



Department of Justice

Consumer Affairs Victoria



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Our ref: CD/14/496565

Ms Lidia Lo Giusto
Coroner's Registrar
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear Ms Lo Giusto

RESPONSE TO RECOMMENDATIONS RELATING TO THE INVESTIGATION INTO THE DEATH OF LAUREN K HARRIS (COURT REF: COR 2008 004363)

I write in reply to your letter dated 16 October 2014 regarding the investigation by Coroner West into the death of Lauren K Harris, and to respond to recommendations 9 and 14, which are relevant to Consumer Affairs Victoria (CAV).

Recommendation 9 proposes mandatory inspection and certification of pool safety barriers prior to sale and leasing of a property. This suggests legislative amendments to the *Sale of Land Act 1962* and the *Residential Tenancies Act 1997*, which falls within the administrative responsibility of the Minister for Consumer Affairs.

I understand that the Department of Transport, Planning and Local Infrastructure (DTPLI) is currently reviewing the Building Regulations 2006 and will be considering recommendations made by the Coroner regarding building legislation as part of that review. As recommendation 9 relates to these other recommendations, it will be considered in the context of DTPLI's review to ensure that an integrated and holistic approach is taken to addressing issues around pool safety barriers.


In relation to recommendation 14, I advise that this recommendation has been implemented. This recommendation proposes that CAV residential tenancy forms and publications include information on pool safety barriers.

Information about pool barrier fencing is on the CAV website and in the publication, "*Renting a home: a guide for tenants*". The information advises tenants to check that safety barriers are secure and to notify their landlord if there is a fault. If there is a fault with the pool fence or barrier that causes it to be unsafe, it is an urgent repair and the landlord or agent must arrange for it to be fixed immediately. The information also includes advice from the Victorian Building Authority on checking and ensuring the integrity of swimming pool barriers.

CAV has also included 'pool fence and gate' as an item in its pro forma condition report, to prompt landlords, estate agents and tenants to check pool safety barriers prior to renting a property.

Thank you for providing me with an opportunity to comment on the Coroner's recommendations on this matter.

Yours sincerely


Dr Claire Noone
Director
Consumer Affairs Victoria