



Department of Justice

Consumer Affairs Victoria

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Our ref: CD/12/478127

Ms Kate Doherty
Coroners Registrar
Coroners Court of Victoria
Level 11
112 Exhibition St
MELBOURNE VIC 3000

Dear Ms Doherty

RESPONSE TO RECOMMENDATIONS RELATING TO THE INVESTIGATION INTO THE DEATH OF JACOB O BEN ZUR

I refer to your letter dated 24 August 2012 regarding the investigation by Coroner Jamieson into the death of Jacob Ovadia Ben Zur.

I note that the Coroner made the following recommendation to Consumer Affairs Victoria:

“That Consumer Affairs Victoria seeks to amend its tenancy forms and publications available to tenants and landlords to include information about pool barrier fencing. Furthermore, landlords and their agents should be encouraged when making available properties to rent to families with young children, to strongly consider complying with the latest Australian Standard relating to pool fencing.”

I advise that this recommendation will be implemented.

Consumer Affairs Victoria (CAV) will include information about pool and spa barrier fencing:

- in the next iteration of CAV's publication, *“Renting a Home: A Guide for Tenants”*, to be published December 2012; and
- on the CAV website (www.consumer.vic.gov.au) in December 2012.

Information in *“Renting a Home: A Guide for Tenants”* will encourage tenants contemplating the lease of a property with a pool or spa to consider seriously whether the existing barriers

will be appropriate and effective for the people who will live in or visit the property (even if they are technically compliant with building standards).

Further information on the CAV website will:

- refer to the relevant pool and spa barrier standards and the Building Commission's 2010 guide, "*What you need to know about swimming pool and spa safety barriers*"; and
- note that older pools and spas may have been built to lower building standards than would be permissible today.


In addition, CAV will also improve landlords' awareness of pool and spa safety issues by using its stakeholder networks to support property managers to encourage landlords to bring pool and spa barriers up to current standards, even if the pool or spa is older and not technically required to meet those standards. This may include:

- education articles on realestate.com.au;
- joint communication activities with the Real Estate Institute of Victoria;
- promotion via CAV's social media channels; and
- inclusion in CAV's education presentations to prospective landlords.

The Coroner's recommendation also included amendment of CAV's "tenancy forms". I believe the most relevant form is the condition report, which is an evidentiary record of the condition of the property at the time the tenant moves in. In August 2012, line items for "pool fence and gate" and "spa fence and gate" were added to the electronic version of CAV's standard form condition report, available online at <http://www.consumer.vic.gov.au/library/forms/housing-and-accommodation/renting/condition-report.pdf>. These additional line items are now also reflected in the printed form.

I note that it is not compulsory for landlords and tenants to use the CAV condition report, but the form has been widely adopted by Victorian estate agents.

Yours sincerely



Phil D'Adamo
Acting Executive Director
Consumer Affairs

29.10.12