

1/33 DAKING STREET  
NORTH PARRAMATTA NSW 2151  
POSTAL ADDRESS: PO BOX 245  
NORTHMEAD NSW 2152



TOLL FREE: 1800 802 482  
PHONE: 02 9630 6300  
FACSIMILE: 02 9630 6355

**19 February 2013**

**Australian Water Safety Strategy**

Email: [watersafety@mpes.nsw.gov.au](mailto:watersafety@mpes.nsw.gov.au)

**RE: New South Wales Water Safety Strategy**

**The Swimming Pool and Spa Alliance**

The Swimming Pool and Spa Alliance (SPASA) representing hundreds of Australian businesses within the swimming pool and spa industry. Members of SPASA include pool builders, manufacturers, suppliers, retailers, technical servicemen, subcontractors, installers, consultants and other allied trades, all of whom set themselves apart from the rest of the industry by setting standards of skill, workmanship and ethical business behaviour in the best interests of pool and spa owners.

SPASA is also a Registered Training Organisation (RTO) that provides training and assessment to the swimming pool and spa industry. Our courses are designed in consultation with key industry stakeholders and our qualifications and accreditations are highly valued by government, employers and the wider community.

**Swimming Pools Amendment Bill 2012**

The NSW Parliament passed the Swimming Pools Amendment Bill 2012 on the 23 October 2012 without amendment. Apart from the SPASA submission in February 2012, there has been no consultation with the swimming pool & spa industry despite the fact that many of the comments and recommendations provided reflect the vast majority of submissions the government has received from other stakeholders.....and chosen to ignore.

SPASA has been writing to the Minister for Local Government, The Hon. Don Page, MP and the Minister for Police and Emergency Services, The Hon Michael Gallacher MLC since January 2012. In this regard, we remain extremely disappointed that we have never been included or consulted on any of the "Water Safety Strategy" meeting topics despite the fact that we are a significant and relevant industry stakeholder.

At various times, the other state industry SPASA associations are always invited and do participate in like advisory committees in their states. Thus we are at a loss to understand why and find it almost inconceivable that SPASA is seemingly shut out of this process in NSW. We find it even more perplexing that no real reason for this exclusion has, to our knowledge.

The involvement of SPASA in other states, particularly in Western Australia and Queensland has greatly assisted in the reduction of toddler drownings. Where such matters are a government priority in other states, SPASA is virtually the first port of call for governments and that is because this industry cares passionately about the safe use of its products.

Despite the above oversights, SPASA welcomes the opportunity to comment “*for the first time*” on the proposed strategy to increase the safety of very young children around backyard swimming pools *but requires guidance* as to how we might assist as we have never received any meaningful feedback on our previous correspondence.

Notwithstanding the lack of consultation and feedback, SPASA applauds the government for wanting to protect toddlers by introducing new legislation to ensure backyard pools comply with regulations, but we maintain there may be significant problems with what will be implemented. Namely:

### **The Swimming Pool Register**

The Government has chosen not to impose a mandatory inspection program. Instead, it has been left for Local Council in conjunction with their communities to determine an appropriate inspection regime.

The idea that *152 Councils should develop and publish a Swimming Pool Barrier Inspection Policy and Program that is acceptable and affordable to their community*” is riddled with predictable confusion. In essence, the proposal may lead to 152 Councils administering different inspections regimes in NSW.

There are many foreseeable problems for Local Government to be wary of in the creation of a Swimming Pool Barrier Inspection Program. A poor Swimming Pool Barrier Inspection Program could fail due to:

- Patchwork of different inspection regimes
- Poor design of the Inspections program/s
- Capability to monitor and enforce
- Capacity to meet demand
- Council resources
- Cost due to size of council

Any Swimming Pool Barrier Inspection Program must be state based. Local councils should not be able to develop individual compliance programs which will create significant perplexity amongst professionals who will have to navigate through a complex web of bureaucracy.

### **Self-Certification**

SPASA considers it improper and even careless to rely on pool owners to self-certify their swimming pool by following a suggested checklist.

Additional concerns relate to the owners of the swimming pools who have “Self Certified” being exposed to litigation in the event of a drowning or other related incidents as well as the potential for new insurance requirements.

We would strongly argue that any checklist would be unable to capture all aspects of:

- Australian Standards
- Swimming Pools Act 1992
- Swimming Pool Regulation 2008
- Building Code of Australia

## **Certification – A point in time argument**

Water Safety campaigners are aware that any compliance checks are only a "Point in Time" check. "Point in Time" Checks do not guarantee things won't go wrong between inspections.

Self-Motivated or Dynamic compliance is NOT covered by a compliance check but is critical in any holistic preventative program.

## **Point of Sale Registration**

In terms of administering the proposed Register, the Government has failed to recognise the key role that retailers (online & physical) of inflatable or portable swimming products could play in making the process easier for pool owners and providing more accurate information. Retailers of such products should be required to collect sufficient data from the consumer at the point of sale in order to record the relevant details on the Swimming Pool Register.

## **Problems with proposed "Private Certifier" and Council checks**

Currently, it is the intent to restrict compliance inspections to Council Officers and Accredited Certifiers.

Whilst Council is mandated to charge an inspection fee of \$150 for the initial inspection, SPASA is concerned that a lack of access to a sufficient number of appropriately qualified individuals/organisations will see the duplication of the situation in Qld, where initial market prices for "pool safety inspections" by Private Certifiers and Independent Inspectors was exorbitant due to principles of supply and demand, where there was a large demand and not enough qualified inspectors available.

SPASA has seen no reference to any qualifications or unit of competency needed for a "Council Inspector" or a "Private Certifier".

Whilst SPASA has held barrier courses for industry, Council Inspectors and Private Certifiers in the past, there is currently no formalised NSW qualification or training courses for "Council Inspectors" or "Private Certifiers". This presents a concern about the wide variety of interpretations of compliance.

As part of the Qld Governments pool safety reform a requirement for a qualification as a "pool safety inspector" was introduced, and training programs under the Australian Qualifications Framework (AQF) were developed and are currently being delivered by Registered Training Organisations in Qld.

These courses could be included in continuing professional development as additional mandatory modules of competency for people already accredited as private certifiers if they wish to conduct pool safety barrier inspections.

Issues resulting from Supply and Demand of inspections will create timing difficulties for the entire property cycles (not limited to the following):

- Homeowners
- Investors
- Renters
- Trades Persons
- Lawyers and Conveyancing Professionals

Government needs to rethink the issues surrounding, expertise, training, supply and demand as well as consider qualified individuals within the swimming pool & spa industry as a viable alternative in undertaking initial and subsequent inspections in order to reach appropriate saturation.

## Conclusion

Whilst SPASA is certain that government takes the role of swimming pool safety very seriously, we remain mystified that a Representative Industry Body for Swimming Pools in NSW has been prevented from participating in ongoing dialogue which has resulted in the recent legislative changes.

SPASA's commitment and impact to the swimming pool and spa industry is unwavering and our inclusion within such an important committee can only have assisted with the number one objective – keeping toddlers safe.

In this regard, and as previously mentioned, SPASA would like some guidance as to how we might assist as we have never received any meaningful feedback on our previous correspondence.

Yours Sincerely



Spiros Dassakis  
Chief Executive Officer

**CC Previous Correspondence is attached**

**About SPASA's CEO, Spiros Dassakis** has been involved on numerous industry related reform committees, sat on several government advisory groups and has represented the industry on the following Australian Standards:

- AS1926.1 Swimming Pool Safety - Safety Barriers
- AS1926.2 Swimming Pool Safety - Location of Safety Barriers
- AS1926.3 Swimming Pool Safety - Water Recirculation Systems
- AS2610.1 Spa Pools - Public Spas
- AS2610.2 Spa Pools - Private Spas
- AS/NZS 2416.1 Water Safety Signs and Beach Safety Flags
- AS/NZS 2416.2 Water Safety Signs and Beach Safety Flags
- AS/NZS 2416.3 Water Safety Signs and Beach Safety Flags
- AS 1900 Flotation Aids for water familiarisation & swimming tuition

*Please note that Swimming Pool & Spa Association of New South Wales Limited and Swimming Pool & Spa Alliance are separate entities and operations from Swimming Pool & Spa Association of Australia Limited and neither have the endorsement of Swimming Pool & Spa Association of Australia Limited, SPASA Vic, SPASA Qld, SPASA SA or SPASA WA.*