
HEALTH

HE301*

Health Act 1911

**Health (Aquatic Facilities) Amendment
Regulations 2009**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health (Aquatic Facilities) Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Health (Aquatic Facilities) Regulations 2007*.

4. Regulation 4 amended

In regulation 4 insert in alphabetical order:

dwelling unit means a room or suite of rooms, and any associated parts of a building, constituting a single dwelling for the exclusive occupation of the occupant;

residential lot means a lot used, or intended to be used, as a place of residence, but does not include a lot used, or intended to be used, in the course of carrying on a business of providing holiday or temporary accommodation for persons away from their normal place of residence;

5. Regulation 5 amended

(1) In regulation 5(2):

- (a) in paragraph (a) delete “lots;” and insert:

lots, each of which is a residential lot;

- (b) after paragraph (a) insert:

- (ba) an aquatic facility, that is part of a complex that consists of or includes dwelling units, if —

(i) there are less than 30 dwelling units in the complex; and

(ii) only long-term residents of the complex and their guests are permitted to have access to the aquatic facility;

- (c) in paragraph (c) delete “body.” and insert:

body;

- (d) after paragraph (c) insert:

- (d) an aquatic facility that is exempt under subregulation (3).

(2) After regulation 5(2) insert:

- (3) The EDPH may exempt an aquatic facility for the purposes of subregulation (2)(d) if satisfied that —

(a) only persons who have a long-term connection with the facility and their guests are permitted to have access to it; and

(b) the health and safety of persons using the facility will not be compromised; and

(c) it is in the public interest to exempt the facility.

6. Regulation 15 amended

After regulation 15(3) insert:

- (4) Subregulation (5) applies to and in relation to an aquatic facility if—
 - (a) the facility was in use, to some extent, during the 12 months immediately prior to 1 October 2007; and
 - (b) there is no certificate of compliance in force in respect of the facility.
- (5) If this subregulation applies, the EDPH may issue a certificate of compliance for the facility even though not satisfied as required by subregulation (3) if satisfied that the health and safety of persons using the facility will not be compromised and that there is a public interest in issuing the certificate of compliance.

7. Regulation 21 amended

- (1) In regulation 21(1)(a) delete “officer” and insert:

officer, or a person under the direction of an environmental health officer,

- (2) After regulation 21(1) insert:

- (2A) For the purposes of subregulation (1)(a), a person is under the direction of an environmental health officer if the person is under the regular and frequent, but not necessarily continuous and personal, supervision of the officer.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.
