

1. CORONER'S DECISION

Officer responsible Environmental Services Manager	Author Jane Donaldson, Environmental Services Manager DDI 941-8651
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The purpose of this report is to advise the Council that the Coroner has issued his findings regarding the drowning of a two year old child in a private swimming pool in March last year.

A full copy of the Coroner's decision is attached. The Coroner's analysis of Section 10 of the Fencing of Swimming Pools Act 1987 begins on page 5 at paragraph 23. From the Council's perspective, the important findings are contained in paragraph 34 on page 8. On reviewing the evidence, the Coroner was satisfied that the Council has adequately performed its responsibilities under the Act.

The Environmental Monitoring Team Leader's evidence submitted at the inquest provided a useful summary of past and present practice in respect to administering the Fencing of Swimming Pools Act, as well as the difficulties that have been encountered along the way.

The Coroner's concluding comment is that this tragic death was avoidable. He has emphasised the need for strict compliance with the Act, the importance of professional inspections to ensure compliance, and the need for continuing publicity and education.

- Recommendation:**
1. That the Council maintain its commitment to inspect all pools within the city and ensure compliance by 30 June 2003, and to re-inspect all pools every two years.
 2. That the Council continue its efforts to publicise the dangers swimming pools pose to young children and educate pool owners about the need for compliance with the Fencing of Swimming Pools Act.
 3. That the Council reviews its budgetary provisions for enforcement and education in this area to ensure sufficient resources are being provided.
 4. That officers prepare a submission to the Department of Internal Affairs expressing the Council's concern about the levels of fines and other penalties for non-compliance contained within the Fencing of Swimming Pools Act.
 5. That officers report back to the Committee on the benefits or otherwise of introducing user charges in relation to the administration of the Act.
 6. That officers investigate opportunities for further public education and work with the Communications Team in developing a spring/summer campaign, with a report to be prepared for the October meeting of the Committee.