



Speech by

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MEMBER FOR WARREGO

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BUILDING AMENDMENT BILL

Second Reading

Resumed from 19 August (see p. 2929).

Mr HOBBS (Warrego—NPA) (12.51 p.m.): It is my pleasure today to rise to speak to the Building Amendment Bill, which deals with swimming pool fencing. This is obviously a very important piece of legislation and one that we hope will reduce the number of lives lost as a result of swimming pool drownings. This legislation does a number of things. It restricts a local government's ability to grant pool fencing exemptions to only those situations where it would not be practicable because of the disability of an occupant of the building to provide access in accordance with the standards.

Since 1991, 28 councils have had the ability to grant exemptions. Some 19 of those councils have granted something like 7,200 exemptions in relation to swimming pool fencing. There may have been good and valid reasons for that to occur, but we have to progress the issue. Throughout Australia most pools were not fenced until the 1990s. In Queensland pool fencing legislation was introduced in 1992 and, as a result, the next year the number of drownings dropped dramatically—in fact, to one. Publicity would have played a big part in that—there is no doubt about that—but that momentum was not able to be sustained.

I remember that at the time there was a big to-do about it, so people were certainly aware of it. However, then the number of drownings started to go up again. As I said, in 1993 there was one drowning and in 1994 it went up to 11—I should say that these are the statistics for children up to four years of age—and in 1995 there were 13 drownings and then it came down again. However, it then started to increase again. Publicity is one of the better mechanisms to use in this regard in conjunction with other physical controls. It is interesting to note the number of drownings. From 1983 to 1991 there were 107 casualties, and for the nine-year period from 1993 to 2001 the number had fallen to 66. Clearly, there has been a benefit in having better controls on pool fencing.

Some of those drownings arose because local governments were giving exemptions where there was three-sided fencing on a pool leading into the house, but it was the door leading into the house itself that was the problem. Those doors are meant to be self-latching and self-closing. In most cases, the doors are self-latching but not always self-closing. As a result, this is where some of the problems arose. There are statistics to back up the fact that quite a considerable percentage of drownings were related to the fact that children were able to get through doors because they were not operating effectively. In fact, 22 per cent of deaths were caused because of defective doors. That is quite a considerable number.

The legislation also requires new pools that are constructed on or after the commencement of the bill that are on residential buildings to be fenced. The Building Act currently only requires fencing around outdoor swimming pools. Pools on a building are currently not considered to be outdoor swimming pools and are not required to be isolated by a fence. For example, a pool on a deck attached to a house meets the definition of a pool on a building and therefore is not covered by the current law. In other words, it redefines the indoor swimming pool with one that is completely enclosed by walls or buildings. Therefore, a rooftop pool or an indoor pool have to be absolutely confined by the outer walls and that would obviously make it quite safe.

The bill also inserts a new provision into the Building Act to require warning signs to be provided on the property where a swimming pool is to be constructed prior to its commencement. The purpose of the sign is to alert those supervising young children that a danger is present in the form of a swimming pool under construction. The signs are to remain in place until a complying swimming pool fence has been erected on the site and the fence has been certified by a building certifier. This came from a coroner's recommendation into the death of a toddler. Having a sign up at least gives people some opportunity to know that a danger or a potential danger exists.

The bill also clarifies that a pool owner must ensure that a complying pool fence is in place and maintained to appropriate standards at all times while the pool is filled with water. This legislation is not actually retrospective. I understand that to mean that the fencing must comply with the legislation that was in place at the time the pool was constructed. I understand that there is yet to be drafted a clear definition as to what those requirements will be. That should give people a clear idea of what is expected of them.

The legislation will insert a new provision into the Building Act to require a sign to be placed near a new pool that contains instructions on the application of cardiopulmonary resuscitation, or CPR, and that is a necessary aid to have. Many lives could be saved if someone has the knowledge to be able to provide that assistance. Many people do ambulance courses and therefore know how to administer CPR, but it would be tragic if a person could save another's life but they did not have the skills or the knowledge to do it. They would feel bad because they had tried so hard, but when people do not have those skills it makes it very difficult.

Other states in Australia have similar legislation and are going through the same sorts of problems as we are. When this legislation first came in there was a lot of debate and angst about it on the Gold Coast. People were also complaining about the cost of it. At the end of the day, pool fencing is essential. Sometimes people believe it is an eyesore, but pools need to be fenced. These days people can buy all sorts of material to fit into all sorts of situations, so aesthetics is no reason why they cannot put up a fence. I commend the bill to the House.