

Spas Built Before Introduction of the

*Health (Aquatic Facilities) Regulations 2007*

## Background Information

### Regulations

* The Health (Aquatic Facilities) Regulations 2007 (new regulations) replaced the previous Health (Swimming Pools) Regulations 1964 (old regulations). Whilst spas are within the scope of the new regulations they were not in the scope of the old regulations.
* The new regulations permit aquatic facilities (including spas built before the new regulations) to only be operated when they have been issued a Certificate of Compliance & Permit to Operate by the Chief Health Officer (CHO).
* The new regulation requirements ensure all new spas (e.g. public type spas) must be designed, constructed and operated to comply with the Code of Practise and *AS2610.1 Public Spas*.
* Spas built before the new regulations were constructed at a time when no regulatory construction standards applied, and those spas will therefore not have been previously approved, or will they satisfy the required standards of construction now applied.
* The new regulations nevertheless provide scope for the CHO to issue a Certificate & Permit for those aquatic facilities in use prior to the new regulations but which do not comply with the new regulatory construction standards, subject to the CHO being satisfied the health & safety of persons using the facility will not be compromised and that there is a public interest in issuing the Certificate.

### Dealing with Unapproved Spas Built Before the New Regulations

To enable issuance of the necessary Certificate & Permit to spas built before the new regulations, the CHO has confirmed the minimum requirements necessary for confirming such spas. These spas will not be required to comply with all new regulatory construction/design requirements but as a minimum they shall satisfy the following essential criteria:

* They shall not provide potential physical hazards to users from: substandard electrical works, inadequate depth markings, unsuitable hours of operation, non-compliant fencing, sharp/dangerous features, or circulatory systems likely to cause entrapment.
* They shall not promote potential microbiological hazards to users from: lack of filtration, inadequate disinfection/chemical control arrangements, lack of maintenance/monitoring, inadequate water supplies, unhygienic operation or structural faults.
* Confirmation that the above type of spa (constructed before the new regulations) can satisfy the minimum requirements will nevertheless need to be demonstrated. Use of the attached checklist by local government may be used for that purpose.

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| Public Spa ChecklistFor Audit of Unapproved Spas Constructed Before Introduction of theHealth (Aquatic Facilities) Regulations 2007 |
| To be completed by a Local Government Environmental Health Officer |

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| --- | --- | --- | --- | --- |
| REQUIREMENT | NEW SPA  | OLD SPA  | INSPECTION DETAILS REQUIRED | OFFICER INSPECTION FINDINGS THIS COLUMN |
| Certificate of Compliance and Permit to Operate | YES | YES | NA | NA  |
| Application  | YES | NO | NA | NA |
| Covering letter (Confirming compliance with Code & AS2610.1) | YES | NO | NA | NA |
| Site plans & plumbing / treatment schematic plans  | YES | NOT MANDATORY | Provide plumbing schematic if possible (old spas may provide a photo showing the spa location, surrounds, inlets & outlets  |  |
| Water top-up filtered before entry to spa | YES | NO | Confirm how water top-up occurs |  |
| Valve to dump all spa water | YES | YES | Confirm presence of dump valve to allow regular complete empty of spa to waste. Provide photo |  |
| Structural Certification | YES | NO | Confirm the construction material. E.g. Concrete with tile finish. Provide photograph |  |
| Treatment system turnover <15 minutes | YES | NO | NA |  |
| Certify filtration design | YES | Filtration required | Describe the location of filter & type. Provide photographs. |  |
| \*Automatic disinfection / chemical control  | YES | Not mandatory but must have arrangements to maintain constant chemical levels | Describe method of disinfection & chemical control. Provide photos of any dosing unit. SEE FOOTNOTE ON AUTOMATIC DISINFECTION/CHEMICAL CONTROL |  |
| Access to service spa plant equipment | YES | YES | Confirm the position and service access to spa plant. Provide photo |  |
| Indoor / Outdoor and Heating | NA | NA | Confirm if the spa is indoor/ outdoor + heated or unheated. Provide photograph of heating unit. |  |
| Ventilation certification, minimum air change & humidity control | YES | NO | If spa heated & indoor confirm the means of air circulation + provide a photo.Is mould apparent? |  |
| Spa surface smooth finish Light coloured if >10M2 | YES | NOT ESSENTIAL but must not have physical hazards | Check if there are any apparent sharp edges/protrusions. Provide photographs |  |
| Obstruction entrapment:safety suctionspumps shall not draw from a single suction point & minimum separation between suction points | YES | YES, except single skimmer acceptable if acceptable type | Visual inspection to confirm possible hazards. Check all pump draw points (eg. Ensure pumps are not drawing from a single suction outlet & that skimmer is non-hazardous design). Provide photograph showing skimmer type & distances between each pump suction points.  |  |
| Min/max depths | YES | NO | Confirm floor & seat depthsProvide photo. |  |
| Depth markings | YES | YES | 2 depth markings within 450mm of spa edge. Provide photo of depth markings |  |
| Access/egress-handrail, steps, minimum surrounds & proximity to spa top edge | YES | NO but entry arrangements required and not cause a hazard  | Confirm patrons have reasonable means of spa entry egress. Provide photo |  |
| Electrical safety certification to Code & AS2610.1 & safety cut switch with alarm | YES | NO but must be checked & confirmed by an electrician | A licensed electrician must inspect the spa electrics to confirm not hazard & that it complies with the AS 3000 Wiring RulesAdvise the operator of this requirement. |  |
| Lighting:Isolux if night use,Signage if day use | YES | YES | Confirm hours of use. If daylight only is there a sign? Provide photo of sign. If night use, then an isolux plot needed. |  |
| Spa surroundsconcourse must be drained and have a smooth non-slip surface | YES | YES | Are spa surrounds graded to drain surface water? Where to & do they have smooth surfaces free of trip hazard protrusions? |  |
| Security fencing toAS1926 | YES | YES | Confirm fencing compliance to AS1926.1 Pool Fencing or alternatively detail the specific reasons for non-compliance. |  |
| Sanitary facilitiesrequired | YES | YES | Confirm if sanitary facilities are available, their location relative to spa & number |  |
| Filter water / spa dump disposal to be approved by local government | YES | YES  | Confirm the method/location of cartridge filter wash down or sand filter backwash disposal. Confirm the presence and function of a valve for regularly empty of spa & the means of disposal. Provide photo of dump valve. |  |
| First aid point equipment/signageN/A for Group 4Group 4 require only CPR sign | YES | YES | Is there a first aid point? Does it have required: signposting, stretcher, hand basin, blankets & first aid kit? Is a CPR sign on display?Describe locations and provide photographs |  |
| Operation QualificationsClass 2-3 Emergency Care + Tech OperationsClass 4 Tech Operations only | YES | YES | Confirm and provide a copy of the qualifications for technical operator & first aid (emergency care) held onsite. |  |
| Operation Manual Completed\*See example Appendix 10 in Code of Practice | YES | YES | Has an operation manual been completed and held onsite by operator? Provide copy. |  |
| Approved water test kit required | YES | YES | Is an approved water chemistry test kit available onsite at all times? Lovibond or Palintest comparator or photometer type.Provide model/brand present & photo |  |
| Water test frequencySee footnote \* | PER CODE | YES \*See Footnote below  | The Operator will need to prepare on operational manual for the facility. See Appendix 10 of Code. Provide a copy of the proposed manual for this facility. |  |

### \* FOOTNOTE ON AUTOMATIC DISINFECTION / CHEMICAL CONTROL

All aquatic facilities are required to have an automatic disinfection system which typically utilises gas or liquid chlorine and incorporates automatic pH control. These systems utilise an ORP or Amperometric system that automatically reads and operates the necessary chemical dosing/injection. Where such systems are in place operators are generally able to maintain water chemistry within the required parameters, with only minimal daily manual water chemistry testing frequencies as prescribed in the Code (e.g. Class 4 =1 time daily, Class 3 = 2 times daily, Class 2 = 3 times daily).

Many older spas do not incorporate automatic disinfection and chemical control systems and might instead already have in place a combination of constant chemical feed and manual adjustment. Such alternative arrangements will not automatically preclude these spas from being issued a Certificate & Permit.

Where automatic dosing systems are not in place, the CHO requires that the frequency of manual water chemistry testing should increase significantly (e.g. hourly) with increased target chlorine levels applied to ensure the required chemical parameters of the Code are maintained at all times when the spa is available for use.

Initial and continued acceptance of these arrangements will be dependent on the ongoing satisfactory operations and the operator ensuring acceptable water testing frequency and target chemical concentrations are documented in the operations manual.

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