



Speech by

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BUILDING AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)

Dr DOUGLAS (Gaven—LNP) (8.20 pm): The Building and Other Legislation Amendment Bill (No. 2) is a unique bill that has application to pool owners for mandatory pool safety inspections, dog owners who do not want to have their dogs classified as pit bull terriers and a safety net for the RNA in Brisbane. There are problems with regard to two areas of the bill. It goes without saying that the RNA changes seem appropriate for an institution that has lasted 140 years.

The statistics on both immersion injuries and drownings of children in swimming pools are well known. Tragically, whilst not all of the 50-plus immersion injuries annually in Queensland lead to death, the consequences for the family, the child and the community are horrendous. It all happens so quickly, so silently and so close to care. Pools continue to be built at a massive frequency. It is currently estimated that one in three new dwellings in South-East Queensland has a pool installed, yet we swim less, have smaller families and both parents are often working full time. With an average cost of between \$12,000 and \$20,000, homeowners are building pools at the same rate as their massive media rooms. Fortunately, pool fencing legislation is mandatory but is constantly challenged. I make my own comments with regard to media rooms. I do not think they are necessary.

Ms Grace interjected.

Dr DOUGLAS: As the minister pointed out in his second reading speech, these new laws applying to new pools commenced in December 2009 after extensive consultation. In single families I think a media room is probably appropriate, member for Brisbane Central, but in larger families I wonder if TVs are used as child-care methods.

Stage 2 affects existing pools and the intention is to ensure both compliance with fencing laws and mandatory inspections at point of sale or lease. As has been noted, the Building Act 1975 facilitates a new pool safety inspector licensing system and Pool Safety Council to assume control of the licensing system. There is a legitimate concern that the laws are being implemented without enough training of inspectors, and the fact that there may not be enough of the inspectors on the ground could be an issue. For property owners who are selling, this is an extra compliance cost and, for those leasing with either a renewal or a new lease, it is another cost. The challenge for local councils is to get it done and get paid for doing so. An owner may want a reasonable cost and some certainty both in terms of timeliness and certification of the issue of their certificates and many fear the transfer of liability, especially from public risk back to the owners.

I believe in pool fencing regulation and the need to make it mandatory. My real concerns stem from a number of legal cases, particularly on the Gold Coast, where the Supreme Court has upheld that owners who have taken all and many steps to make their pools safe or similar were still found to be liable in complex, truncated, technical cases over everything from inadequate signage to inadequate adult supervision and, in one awful case, blame a very doubtful technical failure of fencing close to a canal as the reason for a disaster that occurred. There are a few recent well-publicised cases, but there will be more with the advent of more homes having tanks installed where we are likely to see problems similar to pools given that most of these tanks have no security fencing and have mains power points attached to pumps

located close to the tanks and open tops that will allow children entry. The minister has detailed closely how the system will work and how councils will manage the pool safety inspectors and issues of complaints. It is disconcerting that there has been no regulation requiring notification to owners regarding entry to properties. The issue of appointments and permission to be on private property will have to be clarified. I believe this has been raised by the Scrutiny of Legislation Committee. It is worth noting that these inspectors will be able to carry out minor repairs which seems to add a layer of common sense to these regulations, and the minister is to be congratulated on taking those steps.

There will be a state based pool register created and maintained. All pool owners will be compelled to register, with a new offence provision for those who do not do so. I am a pool owner and, like many other pool owners, have great interest in how this proceeds. Like most, safety remains a burning concern for us all—everything from the quality of water, efficient filtration, adequate total perimeter child-proof fencing with reliable child-safe locking gate systems and high pool visibility from the most utilised aspect of the house. We must leave no stone unturned in the pursuit of what constitutes the ideal pool design, pool fencing and certification with known proven safe methods. What remains at issue is how to cater for both the rogue and those who become neglectful. A pool does require some skill to maintain beyond being built and delivered. For many, maintenance is done by external qualified pool maintenance staff and pool franchisees. But for many that is not so. Most owners learn from the school of hard knocks. Pool water testing is random, infrequent and in Queensland heat usually leads to an unsatisfactory result. Fully automatic does not necessarily mean that the owners or lessees of those properties do not need to check a pool constantly, and pool water is potentially harmful, especially after summer rain. The Gold Coast of course gets seasonal rain as well, particularly at the end of September as summer comes. It also gets seasonal rain in late January. These are times of the year when holidays are occurring and children are around.

Pool fences, panels, locks, magnets, key locks and missing rivets all need to be checked on a routine basis. The majority of pools are salt water and there is a significant corrosion factor that needs to be considered as a safety issue, and it needs to be raised as a particular issue because it is an increasing problem in South-East Queensland that saltwater pools are not being maintained as regularly as they should. All pool parts—fences, gates and external furnishings—have a high-wear factor. They can become dangerous. For those reasons, licensing is necessary and needs to be repeated. Most homeowners stay an average of seven years in their own home and lessees five years. Therefore, this regulation will probably give rise to a check time frame that should address most of those issues.

I remain concerned about the issue of children drowning or suffering immersion injuries in friends' or neighbourhood pools, especially when those neighbours or friends may not be home. For those reasons, in the absence of mandatory front and rear fencing, I believe that all pool fencing should be a total perimeter 1.2-metre minimum with a 100 maximum bottom-to-ground space and a similar bar-to-bar width. No glass or fencing should be permitted to be frosted facing the dwelling because the pool should be totally visible at all times. All edges should be blunted and rolled to eliminate cuts to children. All gates under current rules should have an adequate safety lock. This is essential. There does appear to be an area of general concern—that is, those homes that are reliant on self-closing locks or glass doors where the pool immediately adjoins the home. This is not raised in the bill but is a particular problem throughout the state. I would have to say that this is an older home problem, but it does occur in newer homes as well because people want their pools to abut the rear decks of their homes. It is timely that this anomaly is discussed in terms of dwellings having a safety door. Currently, premises are allowed to have a self-closing sliding door. That needs to be excluded. Additionally, all dwellings where pools have adjoining common areas or waterways must be completely fenced on all four sides.

I accept that there are valid reasons for every situation, just as long as there are gates that can be closed with child safety locks where this cannot be achieved. All power should have safety cut-out switches to the main power board. Pool lighting and pool spas should require further review, because I think these issues have not been adequately discussed. As I said, wear and tear remains a considerable issue and I think that currently it is an issue that is not adequately addressed in any bill that is facing us. With the numbers of pools that have high utilisation because they are shared, particularly where there are numbers of units, and also the increasing use of saltwater pools, I think wear and tear is an issue. The evidence supporting pool safety fencing is now irrefutable. When combined with teaching all children to swim at an early age, CPR training and a healthy respect for water, collectively we will reduce child immersion fatalities and injuries. I believe that we will also reduce the death rate.

I like the new rules regarding wading pools, particularly the maximum depth being reduced to 300 millimetres from 450 millimetres. The likelihood of drowning is said to be reduced by a very high margin—I believe it is three times per 150 millimetres. I am not sure whether going below a depth of 300 millimetres reduces the likelihood further. Fish ponds, both internal and external, and external and internal water features are increasingly common in homes that are being built in South-East Queensland. I believe that they should be rated as wading pools and that they should have the same rules apply to them. Currently, fish ponds and water features are largely uncovered. I believe that there should be discussion about covering them with mesh or glass. It would seem erroneous not to draw fish ponds and water features into

this current rule. It is a worrying trend, particular on the Gold Coast, that homes with fish ponds and water features are being built for sale. I remain of the opinion that all public areas that retain water, particularly those that have depths of greater than 200 millimetres, require perimeter shielding, particularly if the entry point is reasonably accessible by any human being, particularly a child.

The dog issue remains in part an issue of debate, DNA, desire and 'damned if you do and damned if you don't'. There appears to be a near universal view that an American pit bull terrier is a dangerous breed of dog. It is an unpredictable dog. It is bred as a fighting dog. It is unlawful to have the breed here and, as such, the breed is unsuitable for domestic, urban, semiurban and particularly rural environments. We have enough problems with wild dogs as their effect on our agricultural industry is significant. If there is a mechanism that clarifies the Staffordshire breed as a safe dog then so be it. Any breed causing any problem requires further review. Certainly in my electorate there have been significant problems with dogs attacking people. To tell you the truth, I think that any dog that deems itself a problem we would be better off without.

Mr Rickuss interjected.

Dr DOUGLAS: I am actually a dog lover. I think dogs need to be supported. I think they are great for families and they are also great company for people in their older years.

I move on to the issue of the RNA, which is a much loved institution in Queensland that occupies a special place in the state's history. As many people know, the RNA has extensive freehold and leasehold land at the base of Spring Hill and adjoining the Valley. The site contains a number of historical buildings, including the John McDonald Stand and a number of facades, including the sample bag pavilion. The RNA is expertly run by John Tunny and the chair, Vivian Edwards, who is a neurologist practising in Ipswich and also in Brisbane. The RNA stages many events annually, but the Ekka is the key event that has universal acceptance throughout Brisbane and the state. In fact, many people seem to remember going to the Ekka for their whole lives.

The development of theme parks, particularly Movie World and Dreamworld, and the corporatisation of agriculture seems to have affected the RNA significantly. The difficulty that the RNA experiences is the one-off cost of holding such events. Maybe the reality is that the Ekka could change and the land may have to be sold. This is disappointing but, like everything, it remains a possibility. The government is attempting to set conditions upon which that might occur. I find that rather worrying on a number of levels. Like everybody, I certainly do not want to see things that have remained such an institution for a long time change, but I think we have to have faith in the management, and the board has to manage the RNA as it sees fit. Of course, the RNA sits on largely private property and the management of the RNA is trying to manage it the best way it can. I think realistically the bill is attempting to do many things and maybe to hamstringing them is not the right way to do it.

There are many ways of looking at the RNA, and probably this is so because the Royal National Association reflects many different things to many different people. As I have said, for country people the RNA delivers a method of displaying their stock and produce. For some, the RNA presents a chance to compete and be rewarded in the market for doing so. It gives these people a social outlet, both the show itself and the many events during show week. For city people, the RNA provides them with the chance to see aspects of country life, especially small animals for children and a vast array of all sorts of things that reflect life itself and, certainly, a lot of our history. The fireworks in the night-time almost mark the end of winter. The RNA employs many people and it provides a big cash impetus for our community. Every province, state or nation has some form of vehicle by which they can display themselves to others and their own public. The Ekka is Queensland's and, probably moreover, it is South-East Queensland's. Therefore, the RNA is rightfully not anyone's property but everyone's property. The future of any of the RNA—either bits of it or as a whole—should be widely discussed.

The government correctly put the Inner City Bypass in a tunnel under Sideshow Alley years ago and it remains reluctant to be prescriptive with what the board of the RNA plans for its own future. The Royal Brisbane and Women's Hospital, being so close, benefits by virtue of the public space provided by the RNA and so does an increasingly dense inner-city urban population. I think we need to leave the RNA site as it is.

As has been stated, the LNP is putting forward amendments to this bill. Rather than government members saying that there should be no amendment, I put it to members that there are many solutions to serious problems and that they should remember that every life saved is a child's and a family's life that is changed for the better forever. No-one should ever think they have all the answers. Governments are often the last to find enlightenment.

In my own electorate over past years there have been terrible tragedies arising out of pool drownings. These are not statistics to champion. I really want something better for all. If a drowning is

preventable—as most are—then the efforts must be targeted at achieving a zero result. It is true that 40 per cent of the state's 300,000 pools are indeed unsafe and that they would fail a routine safety check. This bill offers every child and their family a positive step in safety and an opportunity to alter that awful grief of families who may well have a child suffer from such a terrible tragedy. This statistic of 23 children drowning in three years is one that we should say is in the past. If compliant pool fencing is the answer, so be it.