to create an opportunity to explain any faults discovered directly to the owner. A Health and Environment Department trainee now spends time each week specifically organising inspection appointments.
5.8.4 Council C

A number of issues relevant to Council C’s management of domestic swimming pool safety emerged.

Although this council established an electronic swimming pool register in the early 1990s, no systematic process for reinspection was subsequently implemented. As a result, prior to 2000 Council C had little current data on the compliance status of the pools in its area or the types and severity of safety faults occurring. During this time, pool reinspections were conducted on an irregular basis as resources permitted, however, these were dependent on the availability of both human and financial resources and reflected the fluctuating priority given to domestic swimming pool inspections during this time.

Since 2000, Council C has made significant efforts to update its pool register and systematise its inspection process so that all pools in its area will have been inspected by the end of 2003, and will be reinspected on a regular cycle after that. During the 2002 inspection program, it was discovered that more than 100 pools, some installed as far back as the early 1970s, had not been reinspected since being installed. This confirmed the importance of systematically randomising or staging the selection of pools for an annual inspection quota to ensure that all existing pools are inspected on a regular cycle.

The issue of illegally installed pools was raised. There has been no updated aerial map analysis in relation to pools since that undertaken in the early 1990s. Updated analysis of aerial maps would allow for any illegally installed pools to be identified, inspected and added to the pool register.

In relation to managing non-compliant pools, where necessary, Council C has utilised the option under the current NSW Swimming Pools Act to fine pool owners who do not comply with an order, particularly for a major safety defect. However, Council C prefers to place a greater emphasis on the education of pool owners regarding the requirements of the Act and encourage owners to rectify faults of their own volition in preference to the use of legal prosecution to gain compliance. Whilst this can lengthen the timeframe for achieving compliance, it was viewed as more consistent with the style of this council in dealing with its local community. This approach is in contrast to other councils who utilise fining, often at the second inspection, as a measure to induce quicker compliance and reduce the costs of repeat inspections. However, Council C does not believe that on-the-spot fines will guarantee compliance.

An experienced inspector estimated that at least 60-70% of safety faults found during the inspection program were minor maintenance-related issues including worn springs, rusty hinges and latches, etc. He believed that providing basic information to pool owners, particularly about simple maintenance issues, could positively impact baseline compliance rates, which are generally less than 50%.

It was also suggested that manufacturers should be encouraged to improve the product performance and lifespan of gates, latches, hinges, signs, etc. so that the need for maintenance and replacement is reduced.

There was strong objection to the exemptions available to pool owners under the current NSW Swimming Pools Act, especially those applying to very small, large, and waterfront properties, as well as to all pools installed pre-1990: At the moment [the legislation] is unworkable because of these three exemptions.
There was a belief that the provision of exemptions significantly hinders the effective enforcement of the Act and sends a contradictory message to pool owners regarding the importance of isolation fencing. Further, the inclusion of exemptions under this Act was viewed as inconsistent with the strictness of other development controls and Acts enforced by councils: [A resident] has asked for a variation [on a DA], now we wouldn’t even think about giving him that variation just for a view situation, but when we get to a hazard situation, we will give people exemptions from the lifesaving of requirements of [AS] 1926.

The current Swimming Pools Act was viewed as ‘watered down’ to the point where it was not effective in ensuring the safety of domestic swimming pools. The belief that all pools should have isolation fencing only was expressed numerous times: The only way to protect [a child from] a pool is to put an isolation barrier around it. If you give an exemption on a barrier, you’re just asking for trouble.

It was reported that whilst exemption requests for swimming pools on very small residential blocks of land were once relatively infrequent, current state government policy promotes urban consolidation which means that the demand for these exemptions is likely to increase dramatically with the proliferation of significantly smaller allotments in residential developments.

Another perceived major weakness of the Act was in the description of the obligations a local authority has concerning swimming pools, one being to merely ‘promote awareness, within its area, of the requirements of this Act in relation to swimming pools (13).
Concern was expressed that currently there is no statement in the Act which compels local government authorities to inspect swimming pools regularly: *Change that primary clause in the Swimming Pools Act which says that council must only make the community aware of their obligations, to 'enforcing the regulations'. At the moment, it only applies to sending out a pamphlet, you know, every now and again...That is meeting their obligation and making the community aware of their obligations as far as providing an effective barrier to the swimming pool. So you’ve got the opening statement of the whole Act which sets up a very wishy-washy, 'do what you please' attitude for all councils.*

Council C, along with most other councils, fund their inspection programs out of general ratepayer revenue. However, it was suggested that a fairer system would involve cost recovery directly from pool owners. This would also create opportunities for inspectors’ positions to be part/fully self-funded and would reduce the need to compete against other council services for relatively scarce ratepayer funds to cover an ongoing inspection program: *The problem of councils avoiding inspecting these pools is because it’s a cost that has to be [borne] by the whole community for the few that have pools.*

Given that the introduction of an inspection fee would be unpopular with local pool owners and would place Council C under a great deal of political pressure, it was felt that permission for self-funded inspection programs should be included as an option under the Act. This would give local government authorities permission to apply a fee for inspections: *If there was an opportunity to at least get part of the costs back from your inspections, maybe more councils would hire inspectors, if the position could be self-funding. To create a fee without approval under the Act, for a council to impose a fee or charge just on their own bat would be political suicide. I don’t think anyone would do that.*

Similar precedents already exist, with inspections for onsite sewerage licences being provided by councils on a cost-recovery basis, as are health inspections for food outlets and other types of property inspections.

Scepticism was expressed about the efficiency of outsourcing inspections to community-based water safety organisations or other external contractors, mainly because these organisations would not have the enforcement powers of local government authorities. Therefore, councils would still have to manage the enforcement process for any non-compliant pools, which could be up to 50% of the total number of pools in their area.
There was a preference expressed for inspections to be conducted on a two to three year cycle, since after two years safety faults are relatively minor and usually rectified at insignificant cost. In one officer’s experience, pools that had not been inspected within five years were more consistently non-compliant and faults tended to become more serious over time. Change of ownership of properties is also common within this timeframe and new pool owners’ awareness of safety requirements is often limited.

Council C’s own report on its 2002 inspection program noted a generally low level of awareness and understanding of the requirements of the Act amongst pool owners. It was felt that there was intrinsic value in pool owners having regular contact with council officers during inspections as a strategy to keep pool owners in touch with current safety requirements. One officer described his proactive efforts during the time spent with pool owners which involved providing them with basic maintenance and safety check advice.
It would appear that after more than ten years, local government authorities in NSW are still grappling with issues related to fulfilling their responsibilities under the NSW Swimming Pools Act 1992. This study has demonstrated that the management of domestic swimming pool compliance presents a range of issues for local government authorities which include human, financial and IT resource issues, strategic priority, public perception and political factors, risk exposure and their specific obligations, or lack of them, as specified in the current NSW Swimming Pools Act.

Generally, councils appear to recognise the importance of pool inspections, but in reality, struggle to give them priority and commit adequate resources. This is of no surprise considering that inspection programs can be expensive, unpopular with pool owners, and under the current Act, councils are not actually compelled to conduct them at all.

In this study, the size of the council did not appear to be related to the inspection method or resultant compliance rates. There did not appear to be any relationship between the size of the council and the effectiveness with which they managed the issue of pool safety. Although a larger council might be expected to have more resources potentially available to manage the issue, they would usually have a larger number of pools requiring inspection. As previously discussed, whether or not a council inspects is most likely to be determined by other issues such as personal and/or political commitment of managers and councillors. It is also unfortunate, but likely, that personal and political commitment will be strengthened if a drowning has occurred in that LGA, heightening community awareness of the issue and council’s motivation to fulfill its role and responsibility under the legislation.

Pool inspection programs must compete for limited resources at a local government level and there is pressure on departmental managers to justify allocating priority and resources to these programs. The concept of proactive child-drowning prevention measures ultimately struggles against the reality of the dollar costs to be borne by the local community of ratepayers. It appears that the relevance and urgency of the national child-drowning problem becomes diluted at a local level, particularly where there may not have been a pool drowning fatality in recent years. This feeds into local complacency regarding the need for pool safety inspections and can undermine efforts to justify the costs and resources associated with inspection programs.

Interestingly, in the combined geographic area covered by this study, no child-drowning fatalities had occurred in the years from 1997–2002 (RLSSA), however local emergency department statistics yielded 15 cases of near drowning in children under the age of 5 years from 1995–2002, 11 of these in domestic swimming pools. At times when decisions regarding priority and resource allocation are being made, it would be rare for most senior council officers responsible for the management of domestic swimming pools to have access to this kind of information.

There was a high level of consistency in the barriers to the effective management of domestic swimming pools and compliance levels identified by the three councils in this study. The most significant of the barriers identified were a general lack of resources and the NSW Swimming Pools Act 1992.

In its current form, the NSW Swimming Pools Act 1992 was not considered adequate to ensure the safety of domestic swimming pools and does not clearly define or direct councils in
their responsibilities regarding domestic swimming pool safety and compliance. Whilst it was not in the brief of this study to analyse the strengths and weaknesses of the current Act, feedback from local government representatives consistently identified weaknesses in the Act that they believe negatively impact on the management of domestic swimming pool compliance by local government authorities.

Under the current Act, councils’ responsibilities are ill-defined. Councils are not compelled to inspect domestic swimming pools, but may if they wish. Their only obligation under the Act is to make pool owners ‘aware’ of the requirements of the Act. This gives councils the option of not having to inspect at all and, by lack of definition, is open to interpretation as to what constitutes a minimum level and most effective means of promoting awareness of the requirements of the Act. The question to be asked is whether ‘promotion of awareness’ is an appropriate substitute for ‘enforcement’ of the requirements of the Act.

Inspectors across each of the three councils in this study observed that pool owners’ general awareness of their responsibilities under the NSW Swimming Pools Act was poor. Compliance rates of consistently less than 50%, as documented in this and other studies (3,4,5,6), would support this observation and suggest that during the last ten years, local authorities’ attempts to promote awareness have been limited or non-existent, and/or that raising pool owners’ awareness of the requirements of the Act probably has little impact on or relationship to generating compliance. The authors of this study would suggest that regular inspections, where pool
owners are present, is the most effective strategy for increasing pool owners’ awareness of the requirements of the Act and generating compliance. This does not exclude the development of other complementary promotional strategies for raising general community and pool owner awareness of domestic swimming pool safety.

Another problematic feature of the Act is that it is not fully retrospective, resulting in local government authorities having to deal with two significantly different sets of requirements for pools installed before or after August 1990. Further issues arise because four-sided isolation fencing is not required for all pools regardless of their age, and the use of boundary walls/fences as part of a pool fence is allowed under the current Act. Inspectors also reported significant contradictions between the Act, regulations and the relevant Australian Standards, commonly resulting in confusion and misinterpretation.

The fencing exemptions available under the current Act for larger, very small and waterfront properties are also viewed as problematic and unjustified by local government authorities and contradictory to the basic premise of the Act, which requires at least some form of fencing for all other pools. The indisputable fact is that the drowning potential of a swimming pool is not reduced by being located on a large, very small or waterfront allotment. These exemptions should be removed from the Act.

Whilst the current Act was amended in 1998 to make provision for fines, it does not yet include an option for councils to charge an inspection fee. The political pressures of imposing new fees and charges on local residents are always significant, however, it was felt that if this was endorsed under the NSW Act, this pressure would be reduced. In most councils where inspections are conducted, all residents contribute to the costs of pool inspections and this inequity would be addressed if pool owners could be charged for inspections. A fee option would assist councils with part or full cost recovery for their inspection programs. It would also provide more incentive and a sustainable financial solution to help address the current lack of commitment in many councils to ongoing swimming pool inspections.

The presence or absence of an efficient electronic register of swimming pools was identified as a critical factor in the effective management of domestic pools in the three councils in this study. However, it was also apparent that there is little value in having a register if pools are not being inspected regularly. In Council B, which also demonstrated the highest rates of compliance, the electronic pool register is the cornerstone of its management system and represents a key factor in this council streamlining its management process for domestic swimming pools.
For many councils who have not conducted an inspection program for some time, the task of establishing a database of all the pools in their area, prior to implementing an inspection program, would be a major task involving significant cost, especially in larger council areas where domestic swimming pools may number in the tens of thousands. In a climate where local government authorities are feeling increasingly put upon to do more with little extra funds, an important gesture of support could be shown via the establishment of a grants program to assist local government authorities establish a comprehensive pool register/database. These funds could assist councils with the costs of aerial mapping, retrospective development application searches, or related IT requirements.

Where councils do not have an electronic property-management recording system in place, which could support the development of a linked swimming pools register, it would be a simple task to develop a generic spreadsheet based on the inspection criteria arising from the Act, on which councils could record and monitor the status of domestic swimming pools in their local area, at least in the medium term. Such a database was developed for recording pool inspection data for this study.

Currently there is no recognised training course available in NSW for local government or private sector pool inspectors on the interpretation and implementation of the current Swimming Pools Act. Improved training options for inspectors would help to address interpretation issues and the problem of inconsistency in inspections. If such a training course was developed by a body such as the Local Government Shires Association, or other appropriate professional body, it would also provide inspectors with a forum for feedback on the Act and ongoing advice on difficulties encountered, for example, legal or fining issues.

There does not appear to be a standard checklist currently available to inspectors in local government for use during pool inspections. In the course of this study, two of the councils had checklists which varied significantly in quality and content, whilst one of these also included questions regarding water quality. The development of a simple inspection
tool, based on the criteria stipulated in the Act, which could be distributed to local government authorities for use by inspectors, would help address issues of inconsistency in inspection procedures and interpretation of the requirements of the Act.

The experience of each of the councils in the study suggests that, for political reasons, councils need a clearly defined enforcement protocol which has been officially endorsed by the mayor and all councillors. Councils need to be aware of the importance of managing enforcement for non-compliant pools, not just in terms of community politics, but in terms of its impact on cost efficiency within inspection programs. A clearly defined enforcement process can help limit the costs of repeat inspections. For example, whilst compliant pools will only require one inspection, most non-compliant pools will require a second inspection, effectively doubling the costs involved. If an order to comply is issued at the first inspection, a fine can be issued if the pool remains non-compliant at the second inspection, effectively covering the cost of the second, as well as a return third inspection and encouraging quicker compliance from pool owners, as demonstrated in Council B.

In Council A, of the non-compliant pools that received a second inspection, there was a 55.5% conversion rate from non-compliant to compliant, supporting the findings of other studies that repeat inspections result in significant improvements in compliance (4,10). The levels of improvement in compliance observed in Council A may well have been even higher if owners were aware that they would be fined at the second inspection if the pool was not compliant.

Councils must also address the management of property access issues which was identified by each of the councils in the study as having a significant impact on the efficiency of swimming pool inspection programs. If the owner is not present and the property cannot be accessed, the pool cannot be inspected, the opportunity for pool owner education is not realised, and follow-up phone calls or letters and repeat visits are required. More effective strategies to overcome the issue of property access are required, however, a practical solution developed by Council B is to allocate the time of an environmental health trainee to contact pool owners to arrange suitable inspection times. Another possible solution arising from the inspection program run by RLSSA in Council A is to make inspection appointments available to pool owners after working hours and on weekends.
In relation to the outsourcing of inspections as a management option for local government authorities, interest in the idea in the three councils in this study was minimal and whilst not completely opposed to the idea, there was a strong preference expressed in keeping the inspection function within council. Reasons for this included complications presented by current privacy laws in NSW and delegation of duty procedures required before properties can legally be accessed. The fact that outside contractors would have no enforcement powers and all non-compliant pools would have to be followed up by councils anyway, was another disincentive. Finally, some councils’ negative experiences of private certifiers undertaking inspections on newly installed pools may not work in favour of councils in NSW considering outsourced inspections as a desirable option. Whilst outsourced inspections have been implemented effectively by RLSSA in Western Australia and private contractors in the Noosa Shire in Queensland, each individual council must decide if this is an appropriate, workable option given their individual situation.

Based on the experience of the outsourced inspection program trialled in Council A, this study does not draw any conclusions on the overall value of outsourced inspection programs as a management option for local government authorities but rather, can only report on the experience generally.

The RLSSA inspectors appeared to be well received by pool owners and were generally perceived as non-threatening, possibly because owners were reassured that they did not possess any punitive powers. Whilst the impact of the educational material left by the inspectors was not measured in this study, inspectors reported using the time available with pool owners for simple education on pool safety and drowning prevention, which again was reported as positively received. It seems there was a positive perception and credibility factor at play, where the inspectors were seen to be representing a respected community-based water safety organisation, and this was further enhanced by possessing professional qualifications in water safety and life saving.

This factor should be considered by councils who already employ professional lifeguards, as it may be advantageous to also utilise them for pool inspections. Any pools found to be non-compliant at the first inspection could be passed on to the health and building inspectors for follow-up inspections and enforcement action. This model is currently being considered for implementation in Council A.

The experience in Council A also revealed many potential sources of administrative inefficiency and extra costs in opting for an outsourced inspection program. One example of this was where, in the total sample of pools in Council A, approximately half required reinspection. Of the group that were reinspected, half remained non-compliant. This means that there were pools for which Council A had technically
already paid for two inspections, that remained non-compliant and which would require at least a third inspection before any compliance actions were taken. A more efficient system for consideration may involve only first inspections being outsourced and councils only dealing with the non-compliant pools arising from the first round of inspections.

In relation to pool-owner understanding of the basic requirements of the NSW Swimming Pools Act, information arising from the compliance data on the most common types of faults found in non-compliant pools suggests areas where pool-owner education initiatives might need to focus. The most common types of faults found were gates not closing and/or latching, inadequate safety/CPR signage, climbable objects placed too close to fences and too much space under pool fences.

Inspectors observed that most of the gate closing and latching faults arose from pool owners not understanding that simple maintenance (oiling) and regular replacement of springs would avert this problem. Similarly, poor maintenance of safety signage and placement of objects too close to fences was also due to a lack of awareness. Avenues for better dissemination of basic information to pool owners via councils, as well as pool industry sources, should be carefully considered. Increased regularity of inspections (no more than 3–5 years apart) may be significant in preventing deterioration in compliance, especially in relation to gate-closing mechanisms and the other common types of faults observed. A potential benefit of more regular inspections and better pool-owner knowledge in maintaining compliance, is that more pools would require only one inspection, hence reducing the overall inspection program costs.

Another potential model addressing inspections and pool owner education suggested by an experienced inspector was the development of a ‘self assessment’ process for pool owners. Councils could periodically run a compulsory training course for pool owners who opted for self-assessment. New owners would also be required to do the course when a property changed hands. The course could include orientation to the requirements of the Act, basic maintenance and detection of defects, as well as covering the basic principles of CPR. Similar information could also be included in a video for distribution to all new pool applicants. The viability of these options would of course be dependent on the resources and monitoring capabilities of individual councils.

The number of returned responses from the pool owner survey in Council A were quite low. Only around 21% of surveys were returned, limiting the ability to generalise from the survey results. However, this low response rate is not unusual for a survey of this type.

One of the arguments provided in the past by pool owners who felt that pool fencing was unnecessary for them was that they did not have young children, so a fence around their pool should not be required. Results from the current...
survey of pool owners indicate that although only 15.6% of pool owners who responded to the survey stated that they had young children less than 5 years of age (the population group with the highest drowning and near-drowning rates), around two-thirds of pool owners stated that a child less than five years of age had visited their property in the previous six months.

Overall, the majority of pool owners (95.6%) who completed the survey were supportive of Council A checking that their swimming pool met safety requirements and this acceptance was reflected in the comments of one pool owner: *I think the council/lifesaving checks of residential pools is great. We bought our house with a pool already in and didn’t know if our pool complied with safety standards or what those standards were!*

Finally, this study has identified a number of key elements contributing to a model of best practice for the management of domestic swimming pool inspections and compliance by local government authorities. Some or all of these elements were present in the three councils which participated in this study.

### 6.1 Model of best practice elements

- Recognised priority for domestic swimming pool compliance program
- Clear lines of responsibility across and within relevant divisions of council
- Project management and allocation of appropriate human, financial and IT resources
- Electronic swimming pool register or database linked to a general property-management system
- Efficient enforcement protocol, including the use of fines, fully endorsed by council
- Comprehensive training of inspectors on the requirements and enforcement of the Act
- Annual quota of inspections to be completed
- Maximum 3–5 year inspection cycle
- Inspections conducted throughout the year and/or during a ‘blitz’ period
- Inspection fee implemented to assist with program costs
- Pool owners to be present during inspections
- Strategies including booked appointments to deal with property access and pool-owner awareness issues
- Use of inspection time for simple pool-owner education
- Complementary local media campaign to raise community awareness of domestic swimming pool safety and drowning prevention measures
- Direct communication with pool owners as a group via mail-outs, etc.
References


Appendices

Appendix 1 – Stakeholder interview questions

Local government’s role
- In your opinion, what priority does your council currently give to domestic swimming pool safety?
- Do you think councils should have sole responsibility for implementing and policing the legislation?
- Could you walk me through the process your council follows in respect to managing private swimming pools from the point of the development application onwards?
- Which department/council officer is responsible for the overall management of domestic swimming pools?
- How often are pools inspected?
- How do you manage non-compliant pools?
- How often do you think domestic pools should be inspected?
- Do you think your council’s current system for managing domestic swimming pools is effective (in regard to outcomes and cost?)
- In your opinion, what would be the ideal system for managing domestic pool safety?
- How could this best be financed?
- What is your opinion of a pool-owner financed inspection program?
- What is your opinion of outsourcing inspections to external water safety agencies?

Databases/IT systems
- Could you describe the record keeping system that backs up the management of domestic swimming pools in your council?
- What database system does this council use?
- Is aerial mapping used?
- How are records kept up to date/ transferred between departments?

Legislation
- Do you think the current legislation is adequate in ensuring the safety of domestic pools?
- What are the gaps or weaknesses in the current legislation?
- What aspects of the legislation do you think need to be changed?
As part of a statewide initiative to reduce drownings, the Royal Life Saving Society has been contracted to carry out inspections of private swimming pools in the (Council A) local government area, over the next three months.

As part of this program, a Royal Life Saving Society inspector will conduct a safety inspection of your pool and provide you with information regarding pool safety and drowning prevention. We will also seek your help to complete a written survey of pool owners’ attitudes and opinions.

Pool inspection results will be forwarded to (Council A) for their records. General information arising from the pool inspection program will be included in a report for the NSW Water Safety Taskforce.

The Royal Life Saving Society is offering a booking service to allow you to book-in for a preferred pool inspection time.

Please phone the Royal Life Saving Society as soon as possible on 4272 6131 to make an appointment. We encourage you to use this service to make mutually convenient arrangements for the inspection.

If we do not hear from you within 7 days, we will assume you have NOT chosen the booking service, and your swimming pool will be inspected in the near future between 9.00am and sunset, Monday to Saturday.

A checklist has been provided on the reverse side of this letter as a guide to help you prepare for your inspection.

The Society is looking forward to providing this service with (Council A), and ultimately aims to reduce the incidence of drowning in NSW.

For further information, please contact the Royal Life Saving Society on 4272 6131 or visit the (Council A) website at www.(council a).nsw.gov.au

Kind regards,

Inspection Coordinator
Royal Life Saving Society Australia

General Manager
Council A
RESIDENTIAL SWIMMING POOL and SPA SAFETY CHECKLIST

Is your swimming pool/spa area safe?

The majority of drownings and near-drownings in residential swimming pools and spas involve children under five years old. Drowning kills more children under five years old than any other cause. Unsafe fences, latches and gates combined with lapses in adult supervision are directly responsible for most drownings in this age group.

This checklist will help you check if your swimming pool or spa area (indoor or outdoor) meets councils' basic safety requirements. Council staff can help you with more technical information or advice to assist you to meet the legal requirements.

Pools installed AFTER 1 August 1990

1) Is the pool surrounded by a fence which separates the pool from the house? ☐ ☐
2) Is the fence in good condition and at least 1.2m high? ☐ ☐
3) Are the gaps in the fence between the vertical sections 100mm wide or less? ☐ ☐
4) Are the horizontal sections of the fence at least 900mm apart? ☐ ☐
5) Is the gap between the bottom of the fence and the ground less than 100mm? ☐ ☐
6) Is the fence free of obstructions such as large plants, outdoor furniture or anything else a child might use to climb the fence? ☐ ☐
7) Are the gates at least 1.2m high and do they open away from the pool? ☐ ☐
8) Are the gates self-closing and self-latching? ☐ ☐
9) Is the gate release mechanism 1.5m above ground level or alternatively located inside the gate at 1.2m and covered by an approved shield? ☐ ☐
10) Is there an approved resuscitation chart prominently displayed within the pool area which also states 'Young children should be supervised when using the swimming pool'? ☐ ☐

NOTE: If you have answered "NO" to any of the questions above, your pool DOES NOT COMPLY with the NSW Swimming Pools Act and Regulations. You should contact your local council for further information and advice.
Appendix 4 – Inspection checklist

To the Owner/Occupier

FIRST POOL INSPECTION REPORT
An authorised Royal Lifesaving Society Officer has carried out an inspection of your pool, details of which are as follows:

☐ Your pool is compliant. (Council A) will be notified and no further follow-up is required.

☐ Your pool is non compliant. The faults listed below must be rectified prior to a second inspection which will be conducted in approximately 6 weeks time.

The checklist below was used for the inspection and is based on the Australian Standard AS1926.1. It indicates which aspects of your pool do/don’t comply with current safety requirements. The assessment is based on the assessor’s knowledge of the statutory requirements and Australian Standards, and is limited to the observations made at the date and time of inspection.

If you require any more information about this assessment, please contact the Royal Lifesaving Officer named below on 4272 6131.

<table>
<thead>
<tr>
<th>Pool fence</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Isolation pool fence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence height minimum 1.2m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence in good condition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vertical members – gaps 100mm or less</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horizontal members spaced 900mm or more</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Space under fence less than 100mm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2m outside fence clear of climable objects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No doors in any boundary walls and any windows meet criteria (AS1926.1)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resuscitation chart</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved resuscitation chart displayed within the pool area</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gates</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gate height minimum 1.2m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gate swings open away from pool</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gate self-closing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gate self-latching</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gate release mechanism is 1.5m above ground level OR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gate release mechanism is located inside gate at least 1.2m above ground level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gate is shielded in accordance with AS1926.1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sign

FAULTS

________________________________________________________________________

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Inspection Date: ________________________________ Officer: ______________________________________
(Print Name)

Time: __________________________________________ Signature: ______________________________________
Appendix 5 – Pool owner survey

Swimming pool owner survey

This survey is intended to ask you about your swimming pool and your opinions about pool fencing and pool fence inspections. Your answers to this survey will be compiled with the answers of other people and will be used to inform the NSW Water Safety Taskforce. All information provided by you will be confidential. Please answer the following questions as accurately as possible.

1. Date: ______________________________

2. Is the pool owner an:
   - Owner/Occupier
   - Renter
   - Other (please specify) __________________

3. Approximately, in what year was the swimming pool installed? ___________

4. Is there a fence that surrounds the entire pool? (please tick)
   - Yes
   - No

5. Are there any children under five years of age living in this house? (please tick)
   - Yes (specify ages) __________________
   - No

6. Have any children under five years of age visited your home in the last six months? (Please tick)
   - Yes
   - No

7. If you have children under five years of age, have they attended swimming lessons or water familiarisation classes? (please tick)
   - Yes
   - No Go to question 9
   - No child aged under five years Go to question 9

8. If yes, who conducted the child/ren’s lessons or classes?___________________

9. Have you ever attended a resuscitation course? (please tick)
   - Yes
   - No

10. If yes, approximately how many years ago? ________________

11. Do you believe that pool fencing should be required by law? (please tick)
    - Yes Go to question 13
    - No
    - Uncertain
12. What is the one main reason why you think swimming pools should NOT be fenced? (please tick one only)

☐ Pool fencing should not be required for people who don’t have children

☐ Pool fencing should not be required when children can swim

☐ You shouldn’t need a fence if your property is fenced

☐ Pool fencing is too expensive

☐ Pool fencing should not be required if you supervise your children

☐ Pool fencing is an invasion of privacy

☐ Pool fencing destroys the design of the pool area

☐ Other (please specify) ___________________

13. Do you support (Council A) checking that pools meet specified safety requirements? (please tick)

☐ Yes – How often? ___________________

☐ No – Why not? ___________________

14. Does (Council A) provide information regarding pool fencing and safety? (please tick)

☐ Yes ☐ No ☐ Uncertain

The final 3 questions will allow us to classify your answers

15. Are you?: (please tick)

☐ Female  ☐ Male

16. What age group are you in? (please tick)

☐ 15-20yrs ☐ 46-55yrs

☐ 21-25yrs ☐ 56-65yrs

☐ 26-35yrs ☐ 66yrs +

☐ 36-45yrs

17. What is the highest level of education you have completed? (please tick)

☐ Primary school

☐ Completed Year 10/Fourth form

☐ Completed Year 12/Sixth form

☐ TAFE certificate or diploma

☐ University degree/Other tertiary institution

☐ Other (please specify) ___________________

18. Do you have other comments?

____________________________________

____________________________________

____________________________________

____________________________________

THANK YOU FOR YOUR PARTICIPATION!
Management of domestic swimming pools and compliance levels
An initiative of the NSW Water Safety Taskforce 2003

Members of the NSW Water Safety Taskforce

Australian Professional Ocean Lifeguard Association
AUSTRWIM NSW
Community Relations Commission
Farmsafe NSW
NSW Department of Education and Training
NSW Department of Health
NSW Department of Local Government
NSW Department of Tourism, Sport and Recreation

NSW Fisheries
NSW Local Government and Shires Association
Premier’s Department
Surf Life Saving NSW
The Royal Life Saving Society Australia (NSW Branch)
United Services Union
Waterways Authority

SafeWaters
A NSW GOVERNMENT WATER SAFETY INITIATIVE