

## Aquatic Facilities

### GUIDANCE NOTE 5

#### Amendments to the *Health (Aquatic Facilities) Regulations 2007* & Code Aquatic Facility Working Group & Information Seminars

##### **Attention local governments, aquatic facility operators, building, design and industry personnel!**

The Department of Health (DOH) advises that the Executive Director, Public Health (EDPH) has recently approved a number of amendments to the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities - May 2007 (the Code).

Please note that the amended Code (September 2008) will be published in the near future on the new DOH public health website address: [http://www.public.health.wa.gov.au/2/641/2/swimming\\_pools.pm](http://www.public.health.wa.gov.au/2/641/2/swimming_pools.pm).

In addition, the EDPH and the former Minister for Health have also authorised a number of amendments to be made in relation to the *Health (Aquatic Facilities) Regulations 2007* (the regulations). Whilst the drafting instructions for the regulation amendments have been prepared, the amendments have not transpired, primarily due to the government care-taker convention that was in place, during the recent state election and also in consideration of Parliamentary Counsel's schedule of priorities.

Amendments to both the Code and the regulations are of particular importance and address some of the following key concerns and current issues:

##### **Proposed Amendments to the Regulations**

###### Extend Transitional Expiry Date to 1 October 2009 for Group 2-4 Aquatic Facilities

One of the primary considerations with respect to the regulation amendments is to extend the 1 October 2008 transitional expiry date for Group 2-4 aquatic facilities [see subregulations 36 (1)(b)(i) & 38 (2)(b)]. This timeframe was prescribed to require Group 2-4 aquatic facilities to comply with the Code's operational requirements (Sections: 5 - Water Quality & Testing, 6 - Qualification Requirements and 7 - General Sanitation and Operational Requirements) [see subregulation 38 (1)] and to complete (if necessary) outstanding works in accordance with the repealed *Health (Swimming Pools) Regulations 1964* (the repealed regulations), in order to obtain a certificate of compliance and permit to operate [see subregulation 36(3)].

Please Note that the one of the primary purposes of amending the regulations is to extend this transitional expiry date for Group 2-4 aquatic facilities to the 1 October 2009.

There will also be a number of other amendments which will address the following:

###### A Person Engaged by Local Government & Working under EHO Direction to Collect Water Samples

Enable persons engaged by local government and working under the direction of an Environmental Health Officer (EHO) to collect monthly microbiological water samples from aquatic facility water bodies located within the local government district [see subregulation 21 (1) (a)].

### Aquatic Facility Definition – Reference to Strata Company < 30 lots

The definition of aquatic facility will be amended to exclude residential unit/apartment complexes, which have less than 30 units/apartments, and to capture commercially operated strata-title aquatic facilities with less than 30 lots [see subregulation 5(2)(a)].

### Issues Relating to Issuing Certificate's of Compliance & Permit's to Operate to Existing Spas & Waterslides

To exempt (as appropriate) existing spa-pools and waterslides from provisions encompassing certificates of compliance and permit's to operate issued in respect of these water body types.

### **Amendments to the Code**

Some of the key recent amendments to the Code include the following:

#### Section 1 - Classification of Aquatic Facilities - Table 1

Amendments to Table 1 - Classification of Aquatic Facilities include: clearer definitions and addition of other water body types with respect to the aquatic facility group types examples. Additions include:

- **Group 1:** water-parks.
- **Group 2:** learn-to-dive, nursing home and hydrotherapy use pools.
- **Group 3:** clarification of Group1-2 aquatic facility use by discrete user groups and staff/student accommodation complexes.
- **Group 4:** permanent/semi-permanent residential developments with 30 or more dwelling units/apartments, and retirement/lifestyle villages that do not allow non-residential based club/member access to access the aquatic facility.

The other key change has been with regard to the Patron Supervision/Emergency Care Personnel column for Group 3 i.e. emergency care personnel no longer are required to be on-site, but must be able to respond within a reasonable period of time (See Section 6.2.5 - Group Three Facilities).

#### Section 6 - Qualification Requirements

Qualifications have been the primary area of change within the Code. A special meeting of the AFWG on the 29 July 2008 was dedicated for this purpose to present a revised Group 3 aquatic rescue qualification for the AFWG consideration.

In essence the main changes to qualification requirements for Section 6 centres around clarification of Technical Operator responsibilities for Groups 2-4 aquatic facilities and Group 3 aquatic rescue qualifications. Other changes to Section 6 focus on updating to the current industry recognised first aid units of competency, and to provide scope to recognise equivalent qualification training programs and competency standards.

#### ***Clarification of Group 2-4 Technical Operator Responsibilities***

The amendments to the Code now explain that the operator of an aquatic facility shall ensure that a qualified (in accordance with the national units of competency prescribed by the Code) technical operator, oversees the water quality and plant operation of the aquatic facility.

However, the technical operator may provide instruction to non-qualified personnel in how to undertake daily water quality tests and consequently, is not required to be onsite every day to perform the daily water quality tests. Alternatively, the technical operator can now be contacted as a result of a problem with water chemistry parameters to provide timely advice or respond in person as appropriate.

Clarification of technical operator responsibilities presents aquatic facility operators with the choice of they, or their personnel obtaining technical operators qualification, or alternatively entering into a contractual arrangement with a "third party" technical operator, who will then provide facility personnel with daily manual water chemistry instruction, but have a stewardship role for the operation and maintenance of aquatic facility plant and equipment.

#### ***Group 3 -Aquatic Facilities - Response to an Emergency in a Reasonable Period of Time***

Group 3 personnel that are qualified in accordance with the requirements for the Code will not be required to remain onsite at all times, but alternatively 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.

This amendment enables operators or other qualified facility personnel to leave the premise, providing they have made prior arrangements to be contactable, and to contact a person (who may not necessarily be qualified) on the premise to respond in their absence to a call for help.

Arrangements made in the above mentioned manner are considered acceptable by the operator, in order to show due diligence and fulfil a duty of care.

### ***Group 3 -Aquatic Rescue Qualifications***

Operators/personnel of Group 3 aquatic facilities now have the option of either obtaining:

1. A national unit of competency based aquatic rescue qualification, or alternatively;
2. A non-national unit of based aquatic rescue qualification, delivered by a person with examiner level qualifications in aquatic rescue, providing that the training is via, or through a registered training organisation (RTO), approved by the EDPH to deliver the scope of this training.

The non-national unit of competency based training, has been established to make training more accessible (particularly to regional WA), with examiner level aquatic rescue personnel, located in most metropolitan and regional centre's. The training will focus on teaching and providing aquatic facility personnel with key rescue skills and water safety knowledge.

The reaccreditation period for aquatic rescue has also been changed from annual to every three years.

Registered training organisations or individuals that may be able to provide aquatic rescue training include but are not necessarily limited to Royal Life Saving Society, Surf Life Saving, SCUBA Dive Instructors and Group 1 swimming pool managers.

### **Section 3.3.6 - Requirements for Water Supply**

The former repealed regulation provision to ensure that all additional water is filtered before it enters a swimming pool, has been introduced into the Code, with application to water bodies for which patrons may have contact through interaction or use e.g. swimming, leisure or free-play. This requirement will not apply to balance, or holding tank's, for which patrons do not have general access or contact.

Furthermore, for high volume water features (water slides, rivers etc); it will be recommended that water is drawn from a filtered and chlorinated supply. However, if any water is drawn from the balance tank directly into a water feature, then the make-up water entering the balance tank, shall be located in a position away from the water feature suction, within the balance tank, and the balance tank water must be maintained at 2 milligrams per litre of free chlorine, and the free chlorine levels must be tested every 4 hours, in accordance with Group 1 manual water chemistry sampling requirements.

### **Section 5.1 - Chemical Water Standards - Table 6 - Minimum Free Chlorine Levels**

The minimum free chlorine levels for wading pools have been reduced from 4mg/L to 3mg/L, this has been undertaken to bring the minimum free chlorine levels to an industry acceptable level and to coincide with World Health Organisation recommendations for swimming pools.

### **Section 5.4 - Chemical Water Testing**

Additional clarification has been provided to advise operators, that manual testing of the aquatic facility's water chemistry at the required daily frequency, using an approved manual water chemistry test kit, is required, and under no circumstances are readings taken from automatic chemical controller gauges deemed an acceptable substitute.

The daily frequency for manual water chemistry sampling for Group 3 aquatic facilities has been reduced from 3 times per day to twice a day.

### **Appendix - 2 - Recommended Safety Signage**

There have been some additional generic 'aquatic facility safety and hygiene requirements statements recommended. This new statements reflect some of the new regulation provisions, previously not included as examples by the Code e.g. requirement for young children who ordinarily wear nappies to wear an aqua nappy, exclusion of patrons suffering communicable skin, gastro-intestinal and other infections etc.

## Foreword

New additions to the Foreword section of the Code include, detail pertinent to the processes required to amend and update the Code, including lodging submissions, the role of the Aquatic Facility Working Group (AFWG) and a list of the AFWG representative organisations.

### **Aquatic Facility Working Group (AFWG)**

In conjunction with the implementation of the regulations the EDPH has approved the formation of an AFWG, to meet bi-annually, to review, consider, discuss and make recommendations regarding various proposals to the Code, to ensure that it maintains currency, caters for emerging technologies and achieves best practice and benchmark standards.

The AFWG thus provides a forum for government and industry consultation and provides the DOH with an independent source of expertise and experience that can be utilised to provide the EDPH with recommendations to change the Code as may be appropriate.

In February 2008, the DOH sent out expressions of interest to a broad range of relevant government and industry groups to nominate as representative organisations on the AFWG. The result is that approximately 20 government and industry stakeholder organisations represented on the AFWG. These organisations include the following:

Department of Health (Chair & Secretary)	Department of Sport and Recreation
Department of Education and Training	Department of Housing and Works
Western Australia Local Government Association	Environmental Health Association (Australia)
Royal Life Saving Society - WA	Leisure Institute of WA (Aquatics)
Chadson Engineering Pty Ltd	Pool Controls
Swimming Pool and Spa Association - WA	Donovan & Payne Architects
StateSwim	Poolwerx
Oceanis Pty Ltd	Shentons Pumps
Caravan Industry Association - WA	Australian Physiotherapy Association -WA
Retirement Village Association - WA	Strata Titles Institute - WA
Regional Health & Building Officers	

### **AFWG Undertakings**

The first meeting of the AFWG was held on the 13 May 2008 at the DOH's Grace Vaughan House office, located at 227 Stubbs Terrace, Shenton Park. This meeting considered a broad range of issues, some of which have resulted in the afore-mentioned Code amendments.

Some of the other significant issues of on-going consideration include an undertaking by RLSS to assess sole operated Group 1 aquatic facilities, with respect to the supervision responsibilities prescribed by Sections 6 and 7 of the Code, consideration of lap-swimming by discrete user groups, within Group 1 and 2 aquatic facilities and qualification equivalencies for Section 7.12 Qualifications of coaching and instructional staff - Table 9 in the Code.

### **Information Sessions**

The Applied Environmental Health Branch for the DOH has also over the last year held a numerous number of aquatic facility information seminars within the metropolitan and regional WA, to explain the new requirements for the regulations and Code. Operators of aquatic facilities, government employees and industry personnel throughout the state were invited to attend these seminars, some of which were well attended some of which were not.

Regional seminars for all of the afore mentioned personnel have been held in 2008, in the following locations: Broome, Derby, Port Hedland, Karratha, Geraldton, Kalbarri, Carnarvon, Exmouth, Halls Creek, Kununurra, Kalgoorlie, Esperance, Albany and Leonora. In addition, two metropolitan sessions were conducted for EHO's in November 2007.

Please note that additional metropolitan information sessions for Group 2-4 aquatic facility operators will be scheduled from November 2008 and into the New Year. An aquatic facility information session for the wheat-belt region will also be scheduled. Seminar presentations will also be published on DOH's website.

## Final Word

Whilst the proposed amendments to the regulations, may take some time to reach completion and therefore the 1 October 2008 expiry date Group 2-4 aquatic facilities may shortly be realised, it would be expected that the DOH and local government authorities act in good faith of the intended 1 October 2009 transitional extension date for the afore-mentioned construction and operational compliance issues.

In addition, it would be appreciated that whilst ongoing assessment of issues relating to supervision responsibilities and other duties for sole operated Group 1 aquatic facilities, that local government continue to act in accordance with Ministerial advice (where requested) that has been given.

The DOH has and will continue to work with government and industry to achieve the desired outcomes for outstanding issues of relevance to the regulations and Code. It is hoped that additional proposed amendments to the Code relating to the Group 1 sole operator issue and other matters of importance can be ready for discussion and action at the next intended meeting of the AFWG in November 2008.

Please note that whilst proposals for change to the Code are welcome, these should (preferably) be coordinated through relevant AFWG representatives. Proposals should be in a written form and be accompanied by an evidence based rationale and/or supporting information.

Guidance Notes in relation to other matters pertaining to the regulations and Code will also be published on the DOH's website in due course, some of which will likely include: Aquatic Facility Water Bodies Remedial Action Pathway for EHO's, Lowering Operational Classification of Aquatic Facilities and Microbiological Water Sample Procedures for Aquatic Facilities. In addition pertinent to training: providers, programs and activities may also be provided.

For further information or questions pertaining to the regulations, the Code, or other matters relating to this guidance note please email [swimmingpools@health.wa.gov.au](mailto:swimmingpools@health.wa.gov.au), or alternatively contact the:

Environmental Health Directorate  
Department of Health  
PO Box 8172  
Perth Business Centre  
Perth WA 6849

Phone: (08) 9388 4999  
Fax: (08) 9388 4905

