



Wednesday 1 July 2020

Child's death prompts further recommendations to address dangers of backyard pools

Victorian Coroner Simon McGregor has today called for greater education on the dangers of backyard pools and better mechanisms on safety fences, after the death of a three-year-old child.

Baby M was found by his mother in the backyard pool of his family's Cairnlea home on 29 October 2018. He was resuscitated and transported to the Royal Children's Hospital however had suffered severe brain damage and passed away the next day.

The coronial investigation revealed that Baby M entered the pool through a faulty safety fence gate.

Pool gates must be fitted with devices that ensure automatic closure and self-latching when left open from any position.

But tests showed that the self-closing hinges and self-latch function on the gate at Baby M's home had deteriorated, rendering it ineffective unless significant force was applied when closing.

Coroner McGregor found that Baby M's death may have been prevented had crucial legislation currently being implemented been in place at the time of the incident.

Following coronial recommendations made in 2014 ([L.Harris](#)) and 2017 ([Child E](#)), the *Building Regulations 2018* was amended in December 2019, making it mandatory for pool or spa owners to register with their local council and arrange safety barrier inspections.

While the pool and fencing at Baby M's home had been inspected three times throughout installation, it had not been reviewed since May 2007.

His Honour went on to say that Baby M's death highlighted the need for this new legislation as well as the key role local councils can play in increasing awareness of the dangers of backyard pools.

"Councils can do more than simply operate the regime and inform their residents of it," he said. "I urge all local councils in Victoria to engage in community outreach to ensure that all swimming pools are safe and to offer their residents education and assistance in maintenance and safety."

Coroner McGregor also determined that certain materials used in hinge and latch mechanisms might be vulnerable to decay over time.

His Honour recommended that consideration be given to changing the Australian Standard to reflect how wear over time impacts mechanisms and grades of material in self-closing hinges.

A copy of the finding can be found at:

<https://www.coronerscourt.vic.gov.au/sites/default/files/2020-07/BABY%20M%20-%20COR%202018%205489%20-%20Finding%20-%20200628.pdf>