NEW AQUATIC FACILITIES LEGISLATION

Health (Aquatic Facilities) Regulations 2007

&

Code of Practice for the Design, Construction, Operation, Maintenance and Management of Aquatic Facilities (Sep 2008)

Llew Withers & Jared Koutsoukos

APPLIED ENVIRONMENTAL HEALTH BRANCH

Government of Western Australia
Department of Health

Overview

- **Background**
- Health (Aquatic Facilities) Regulations 2007 (the regulations)
- Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities (the Code)
- Frequently Asked Questions
- Aquatic Facility Working Group
- Aquatic Facility Guidance Notes
- Training/Questions

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Background

Code Consultation

- Development: Commenced approximately 1995
- Public Consultation: February - July 2004 (76 submissions received)
- Comments Reviewed by: "Swimming pool & Waterslide Working Parties"
- Further Consultation 2004…
  - Australian Institute of Environmental Health,
  - Royal Life Saving Society –WA Branch,
  - Leisure Institute of WA Aquatics
  - Department of Education & Training
  - Western Australia Local Government Association
  - Industry Engineering Representatives
  - Aquatic Leisure Technologies
  - REIWA & STIWA (body corporate pools)
  - Caravan Park Association of WA
  - Tourism Western Australia
  - Physiotherapy Association Australia (WA Branch)
  - Department of Local Government & Regional Development

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Background

Commencement of the Regulations

- Consultation Context (necessary to establish policy positions):
  - Comment period for the **Code**
  - Swimming Pool Working Party meetings
- **Commencement** of the regulations **- 1 October 2007**
- The **regulations** & **Code** are available online:

  (State Law Publisher): www.slp.wa.gov.au

  www.public.health.wa.gov.au then click on water, then swimming pools
- DOH published & circulated: 'Aquatic Facilities Guidance Note 2' to explain the key aspects & commencement provisions.

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The Regulations

Parts

Part 1 - Introduction

Part 2 - Construction, Alteration & Extension of AF's

Part 3 - Operation of Aquatic Facilities

Part 4 - General Provisions

Part 5 - Transitional Provisions

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The Regulations

Part 1 – Introduction

- The **Code** is **adopted** to the extent it is applied by these regulations.
- **Regulations** **prevail over** the **Code** to the extent of any inconsistencies.

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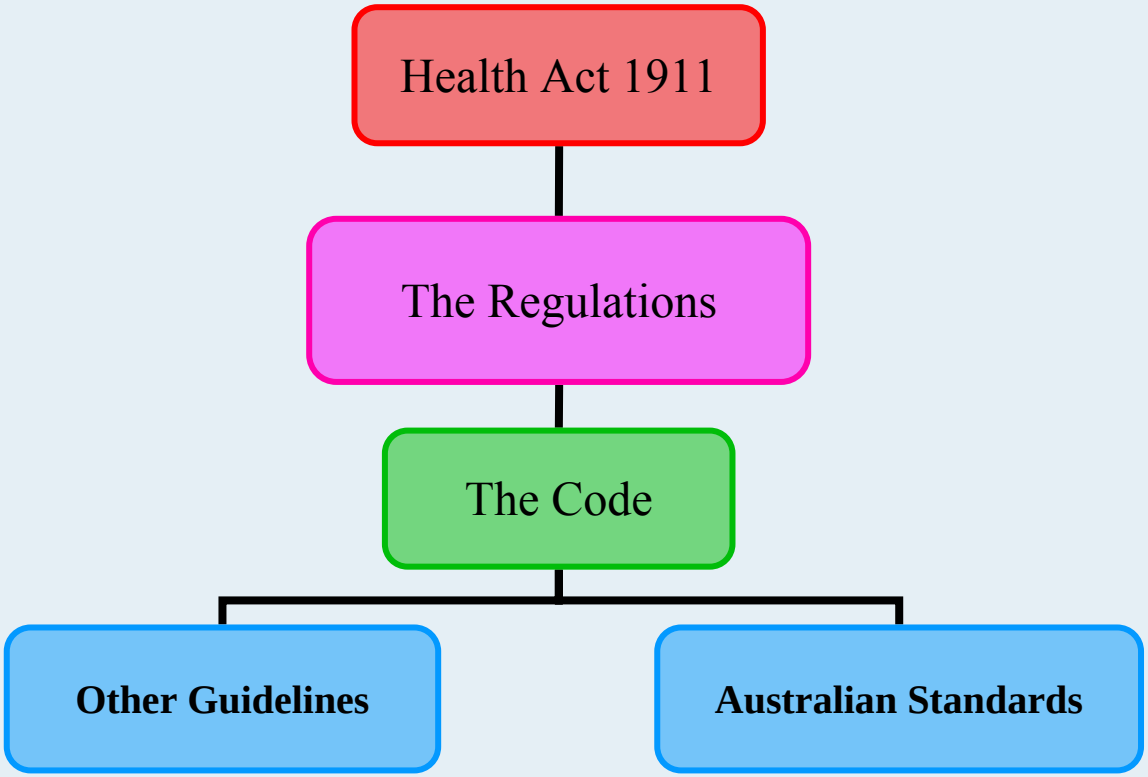
Legislation Framework



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The Regulations

Part 1 – Introduction

Terms used in the regulations

"water body", includes any spa pool, swimming pool, swimming bath, water slide, wave pool & any other aquatic amenity or facility controlled or used by in connection with any club, school, business, association or body corporate.

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The Regulations

Types of Water Bodies

Department of Health

The Regulations

Part 1 – Introduction

Terms used in the regulations

"Aquatic facilities" consists of:

- the water bodies; & plant, concourse, toilets, change rooms, lighting, fencing, & any other structure, building or plant necessary for water body operation.

AF's do not include AF's:

- if operated under a strata scheme < 30 lots,
- only uses water directly from the ocean,
- or is a naturally occurring water body.

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The Regulations

Aquatic Facility Includes

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Key Issues

Aquatic Facility Definition

Intent of Drafting AF Definition

- Not to include residential units/apartments (< 30) i.e. permanent/semi-permanent tenants.

Regulation Definition of AF

- **Doesn't** include **AF's** operated by a strata company with < 30 lots

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Key Issues

Aquatic Facility Definition

Problems with Definition

- Excludes strata titled **AF's** with < 30 lots operating commercially e.g. short-term stay, tourism etc.
- Captures some residential non-strata titled **AF's** with < 30 lots e.g. blocks of flats/apartments

Solution

- MINISTER TO AMEND THE REGULATIONS.

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The Regulations

Part 1 – Introduction

Terms used in the regulations

"class", in relation to the class of AF/water body construction and operation: e.g. class 1-4

- Equivalent to "Group 1-4" reference in the Code.
  - certificate of compliance (construction)
  - permit to operate (operation)

"operator", of an aquatic facility includes:

- Occupier of land/ premises of AF.
- Any other person concerned with AF operation other than an employee.

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The Regulations

Part 1 – Introduction

Terms used in the regulations

"alter", an aquatic facility, means to do work on the facility...

does not include: maintenance, repair, or replacement where equivalent or similar performance parts, plant or equipment is used.

Significance

- Applications to **EDPH** for approval only necessary when proposing to undertake construction, alteration or extension works.

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UNDERTAKING WORK ON AN AQUATIC FACILITY

Maintenance & Repair – **like for like**

No Approval Required

Construction, Alteration & Extension

EDPH Approval Required

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The Regulations

P2 – Construction, Alteration & Extension of Aquatic Facilities

D1 – Approval of Construction

- Construction, alteration or extension **must** comply with **EDPH** approval
- The occupier must complete application form (DOH website)
  - Attach **2 copies** of plans/specifications & all other necessary information
- EDPH may approve application if:
  - **complies** with **the Code**, **or**;
  - health & safety of patrons not compromised **& either**
  - performance is the **same or better**, **or;**
  - public interest in approval.
- EDPH may approve a variation or staged construction.

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The Regulations

P2 – Construction, Alteration & Extension of Aquatic Facilities

D2 – Certificate of Compliance

- An **AF** **must only** be operated if there is a certificate of compliance in force specifying the **AF**/water body **class** of **operation**.
- A person may apply to **EDPH** for a certificate of compliance.
- EDPH may issue certificate of compliance if the **AF** has been constructed, altered, or extended in accordance with:
  - **EDPH** approval, **or if;**
  - Complies with **Code** at time of application.

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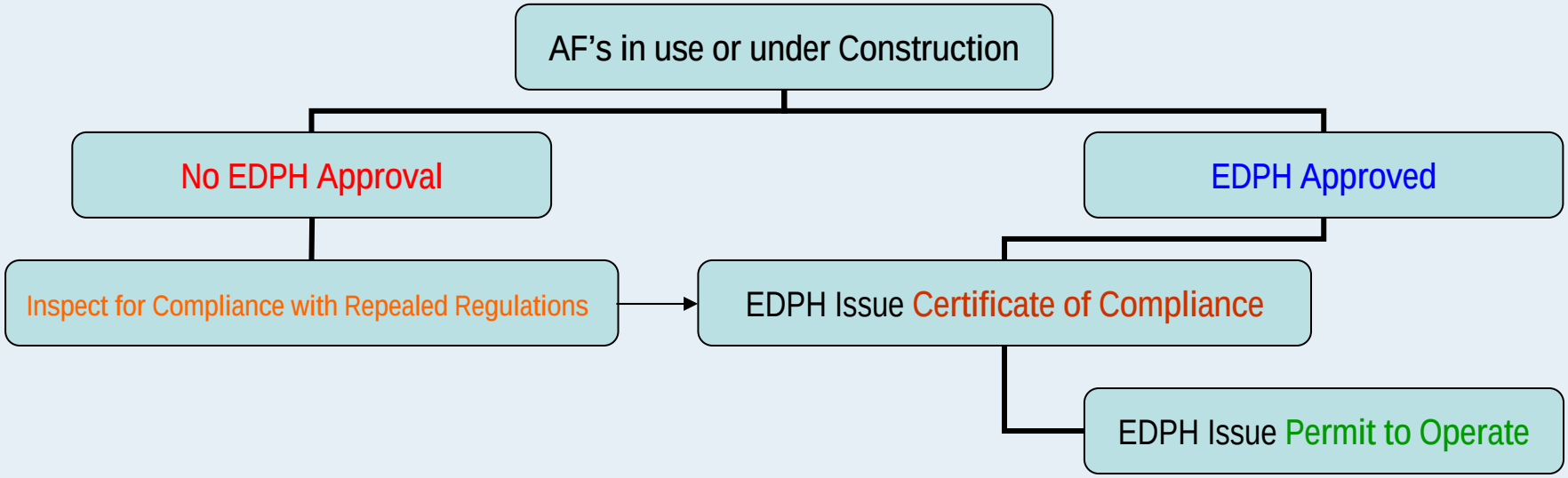
Basic Certificate & Permit Model



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Certificates of Compliance & Permits to Operate

- **Certificates of compliance** & **permits to operate** have been issued to all approved/compliant pools under the repealed regulations.
- Existing pools **un**approved under the repealed regulations are being inspected by EHO's & inspection reports sent to DOH.
- DOH are issuing **G2-4** Operators with works lists (copies sent to LG) & advising to complete before **1 Oct 2009** deadline.
- If LG EHO's are unaware of request to undertake inspections, or require further info, email swimmingpools@health.wa.gov.au

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The Regulations

Question?

- What will happen if an Operator of a **Class 2-4** existing swimming pool has **not** completing a **works list** under the repealed regulations prior to 1 October 2009?

Answer

- **Operator's** will need to comply with the **Code**, in order to receive a **certificate of compliance** & **permit to operate**

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The Regulations

P3 – Operation of Aquatic Facilities

D1 – Permit to Operate an Aquatic Facility

- An Operator may **only** operate an **AF**/water body if he/she has a permit to operate an **AF**/water body, which prescribes the relevant class or higher class of operation.

- An **Operator** may apply to the **EDPH** for a permit to operate an AF/water body at a specified class.

- The **EDPH** may grant an **Operator** a permit to operate providing:

  - A certificate of compliance is in force, &
  - Satisfactory water quality &
  - Staff qualifications comply with Code requirements.

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The Regulations

Operation of Aquatic Facilities

Permit to Operate

- AF Operators may **operate** an AF/water body at a lower classification level than specified in a permit to operate, providing activities follow the classification prescribed by Table 1, Section 1.2 – Classification of AF's in the Code.

Example

- An operator of a Class 2 AF may reduce AF's operation to Class 3 for designated periods which comprise **only** of Class 3 activities, if personnel with Class 3 qualifications in (supervision & first aid), are onsite for the activity duration.

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The Code

S7 - General Sanitation & Operational Requirements

Qualifications of Coaching & Instructional Staff

Table 9

- Only applicable to **Group 2 Activities**
- Hold appropriate industry qualification
- Removes need for dedicated lifeguard

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The Code

Qualifications of Coaching & Instructional Staff - Table 9

Aquatic Activity	Approved Industry Standard or Equivalent
Swimming & Water Safety Instruction	•Royal Life Saving Instructor of Swimming & Water Safety Certificate *or* •AUSTSWIM Teacher of Swimming & Water Safety
Competitive Swimming Coaching	Australian Swimming Coaching Qualification
Platform & Springboard Diving	Australian Diving Association Coaching Qualification
SCUBA Diving	Dive Instructor Qualification from a recreational SCUBA training organisation.
Aqua-Exercise	Australian Fitness Association Council Aqua-Exercise Leaders Certification
Hydrotherapy	Registered Physiotherapist

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Lap Swimming Activity

Classification

Group 1 & **3** Activity (see Table 1 of Code)

Group 1 = general admission, pay fee at entrance

Group 3 = discrete user i.e. members/guests

Lap swimming = only use of pool

Considered a **Group 3** activity if:

- **AF** policies & procedures ensure discrete user group & patron safety i.e.
    - Restrict entry to persons **10 years, or older**.
    - Ensure **minimum 2 lap-swimmers** at any one time.

NOTE: SUBJECT TO CURRENT CONSIDERATION OF AFWG

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The Regulations

Operation of Aquatic Facilities

1 October 2009

Comply with Code's operational requirements:

- Section 5 – Water Quality & Testing
- Section 6 – Qualification Requirements
- Section 7 – General Sanitation & Operational Req's

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The Regulations

Operation of Aquatic Facilities

- EDPH may approve variations to operational requirement's (Sections 5, 6 & 7), if:
  - same or better health & safety protection, **or**
  - does not compromise health & safety of patrons, **or**
  - there is a public interest.
- A copy of the approved variation **must** be kept at **AF** for inspection by an Environmental Health Officer.

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The Regulations

Operation of Aquatic Facilities

- Operators are required to ensure compliance by **1 October 2009** with the following Code clauses:

  - 2.12 – Depth Markings,
  - 2.22 – First Aid Amenities,
  - 2.23 – First Aid Equipment,
  - 2.24 – Rescue Equipment &
  - 2.25 – Safety Signage

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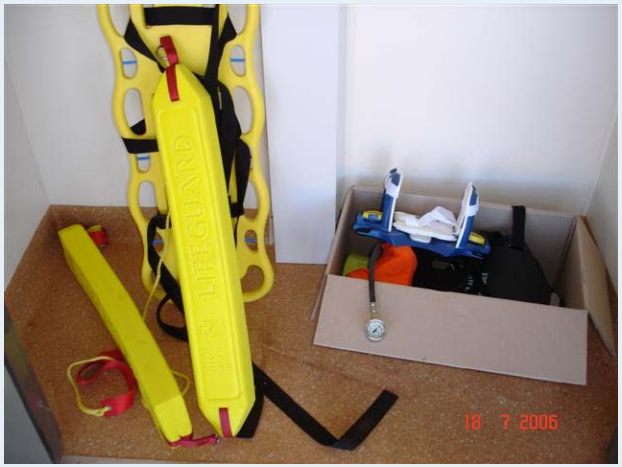
The Regulations

Mandatory Safety Requirements



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The Regulations

Operation of Aquatic Facilities

- Until 1 October 2009 the following repealed regulation requirements continue to apply:
  - Exemptions (Managers) r. 13A, 14 (2) &(4-6)
  - Operational Requirements r. 8, 9(1), 10-13 & 15-20
    - E.g. water: circulation/filtration/sampling
  - EDPH Powers (Closure) r.4A(1)
  - Offences & Penalties r. 21

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Water Sampling

- **Local Government (LG) EHO** of each district **must** collect 2 water samples (**WS**) (bacteria & amoeba), from each **AF** water body 1/month.

- **EDPH** may exempt LG if it is **impractical** for EHO to collect samples & **if** **AF** Operator can ensure **WS** for their **AF** is collected 1/month.

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The Regulations

Water Sampling

Problems

- Available EHO's
- Many LG's use Trainee EHO's to collect **WS**
- EDPH can't exempt LG, except if impractical

Solution

- **Minister** has **agreed** to enable persons working under EHO direction to collect **WS**.
  - DOH will issue circular to advise of this directive
  - The regulations will be amended

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The Regulations

P3 – Operation of Aquatic Facilities

- EDPH/EHO may issue **Operator** with **Improvement Order** if:
  - **AF**/operation is a risk to patrons health
  - **non-compliance** with:
    - operational requirements (Sections 5, 6 & 7)
    - approved variations to operational requirements
    - clauses 2.12 & 2.22-2.25

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The Regulations

P3 – Operation of Aquatic Facilities

- Improvement Order **must** be issued using an approved form & specify:
  - Area/s of **non-compliance** with Code's Operational Req's
  - Measures required to comply/reduce risk patrons health.
  - **Timeframe** for Operator compliance.
  - Any ancillary, or incidental directions.

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Improvement Order Form

1/4

HEALTH ACT 1911
Health (Aquatic Facilities) Regulations 2007 (Regulation 22)

Improvement Order

No.:

Issued to (Aquatic Facility Operator): on date:

Aquatic Facility Name: Contact No:

In relation to the aquatic facility/water body/ water bodies* type/s:

I a delegate of the EDPH/an EHO of the City/Town/Shire have completed an inspection of the above mentioned facility/ water body and am satisfied that you are not operating these facilities, or ensuring that the facility is operated and hence not complying with (tick appropriate boxes below):

1) Regulation 19(1)/(2) of the Health (Aquatic Facilities) Regulations 2007: ☐

a) Section 5 of the Code ☐
b) Section 6 of the Code ☐
c) Section 7 of the Code ☐
d) Clause 2.12 of the Code ☐
e) Clause 2.22 of the Code ☐
f) Clause 2.23 of the Code: ☐
g) Clause 2.24 of the Code: ☐
h) Clause 2.25 of the Code: ☐

Local Government/ DOH
(Stamp/ Address/ Logo)

OR: that:

2) The facility or the operation thereof is a risk to the health of persons using the facility: ☐

Detail the specific Code clause/s and the grounds/reasons for non-compliance resulting in the issue of this improvement order:

You are required to remedy the above by no later than: (Date) at Time (24hr)

You are directed to take the following measures:

Received by: Position: Date:

Signature of recipient: Time (24hr):

EHO Name: DOH/ Local Government:

Contact No.: Signature:

This portion is to be signed by the inspecting officer when the requirements set forth above have been completed (the order has been complied with).

EHO Name: DOH/ Local Government:

Requirements of improvement order no.: have been completed. Date:

Contact No.: Signature:

PLEASE REFER TO IMPORTANT NOTES REGARDING IMPROVEMENT ORDER - SEE NEXT PAGE

1

HEALTH ACT 1911
Health (Aquatic Facilities) Regulations 2007 (Regulation 22)

Improvement Order

REGULATION 28 OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007*

Review of Improvement order

A person (in this case the aquatic facility operator) affected by a reviewable decision of the EDPH or of an environmental health officer may apply to the State Administrative Tribunal for a review of any decision, in relation to this improvement order.

The State Administrative Tribunal is located at Level 4 12 St Georges Terrace, Perth and can be contacted on the telephone (08) 9219 3111 or 1300 306 017, or by email through the following website: www.sat.justice.wa.gov.au

REGULATION 22 (5) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007*

Time extension for improvement order

Regulation 22(5) "The time within which an order must be complied with may, before that time has expired, be extended by the EDPH or, in the case of an order given by an environmental health officer, an environmental health officer of the local government."

REGULATION 19 OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007*

Operation of aquatic facility

Regulation 19(1) "The operator of an aquatic facility must operate the facility, or ensure that the facility is operated, in accordance with

(a) the operational requirements of the Code, except to the extent to which a variation in operational requirements approved by the EDPH under regulation 20 is inconsistent with those requirements of the Code; and

(b) any variations in operational requirements approved by the EDPH under regulation 20."

Regulation 19(2) "The operator of an aquatic facility must ensure that clauses 2.12, 2.22, 2.23, 2.24 and 2.25 of the Code are complied with for that facility."

REGULATION 38 (1) & (2) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007*

Operational requirements of the code

Regulation 38(1) "Despite regulation 19(1), the operator of the aquatic facility need not comply, nor ensure compliance, with the operational requirements of the Code, other than those in sections 5, 6 and 7."

Regulation 38(2) "Despite subregulation (1), the operator need not comply, nor ensure compliance, with the operational requirements of sections 5, 6 and 7 of the Code

(a) if the facility was operated as if it were a Class 1 facility fro the majority of the time that it was in use during the 12 months immediately prior to the commencement day - until the end of the 6 month period commencing on commencement day; or

(b) if paragraph (a) does not apply to the facility - until the end of the 12 month period commencing on commencement day."

REGULATION 22 (4) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007*

Requirement to comply with improvement order

Regulation 22(4) "If the operator of an aquatic facility is given an improvement order, the operator of the facility, or each operator if there is more than one, must ensure that the order is complied with."

REGULATION 22 (6) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007*

Completion of improvement order

Regulation 22(6) "If an improvement order is complied with, the EDPH or, in the case of an order given by an environmental health officer, an environmental health officer of the local government must note the date of compliance on the order or a copy of it and, if asked to do so by the operator of the facility, give a copy of the order as noted to the operator."

REGULATION 23 (1) (b) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007*

Failure to comply with improvement order

Regulation 23(1) "The EDPH or an environmental health officer of the local government of the district in which an aquatic facility is located may give the operator of the facility a closure order in respect of the facility if satisfied that -

(b) the operator has failed to ensure that an improvement order given in respect of the facility is complied with."

REGULATION 31 OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007*

Offences and penalties

Regulation 31 "A person who contravenes regulation... 22(4)... commits an offence against that provision.

Penalty:

(a) for a first offence against that provision - a fine of not more than $1000 and not less than $100
(b) for a second offence against that provision - a fine of not more than $1000 and not less than $200
(c) for a third offence against that provision - a fine of not more than $1000 and not less than $500
(d) if the offence is a continuing offence - a fine of not more than $100 and not less than $50 for each day or part of a day during which the offence continues.

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The Regulations

P3 – Operation of Aquatic Facilities

- Operator **must** comply with Improvement Order (IO)
- EDPH/EHO may extend timeframe before IO expires
- EDPH/EHO must note date of compliance on IO & give Operator copy upon request.

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The Regulations

P3 – Operation of Aquatic Facilities

- EDPH/EHO may issue Operator a **Closure Order** (CO) for:
- **Not** complying with an Improvement Order**, or;**
- **non-compliance** with:
  - operational requirements (Sections 5, 6 & 7)
  - approved variations to operational requirements
  - clauses 2.12 & 2.22-2.25

& AF/operation is a **serious risk** to patrons health.

- **No** certificate of compliance **(only EDPH)**

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The Regulations

P3 – Operation of Aquatic Facilities

D3- Quality Control "Closure Order"

- A CO expires after **48hrs** if the EDPH does **not** confirm.
- EDPH may confirm, or cancel CO.
- Operator **must** ensure AF/water body remains closed whilst CO is in force.

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The Regulations

P3 – Operation of Aquatic Facilities

D3- Quality Control "Closure Order"

- A CO **must** be issued using an approved form & specify:
  - Grounds for closure
  - Measures required to comply with Code
  - Measures required to reduce the risk
  - Operator commits offence, if fails to keep **AF**/water body closed.
- A CO confirmed by **EDPH** remains valid until:
  - Grounds for closure ceased, or remedied &
  - Measures required to be taken completed &
  - EDPH directs the closure order to cease (in writing)

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Closure Order Form

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HEALTH ACT 1911
Health (Aquatic Facilities) Regulations 2007 (Regulation 23)

Closure Order

No.:

Issued to (Aquatic Facility Operator): Date:

Aquatic Facility Name: Time (24hr):

In relation to the aquatic facility/water body/ water bodies' type/s:

I a delegate of the EDPH/an EHO of the City/Town/Shire have completed an inspection of the above mentioned facility/ water body and am satisfied that you are not operating these facilities, or ensuring that the facility is operated and hence not complying with (tick appropriate boxes):

1) Regulation 19(1)/(2) of the Health (Aquatic Facilities) Regulations 2007: ☐
   a) Section 5 of the Code ☐
   b) Section 6 of the Code ☐
   c) Section 7 of the Code ☐
   d) Clause 2.12 of the Code ☐
   e) Clause 2.22 of the Code ☐
   f) Clause 2.23 of the Code: ☐
   g) Clause 2.24 of the Code: ☐
   h) Clause 2.25 of the Code: ☐

Local Government/ DOH
(Stamp/ Address/ Logo)

AND that:

2) The facility or the operation thereof is a serious risk to the health of persons using the facility: ☐

OR

3) The operator has failed to ensure that an improvement order given in respect of the facility is complied with. ☐

4) The water body is not covered by one or more certificates of compliance: EDPH CLOSURE CRITERIA ONLY ☐

Detail the specific Code clause/s and the grounds/reasons for non-compliance resulting in the issue of this closure order:

You are hereby directed to close this facility, or the afore-mentioned facility water body/ water bodies' type/s and to take the following measures to remedy the problem/s detailed above:

Received by: Position: Contact No.:

Signature of recipient: Date:

EHO Name: DOH/Local Government:

Contact No.: Signature:

RECEIVED BY Executive Director, Public Health (DOH): (Date) (Time 24hr)

Closure order ENDORSED by EDPH (DOH): ☐ With amendment (see below): ☐

Closure order RESCINDED by Executive Director, Public Health (DOH): ☐ Date)

Signature of EDPH: (Time 24hr)

1

HEALTH ACT 1911
Health (Aquatic Facilities) Regulations 2007 (Regulation 23)

Closure Order

NOTES & COMPLETION DETAILS

REGULATION 28 OF THE HEALTH (AQUATIC FACILITIES) REGULATIONS 2007

Review of closure order

A person (in this case the aquatic facility operator) affected by a reviewable decision of the EDPH or of an environmental health officer may apply to the State Administrative Tribunal for a review of any decision, in relation to this improvement order.

The State Administrative Tribunal is located at Level 4 12 St Georges Terrace, Perth and can be contacted on the telephone (08) 9219 3111 or 1300 306 017, or by email through the following website: www.sat.justice.wa.gov.au

REGULATION 23 OF THE HEALTH (AQUATIC FACILITIES) REGULATIONS 2007

Aquatic Facility Operator/ Operators to comply with closure order

Regulation 23 (7) "The operator of an aquatic facility, or each operator if there is more than one, must ensure that the facility or water body(whichever is relevant) remains closed while a closure order is in force in respect of the facility or water body."

Offence for failure to comply with closure order

Regulation 23 (6) "A closure order must be in an approved form and must specify, to the extent relevant:

(d) "The operator of the facility will commit an offence unless the operator ensures that the facility or water body (which ever is relevant) remains closed while a closure order is in force."

EHO to give EDPH copy of closure order

Regulation 23 (3) "If an environmental health officer gives a closure order, the local government must give the EDPH a copy of the order as soon as practicable, and in any event within 48 hours after it is given."

EDPH to confirm or cancel copy EHO closure order

Regulation 23 (4) "If an environmental health officer gives a closure order, the EDPH must

(a) confirm the order (with or without amendment); or
(b) cancel the order,

and may do so orally and then in writing."

Expiry of closure order

Regulation 23 (5) If an order given by an environmental health officer is not confirmed within 48 hours it is being given, it expires on the earlier of -

(a) the time at which it is cancelled by the EDPH; or
(b) the end of the 48 hour period after it is given."

Duration of closure order

Regulation 23 (8) "A closure order given or confirmed by the EDPH remains in force until -

(a) the EDPH is satisfied that the grounds for giving the order have ceased or been remedied; and
(b) where relevant - the measures required to be taken have been taken; and
(c) the EDPH directs the closure order cease to be in force (which may be given or confirmed in writing)."

REGULATION 31 OF THE HEALTH (AQUATIC FACILITIES) REGULATIONS 2007

Offences and penalties

Regulation 31 "A person who contravenes regulation... 24(1)... commits an offence against that provision.

Penalty:

(a) for a first offence against that provision - a fine of not more than $1000 and not less than $100
(b) for a second offence against that provision - a fine of not more than $1000 and not less than $200
(c) for a third offence against that provision - a fine of not more than $1000 and not less than $500
(d) if the offence is a continuing offence - a fine of not more than $100 and not less than $50 for each day or part of a day during which the offence continues.

This portion is to be signed by the environmental health officer when the requirements previously set forth have been completed (the order has been complied with).

EHO Name: DOH/Local Government:

Requirements of closure order no. have been completed. Date:

Contact No.: Signature:

EDPH AUTHORISATION TO RE-OPEN the facility/ water body as of date:

Signature of EDPH:

2

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What current breaches may warrant an EHO issuing an Operator with an Order?

Note: Limited application until 1 October 2009

Improvement Order

- AF/operation is a risk to health

Closure Order

- Failure to comply with an Improvement Order

Government of Western Australia Department of Health

The Regulations

P4 – General Provisions

Division 1 – Hygiene & Use of Facilities

- A person **must not** enter, or use **AF** water body if:
  - Suffering from gastroenteritis, or disease/skin infection **that is** communicable.
    - **Exemption** - person with written statement from a medical practitioner (stating not a health hazard to other water body users).
  - in unclean condition/wearing unclean clothes
  - under influence of alcohol/drugs (i.e. intoxicated)
  - a baby or young child who ordinarily wears a nappy, not wearing an **aqua-nappy.**

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The Regulations

P4 – General Provisions

Division 1 – Hygiene & Use of Facilities

Patron/Operator Responsibilities

- A person **must not:**
  - pollute
  - deposit rubbish or offensive matter
  - **intentionally** release bodily material/waste

  into an **AF** water body, other than what is released through ordinary use.

- A person **must not** permit animals to enter an **AF**
  - **Exemption** guide dogs/animals trained to assist disabled people (**Note:** Animals **must not** enter water body).

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The Regulations

P4 – General Provisions

D2 - Miscellaneous Provisions

- EDPH **must** give reasons for decision if refuses:
  - grant approval to construct, alter, or extend
  - Issue certificate of compliance
  - grant permit to operate
- Person affected by EDPH decision may apply to the **State Administrative Tribunal**.

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The Regulations

P4 – General Provisions

- Offences & penalties:
  - 1st offence $100 - $1000
  - 2nd offence $200 - $1000
  - 3rd offence $500 - $1000
  - **Continuing offence** $50 - $100 each day
- The Code is available on DOH website
- Copies available for inspection at:
  - **Grace Vaughan House -227 Stubbs Terrace, Shenton Park**

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Transitional Timeline

1 October 2007 - Commencement

1 September 2009 – EDPH Issue G2-4 Certificate/ Permit

1 October 2009 - G2-4 Operators to comply Sect's 5, 6 & 7 of the Code

1 October 2009 – All Operators to comply Code clauses 2.12, 2.22 - 2.25

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The Code

Sections

Section 1 - Administrative Provisions
Section 2 - Design & Construction Requirements
Section 3 - Circulation & Water Treatment Systems
Section 4 - Chemical Safety
Section 5 - **Water Quality & Testing**
Section 6 - **Qualifications for Operators & Supervisors**
Section 7 - **General Sanitation & Operation**
Section 8 - Requirements for Special Facilities
Section 9 - Public Spa Pools
Section 10 - Special Requirements for Waterslides
Section 11 - Hydrotherapy Pools

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Appendices

Appendix 1 – Approved Colors

Appendix 2 – Safety Signage

Appendix 3 – Requirements for Solar Water Heating

Appendix 4 – Requirements for Ozone Systems

Appendix 5 – Stairways, Ladders & Platforms

Appendix 6 – Slip Resistance Testing & Performance

Appendix 7 – Water Balancing

Appendix 8 – References

Appendix 9 – Acknowledgements

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Use of External Standards

- The Code adopts Australian Standards, BCA, FINA & Royal Life Saving Society Guidelines.

- External standards are dated referenced

  E.g. AS 1926.1-1993

- DOH/Aquatic Facility Working Group (AFWG) will review superseded standards & recommend EDPH amend **Code** (as appropriate).

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The Code

Aquatic Facility Examples

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The Code

Classification Table Factors

- 4 Aquatic Facility Groups
- Classification Criteria:
  - **Facility Design** Characteristics
  - **Types of Personnel** Accessing Facility
  - **Types of Activities**/ Nature of use
- Starting Point - **General Classification Examples**

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Table 1 - Classification of Aquatic Facilities

Patron Access Limitations	Activity	Technical Operator Requirements	Patron Supervision/ Emergency Care Personnel	Classification
Public access with limited restrictions e.g. child < 10yrs accompanied by person ≥ 16yrs	Non structured *Typical examples;* leisure, free-play & lap-swimming	On-site at all times.	All patrons directly supervised. Emergency care personnel on-site at all times.	**Group One** *Facilities typically available to the general public for payment of an entry fee and examples include;* aquatic centres, waterslides & water-parks.
Restricted to discrete users and user groups	Structured Qualified activity leader present *Typical examples;* infant aquatics, learn-to-swim, swimming and lifesaving classes and aqua-exercise	Not on-site at all times.	All patrons directly supervised. Emergency care personnel on-site at all times.	**Group Two** *Facilities generally include;* schools, learn-to-swim centres, learn-to-dive pools, nursing homes, hospitals & hydrotherapy/physiotherapy use pools.
Restricted to discrete users and user groups *Typical examples;* Club members, commercial guests & residents and guests	Non structured No qualified activity leader present *Typical examples;* leisure, free-play & lap-swimming	Not on-site at all times.	No direct supervision. Emergency care personnel able to respond within a reasonable period of time (See Sect 6.2.5).	**Group Three** *Facilities generally include;* Discrete user access of group 1,2 or 4 aquatic facilities (**AF**) by community/swimming groups, or; commercial developments for guests such as hotels, motels, resorts, serviced apartments, caravan parks, health clubs, mine sites, recreational camp-sites, lodging houses, staff/student accommodation complexes & places restricted to adult only access.
Restricted to owner/occupier residents and guests	Non structured No qualified activity leader present *Typical examples;* leisure, free-play & lap-swimming	Not on-site at all times.	No direct supervision. No emergency care personnel on-site.	**Group Four** *Facilities generally include;* Small temporary accommodation developments such as bed and breakfast and farm-stay facilities and permanent/semi-permanent residential development with 30 or more dwelling units/apartments and retirement/lifestyle villages that do not allow non-residential based club/member access to AF.

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General Classification Examples

Group 1

Anyone can enter/pay fee

- LG aquatic centres
- Waterslides

Group 2

Education/Tuition based

- Schools
- Learn-to-swim
- Physiotherapy
- Dive Instruction

Group 3

Discrete user groups/set rules

- Hotel/ motels
- Community operated facilities

Group 4

Residents/Guests/rules apply

- Residential Apartments ≥ 30 units
- B&B
- Chalets/Farm stays

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Group 1

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Group 2

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Group 3

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Group 4

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S2 – Design & Construction

General Requirements

- Surface Finishes
- Obstruction & Entrapment
- Floor Gradients
- Access & Egress
- Ventilation
- Concourses & Walkways
- Separation Distances
- Sanitary Amenities
- Backwash Water
- Electrical Safety
- Lighting/ Protection
- Shade Protection
- Fencing & Security

- More prescriptive
- Generally **ONLY** apply to **New AF**
- **AF's** have until **1 October 2009** to comply with:

MANDATORY REQUIREMENTS	
2.12	Depth Markings
2.22	First Aid Facilities
2.23	First Aid Equipment
2.24	Rescue Equipment
2.25	Safety Signage

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S2 – Design & Construction

Depth Markers

- Permanent
- Contrast colour to background
- intervals not exceeding 7.5m
- Visible to person entering pool
- Indicate max & min depth
- Indicate water depths at all major deviations in shape

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S2 – Design & Construction

- Close as practicable to corners of rectangular shaped water bodies
- Near to all designated entries not located directly over stair/step entries
- Display: horizontal & vertical surfaces (min height = **90mm)**
- Required on vertical surfaces **IF** distance between concourse/coping deck/header & water level is **≥ 125mm**
- Pictorial signage displayed to indicate sudden changes in gradient

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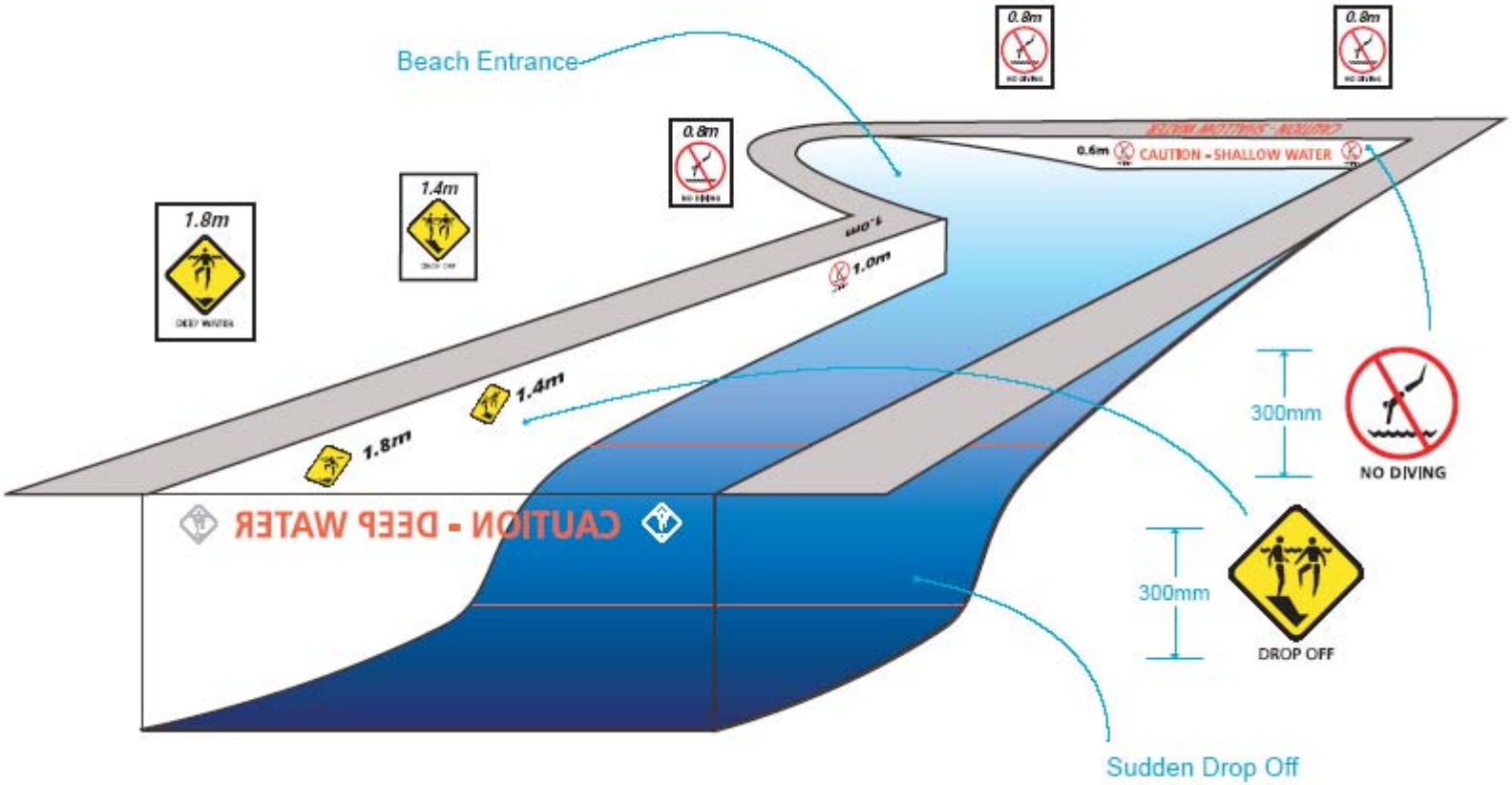

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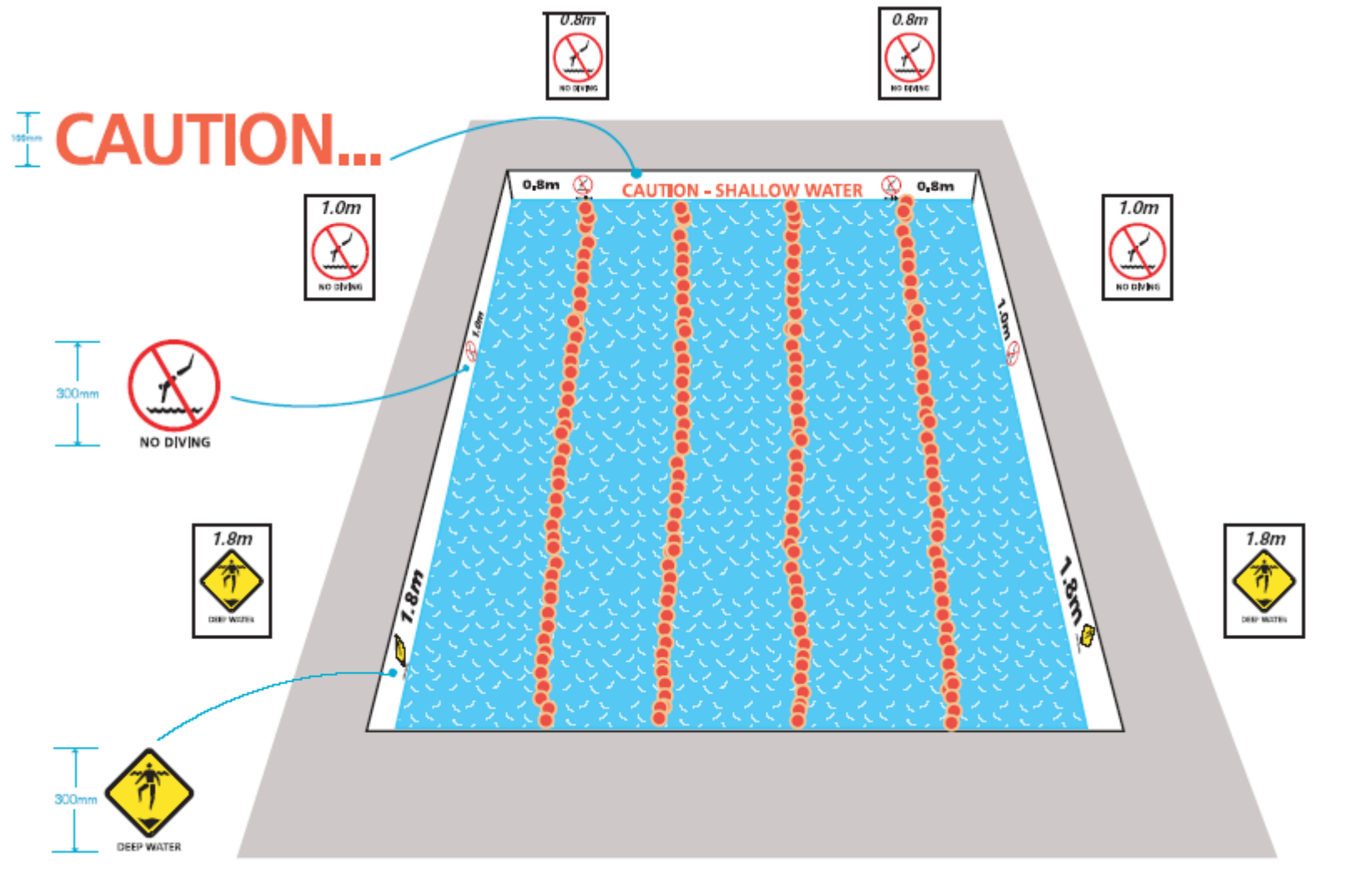

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S2 – Design & Construction

First Aid Facilities - G2 & 3

- Resuscitation Notice
- First Aid Sign
- Hand wash basin with water
- GPO outlet
- Storage for 1st aid supplies
- Washable flooring

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S2 – Design & Construction

First Aid Equipment G2 & 3

- First aid kit
- Stretcher
- 2 blankets/pillows
- Pocket mask
- disposable gloves

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S2 – Design & Construction

Rescue Equipment Groups 1-3

- Provide appropriate rescue equipment:
  - Reaching poles
  - Rescue tubes
  - Lifejackets
  - Throwing ropes
  - Throwing bags
- Excludes waterslide landing pools, or landing sheds

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S2 – Design & Construction

Safety Signage

- Lists patron rules & behaviour
- Prominent location

Groups 3-4

- Display warning sign at entrance stating:

  "**NO LIFEGUARD ON DUTY**"

  Lettering 100mm

POOL SAFETY AND HYGIENE REQUIREMENTS

Holiday Inn HOTELS · RESORTS BURSWOOD

- NO LIFEGUARD ON DUTY

In the event of an accident or emergency pick up the Emergency Phone for direct connection to Resort Security.

Pool is for registered guests only

Opening Times will be 06.00 - 21.00 Do not enter pool at any other time.

- Please shower before entering the water.
- Children 13 years and under must be supervised by a responsible adult at all times. The supervising adult will have executive power over the child at all times.
- Children in diapers must wear swim diapers or plastic underpants.
- No glassware, food, intoxicants or pets allowed in pool enclosure.
- No Diving.
- No solo swimming.
- No running around the Pool.
- No disruptive behaviour and rough play.
- Do not swim if intoxicated, affected by a substance or suffering any medical condition temporary or permanent that may be worsened or affect the health of others using this facility.
- Maximum pool depth is 5 feet or 1.5 metres.

2005/ 7/29

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Table 4 - Water Body Loading Category Chart

Category	Loading Classification	Parameters	Examples	Maximum Permissible Turnover Times
1	Spas	Spa Pools	Spa Pools, Leisure Bubble Pools	15 mins
2	Extreme	Very High Bather Load, Very Shallow Water	Toddlers Pool, Water Slide Splashdown Pool	30 mins
3	Very High	Very High Bather Load, Heated Water, Shallow Water	Shallow Leisure Pool, Hydrotherapy Pool	1 hour
4	High	High Bather Load, Heated Water, Moderately Shallow Water	Medium Depth Leisure Pool, Learn to Swim, Wave Pool	1 ½ hours
5	Moderate	High Bather Load, Heated Water, Medium Depth Water	Full Depth Heated Leisure Pool, Lazy River, Medium Depth Unheated Outdoor Leisure Pool	2 hours
6	Light	Medium Bather Load, Heated Water, Medium Depth Water	Heated School Pool, Health Club Pool, Body Corporate, Caravan Park, Motel Pools Full Depth Unheated Outdoor Leisure Pool	2 ½ hours
7	Low	Low Bather Load, Deep Water	50m Competition Pool, Unheated Municipal/School/Motel etc Pool	3 ½ hours
8	Very Low	Very Low Bather Load, Very Deep Water	Diving Pool, Water Polo Pool	5 hours

- Generally only applies to **new** AF except, when altering existing filtration/water circulation system.

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S5 – Water Quality & Testing

New Tests

- Alkalinity = 60-200mg/L
- Calcium hardness = 50-400mg/L
- TDS ≤ 1000 mg/L above supply water, max = 3000mg/L

pH range

- **Chlorine** = **7.2-7.8**
- **Bromine** = **7.2-8.0**

- Maximum chlorine level = **10 mg/L**

- Maximum water temperature = **38 ^{0}C**

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S5 – Water Quality & Testing

	Minimum Free CHLORINE Levels – milligrams per litre	
	Water Temperature < 26C	Water Temperature > 26C
Unstabilised pools – cyanuric acid not used	1.0	2.0
Stabilised pools – where cyanuric acid is used	2.0	3.0
	Minimum Free CHLORINE Levels – milligrams per litre	
Spa & hydrotherapy pools	3.0	
Wading Pools	3.0	

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S5 – Water Quality & Testing

Type of Facility	Minimum Free **BROMINE** Levels – milligrams per litre	
	Water Temperature < 26C	Water Temperature > 26C
Swimming Pools, Wave Pools, Water Slide Receiving Pools	2.0	4.0
Hydrotherapy Pools, Spa Pools and Wading Pools	4.0	6.0

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The Code

S5 – Water Quality & Testing

- Minimum manual chemical water testing frequencies – **free Chlorine/Bromine & pH** (see table)

- Frequency of **new tests** not specified - Recommend 1/week/fortnight/month

Group	Min Testing Frequency
1	every 4hrs
2	3 times/day
3	twice/day
4	once/day

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The Code

S5 – Water Quality & Testing

Approved Test Kits

- Palintest Comparators
- Palintest Photometers
- Lovibond Comparators
- Lovibond Photometers

- Please note that some test kits may need to be upgraded to facilitate additional tests.

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S5 – Water Quality & Testing

Operator Responsibilities (Off-season)

i.e. **AF closed/not in use** for extended period

1. **Display signs** at all **AF** entry points:

   e.g. "**FACILITY CLOSED FOR OFF-SEASON**" **or similar**.

2. **Maintain** water **clarity**

3. **Prevent** algal growth, insect breeding, objectionable odours & other nuisances/safety hazards in/from water body.

4. **Obtain** approval from Local Govt EH Service to re-open.

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S5 – Water Quality & Testing

Type of Organism	Max Allowable Count
Heterotrophic Plate Count	100 Colony Forming Units (CFU) per mL.
Presumptive Total Coliforms	<1 per 100mL
Presumptive *Pseudomonas spp* (Only applies water temp > 32°C)	<1 per 100mL
Thermophilic Amoebae	Not Detected
Thermophilic *Naegleria*	Not Detected

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S7 - General Sanitation & Operational Requirements

7.1 Cleaning & Maintenance Requirements
7.2 Automatic Electric Cleaner Safety
7.3 Heat Blanket Safety
7.4 Electrical Safety
7.5 Hand Dosing of Chemicals
7.6 Prohibition of Entry Into Water Body
7.7 Prohibition of Animals
7.8 Operations Manual & Emergency Action Plans
7.9 Minimum Entry Age
7.10 Supervision Requirements
7.11 Operation of Diving Facilities & Starting Platforms
7.12 Qualifications of Coaching and Instructional Staff
7.13 Towel & Bathing Costume Hire
7.14 Maximum Bather Numbers

The Code

S7 - General Sanitation & Operational Requirements

Operation Manuals & Emergency Action Plans

- Operators of **G1-3 AF's** to prepare in accordance with RLSSWA **Pool Safety Guidelines**:
  - GO1.01 - Operation Manuals
  - GO1.02 – Emergency Action Plans

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The Code

S7 - General Sanitation & Operational Requirements

Operations Manual

- Facility Layout
- Training
- Occupational Health & Safety
- Personnel Policies & Procedures
- Supervisory Procedures
- Maintenance
- Water Quality
- Programs
- Emergency Action Plan

Emergency Action Plan

- Routine Aquatic Emergency Procedures
- Major Incidents
- Staff Response
- Rescue & First Aid Equipment
- Emergency Services
- Evacuation
- Critical Incident Stress
- Practising Emergency Procedures

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The Code

S7 - General Sanitation & Operational Requirements

Cleaning & Maintenance Requirements

- Maintain **AF** in:
  - good repair/sound working & sanitary condition
  - clean & free of litter & vermin

Automatic Electric Cleaners

- **Do not** leave in water when **AF** open for use

Heat Blankets

- RLSSA Pool Safety Guideline GO 1.05 – Pool Covers

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The Code

S7 - General Sanitation & Operational Requirements

Electrical Safety

- **Do not** connect **GPO's** located around concourse to power equipment when people are in water body.
- **Only** use mains power supply electrical equipment on dry surfaces.
- Licensed Electrical Worker shall test (every 6 months):
  - RCD's
  - Cord extension sets
  - Portable electrical equipment

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The Code

S7 - General Sanitation & Operational Requirements

Hand Dosing Of Chemicals

- **Prohibited** when water body is occupied by:
  - **Patrons/ Bathers**

Towel & bathing costume hire

- Approved **CLEANING PROCESS** **between each use**:
  - *Health (Cloth Materials) Regulations 1985*

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S7 - General Sanitation & Operational Requirements

Minimum Entry Age - Group 1-3 AF's

- **10 yrs**, unless accompanied by a person **16+yrs**
  - Guideline SU 1.11- Parental Supervision

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The Code

Maximum Bather Numbers – Table 10

Type of Facility	Maximum Bather Numbers at any time (persons/m2 of water)
Spa Pool	1 person /1.0m2
Toddler, Waterslide Splash Down, Leisure & Hydrotherapy Pools	1 person / 2.0m2
Learn to Swim, Wave, Lazy River, School, Health Club, Strata Titled, Caravan Park, Motel & Hotel Pools	1 person / 2.5m2
50m Competition,25m Lap, Diving, Water Polo Pools	1 person / 3.5m2

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The Code

S7 - General Sanitation & Operational Requirements

Diving & Starting Platforms

- Operation = RLSSA Pool Safety Guidelines
  - SU 1.13 – *Supervision of Diving Towers and Springboards*
  - Starting Platforms: SU 1.*23 Safe Diving for Competitions*
- Supervision required whilst in use

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The Code

S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Encompass

- **National** Units of Competency
- **RLSSWA** Guidelines
- **EDPH** Approved Criteria
- Vary for different **AF** Groups

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The Code

S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Groups 2 & 3

- Operate & maintain **AF** by personnel holding qualifications in:
  - Technical Operations
  - Participant Supervision/ Patron Rescue
  - Emergency Care (First Aid Certificate)

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The Code

S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Technical Operator (TO)

- A person who holds a **current** **technical operations** qualification obtained from an approved training program, who engages in:
  - **Operation & Maintenance** of **AF.**

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The Code

S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Group 2-4 - Technical Operations

- SRC AQU 001B — Monitor Pool Water Quality
- SRC AQU 002B — Operate Aquatic Facility Plant & Equipment
- SRC AQU 004B — Maintain Pool Water Quality
- SRX OHS 001B — Follow Defined Occupational Health & Safety Policies and Procedures

Technical Operations Requirements

Group 2-4

- A person other than a **technical operator** may do the daily manual water body chemistry testing if instructed by a **technical operator**.
- Checks water quality **not** plant & equipment
- Report results outside required range to **Technical Operator** for further advice/action.
- **Technical Operator** **e.g.** may visit **AF** once/week, except when responding to report of water quality problem.

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Accessing Training

Potential Training Providers

Technical Operations

- **Central Tafe** (via **Royal Life Saving Society**)
- **State Training Services** (via **StateSwim**)
- **Smart Connection Company**
- **Aquatic Operations Development Australasia**
- **Poolwerx**
    - Monitor pool water quality (only)

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S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Groups 2

- Personnel with the following qualifications must be **on the premise** whenever **AF** open/available for use:
  - Participant Supervision/Patron Rescue
    - E.g. Aquatic Rescue Award/Certificate
  - Emergency Care
    - E.g. Senior First Aid Certificate

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The Code

S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Groups 3

- Personnel with the following qualifications must be able to **"respond to a call for help quickly enough to minimise the chance of a person suffering long-term damage as a result of an incident":**
  - Participant Supervision/Patron Rescue
    - i.e. Aquatic Rescue Award/Certificate
  - Emergency Care
    - i.e. St Johns (Workplace First Aid Certificate)

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The Code

S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Emergency Care Qualifications

Groups 1 & 2

HLTFA 1A Apply Basic First Aid

Group 3

HLTFA 201A Provide basic emergency life support

- Currency FIRST AID CERTIFICATE = Reassessment every 3 years

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The Code

S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Supervision

- Adequate & constant **surveillance** of persons in **water** by a person appropriately **qualified** to:
  - anticipate problems
  - quickly identify emergencies
  - provide appropriate & timely response
- **Group 1-2 AF's** require **direct supervision**
- **Group 3 AF's** are **not** required to provide supervision

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The Code

S7 - General Sanitation & Operational Requirements

Supervision Group 1-2 AF's

- Locate **supervisors** to maintain water supervision

Supervisors - Assigned Duties (Should not)

- Distract **patron supervision** **(at all times)**
- Inhibit ability to provide **immediate assistance** to:
  - Patrons in distress

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The Code

S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Group 2 – Participant/Patron Supervision

- SRC AQU 003B Respond to an aquatic emergency using basic water rescue techniques

Annual Reassessment

Or Table 9 in the Code

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S7 - General Sanitation & Operational Requirements

Qualifications of Coaching & Instructional Staff

- Only applicable to **Group 2 Activities**
- Hold appropriate industry qualification
- Removes need for dedicated lifeguard

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Qualifications of Coaching & Instructional Staff - Table 9

Aquatic Activity	Approved Industry Standard or Equivalent
Swimming & Water Safety Instruction	•Royal Life Saving Instructor of Swimming & Water Safety Certificate *or* •AUSTSWIM Teacher of Swimming & Water Safety
Competitive Swimming Coaching	Australian Swimming Coaching Qualification
Platform & Springboard Diving	Australian Diving Association Coaching Qualification
SCUBA Diving	Dive Instructor Qualification from a recreational SCUBA training organisation.
Aqua-Exercise	Australian Fitness Association Council Aqua-Exercise Leaders Certification
Hydrotherapy	Registered Physiotherapist

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S6 – Qualifications for Operators, Supervisors & Emergency Care Personnel

Group 3 – Participant/Patron Supervision

- SRC AQU 003B Respond to an aquatic emergency using basic water rescue techniques

  Or

- Aquatic Rescue Course Approved by EDPH:
  - RTO, industry expertise (bronze medallion & resuscitation) & examiner
  - RLSS, Surf Life Saving, Paddy's Dive Instructors, G1 Pool Manager's & Industry?
  - Dry Rescue, Wet Rescue, Recover & Resuscitate (video)
  - Knowledge Component – water safety/spinal injury (multiple choice Q's)
- **Update every 3 years**

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Accessing Training

Other Potential Providers

Aquatic Rescue Award for G2 AF's

- Royal Life Saving Society (RLSS)
- H2O Pro

First Aid Certificates

- Red Cross
- St Johns Ambulance
- RLSS

- Further info regarding **RTO's**, **Training Courses** & national units of competency are available on the **NTIS** website or by contacting Training Accreditation Council

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S9 - Public Spa Pools

Design Requirements

AS 2610.1–1993 Spa Pools
Part 1: Public Spas

Min Water Body Turnover:

Table 4 of Code = **15 mins**

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S11- Hydrotherapy Pools

Design Requirements

AS 3979 – 1993 **Section 2**, excluding:

- 2.1.7 Lighting
- 2.2.4.2 Indicators
- 2.2.6 Concourse drainage & finish
- 2.2.9 Water circulation
- 2.3 Electrical equipment
- 2.5 Pool covers
- 2.6 Storage areas

Wherein **Section 2** of the Code **shall apply**

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Aquatic Facilities Working Group (AFWG)

- DOH sent out expressions of interest for AFWG (FEB 08) – seeking wider representation than Swimming Pool Working Party
- AFWG includes approx 20 representative organisations:
  - WALGA, EHA, SPASA, LIWA, RLSS, APA, CIAWA, RVA, STIWA, DoSR, DoHW, DoET, Architects, Engineers, Water Treatment Specialists & Pool Maintenance
- Meetings held: **13 May & 29 July 2008**
- Key Agenda Items:
  - General Construction Issues
  - Group 1 Single Person Operator Proposal
  - **Review Aquatic Rescue/ First Aid Qualification Requirements G3**
  - Technical Operator Clarification
  - Qualification Equivalency
  - Amendments to Regulations – AF Definition, Water Sampling, Extend timeframe G2-4

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Guidance Notes

- AFGN#3 – Clarification of Pool Managers Qualification Req's
- AFGN#4 –Aquatic Facility Water Body Remedial Action Pathway
- AFGN#5 – Summary of Code & Regulation Amendments & Aquatic Facility Working Group Resolutions
- AFGN#6 - Lowering Aquatic Facility Classification
- AFGN#7 – Water Sampling Requirements
- AFGN#8 – Frequently Asked Question's

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Thanks for listening

Any Questions?

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Additional Information

General: 9388 4911

Fax: 9388 4905

Email: swimmingpools@health.wa.gov.au

Web: www.public.health.wa.gov.au

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