

Public Health (Swimming Pools and Spa Pools) Regulation 2000

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

Minister for Health

Explanatory note

This Regulation replaces Part 4 of the *Public Health Regulation 1991* which deals with the operation of public swimming pools and spa pools.

This Regulation:

- (a) requires the disinfection of water in pools, and
- (b) requires the maintenance of the pool surrounds in a clean condition, and
- (c) provides for the inspection of pools, and
- (d) provides for the closure of pools for any period during which they are a risk to public health.

This Regulation is made under the *Public Health Act 1991*, including section 82 (the general regulation-making power) and in particular section 82 (2) (c1) (relating to the closure of public swimming pools and spas for any period during which they are a risk to public health).

This Regulation is made in connection with the staged repeal of statutory rules under the *Subordinate Legislation Act 1989*.

1 Name of Regulation

This Regulation is the *Public Health (Swimming Pools and Spa Pools) Regulation 2000*.

2 Commencement

This Regulation commences on 31 August 2000.

3 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 Application of Regulation

(1) This Regulation applies to swimming pools and spa pools to which the public is admitted, whether free of charge, on payment of a fee or otherwise, including swimming pools and spa pools:

- (a) to which the public is admitted as an entitlement of membership of a club, or
- (b) provided at a workplace for the use of employees, or
- (c) provided at a hotel, motel or guest house or at holiday units, or similar facility, for the use of guests, or
- (d) provided at a school or hospital,

but not including swimming pools or spa pools in private residential premises.

(2) For the purposes of this clause: "**spa pool**" means a water-containing structure:

- (a) that holds more than 680 litres of water, and
- (b) that is used or intended to be used for human bathing, and

(c) that has facilities for injecting jets of water or air into the water.

"swimming pool" means a water-containing structure that is used or intended to be used for human bathing, swimming or diving, and includes a water slide or similar aquatic recreational structure.

5 Disinfection

The occupier of a swimming pool or spa pool to which this Regulation applies must not allow a person to use the water in the pool unless the water in the pool is disinfected in such a way as to prevent the transmission of scheduled medical conditions to the other users of the pool.

Maximum penalty: 20 penalty units.

6 Cleanliness

The occupier of a swimming pool or spa pool to which this Regulation applies must maintain the pool surrounds, including any toilets or change rooms, in a clean condition in such a way as to prevent the transmission of scheduled medical conditions.

Maximum penalty: 10 penalty units.

7 Inspection

(1) An environmental health officer may enter and inspect any premises containing a swimming pool or spa pool to which this Regulation applies at any time during which the pool is open to the public and may do any or all of the following:

- (a) inspect the pool surrounds, including any toilets, change rooms or plant rooms,
- (b) carry out field tests on pool water,
- (c) take and remove samples of pool water.

(2) An environmental health officer who enters any premises in pursuance of this clause may do so without paying any admission fee.

8 Closure of swimming pools and spa pools

(1) On being satisfied on reasonable grounds that a swimming pool or spa pool to which this Regulation applies is a risk to public health, the Director-General may, by order in writing served on the occupier of the pool, direct the pool to be closed for use by members of the public until the order is revoked.

(2) An order under this clause may include provisions ancillary to, or consequential on, the making of the order.

(3) An order under this clause must be accompanied by a statement in writing of the reasons for the making of the order.

(4) An occupier of a swimming pool or spa pool to which this Regulation applies on whom an order has been served under this clause must comply with the terms of the order while it remains in force. Maximum penalty: 20 penalty units.

(5) An occupier of a swimming pool or spa pool on whom an order has been served under this clause must, while the order remains in force, display a copy of the order in a conspicuous place at or near each entrance to the pool. Maximum penalty: 10 penalty units.

(6) On being satisfied on reasonable grounds that a swimming pool or spa pool in relation to which an order under this clause is in force is no longer a risk to public health, the Director-General must, by notice in writing served on the occupier of the pool, revoke the order.

9 Guidelines as defence

It is a defence to a prosecution for an offence against this Regulation if the defendant satisfies the court that the act or omission constituting the offence was done in compliance with the *Guidelines for Disinfecting Public Swimming Pools and Spa Pools* published by the Department of Health as in force from time to time.

10 Amendment of Public Health Regulation 1991

(1) Part 4 of the *Public Health Regulation 1991* is repealed.

(2) Any act, matter or thing that, immediately before the repeal of Part 4 of the *Public Health Regulation 1991*, had effect under that Part, is taken to have effect under this Regulation.

Historical notes

The following abbreviations are used in the Historical notes:

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|------|--------------------|------|-------------|---------|--------------|
| Am | amended | No | number | Schs | Schedules |
| Cl | clause | p | page | Sec | section |
| ClI | clauses | pp | pages | Secs | sections |
| Div | Division | Reg | Regulation | Subdiv | Subdivision |
| Divs | Divisions | Regs | Regulations | Subdivs | Subdivisions |
| GG | Government Gazette | Rep | repealed | Subst | substituted |
| Ins | inserted | Sch | Schedule | | |

Table of amending instruments *Public Health (Swimming Pools and Spa Pools) Regulation 2000* published in Gazette No 111 of 31.8.2000, p 8627.