



Western Australia

Health Act 1911

Health (Swimming Pools) Regulations 1964

These regulations were repealed by the *Health (Aquatic Facilities) Regulations 2007* r. 34 as at 1 Oct 2007 (see r. 2(b)(i) and *Gazette* 28 Sep 2007 p. 4917)

Ceased on 01 Oct 2007

Version 02-c0-08

Extract from www.slp.wa.gov.au, see that website for further information

Health (Swimming Pools) Regulations 1964

Contents

1.	Citation	1
1A.	Regulations to operate as local laws	1
2.	Interpretation	1
3.	Notice to be sent to Executive Director, Public Health and local authority	2
4.	Approval of Executive Director, Public Health to be obtained	2
4A.	Executive Director, Public Health may close certain swimming pools	3
6.	Lighting of swimming pools	4
7.	Provision of facilities	5
7A.	Design safety factors	6
8.	Equipment for swimming pools	8
9.	Filtration system	8
10.	Maintenance of clarity of water	9
11.	Chemical standards	9
12.	Water samples to be taken	9
13.	Storage of chlorine gas	10
13A.	Exemptions	11
14.	Methods for dealing with accidents or apparent drowning	11
15.	Occupier to maintain fixtures in clean condition	13
16.	Entry of infected persons not to be permitted	13
17.	Infected person not to enter or use a swimming pool	13

Contents

18.	Pollution of swimming pools	13
19.	Animals to be kept away from swimming pools	13
19A.	Disposal of waste water	13
20.	Compliance by occupier	14
21.	Offences and penalties	14

Table 1

Table 2

Table 3

Notes

Compilation table	18
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Western Australia

Reprinted under the
Reprints Act 1984 as
at 1 October 2007

Health Act 1911

Health (Swimming Pools) Regulations 1964

1. Citation

These regulations may be cited as the *Health (Swimming Pools) Regulations 1964*¹.

[Regulation 1 amended in Gazette 1 Nov 2002 p. 5364.]

1A. Regulations to operate as local laws

These regulations apply to all districts as if they were local laws made under the Act.

[Regulation 1A inserted in Gazette 1 Nov 2002 p. 5364.]

2. Interpretation

In these regulations unless the context requires otherwise —

“**Executive Director, Public Health**” means the person holding or acting in the office of Executive Director, Public Health and Scientific Support Services in the Department;

“**occupier**” includes owner, manager, trustee or other person or persons in charge of the swimming pool;

“**swimming pool**” means any swimming pool that is used by or in connection with any club, school, business, association or body corporate and, subject to the context, includes all premises,

buildings and equipment used in connection with the swimming pool;

and

words and expressions used in these regulations have the same respective meanings as are given them in, and for the purposes of, the Act.

[Regulation 2 amended in Gazette 1 Nov 2002 p. 5364.]

3. Notice to be sent to Executive Director, Public Health and local authority

- (1) Whenever it is intended to construct, open, alter or extend any swimming pool, the occupier shall give notice to the Executive Director, Public Health and to the local government of such intention.
- (2) The notice to the Executive Director, Public Health shall be accompanied by —
 - (a) 2 copies of plans, specifications and a description showing the mode or proposed mode of construction, draining, ventilating and lighting the swimming pool, the quantity of water which the swimming pool is intended to hold and the capacity of the filtration and other water treatment units; and
 - (b) a block plan showing the position of the swimming pool in relation to the position and distribution of sanitary conveniences and the lands on which the swimming pool abuts and the purposes for which those lands are used.

[Regulation 3 amended in Gazette 29 Jun 1984 p. 1782; 16 Aug 1985 p. 2918; 1 Nov 2002 p. 5364.]

4. Approval of Executive Director, Public Health to be obtained

- (1) A person shall not commence the construction, opening, alteration, or extension of a swimming pool until the written

approval of the Executive Director, Public Health to the plans, specifications and action to be taken has been obtained.

- (2) The local government of any district wherein the construction, opening, alteration or extension of a swimming pool is commenced shall forthwith notify the Executive Director, Public Health in writing.

*[Regulation 4 amended in Gazette 29 Jun 1984 p. 1782;
1 Nov 2002 p. 5364.]*

4A. Executive Director, Public Health may close certain swimming pools

- (1) The Executive Director, Public Health may, if he is satisfied that the water used in a swimming pool is unsafe because of its unsatisfactory quality or the inadequacy of the treatment to which it has been subjected, by notice in writing served on the occupier of the swimming pool close the swimming pool for an indefinite period or such period as is specified in that notice.
- (2) The Executive Director, Public Health may by notice in writing served on an occupier on whom a closure notice has been served amend or revoke the closure notice.
- (3) An occupier on whom a closure notice has been served shall, while the swimming pool to which the closure notice relates is closed by virtue of the closure notice, ensure that that swimming pool is not used by any person.
- (4) In this regulation —
“closure notice” means notice served under subregulation (1).

[Regulation 4A inserted in Gazette 5 Jul 1985 p. 2391-2.]

- [5. Repealed in Gazette 16 Aug 1985 p. 2918.]*

6. Lighting of swimming pools

- (1) Every swimming pool shall be provided with light, whether natural or artificial or both, to such an intensity that at all times when the swimming pool is in use —
 - (a) the average level of illumination on the surface of the water, measured at water level in the horizontal plane at a distance of 900 millimetres out towards the pool centre from the concourse, is at least 86 lumens per square metre; and
 - (b) at no point on the surface of the water is the illumination less than 43 lumens per square metre.
- (1A) On the written application of an occupier of a swimming pool, the Executive Director, Public Health may by instrument in writing exempt the occupier from complying with subregulation (1) in respect of the pool if the Executive Director, Public Health is satisfied that, in the circumstances, a lower level of illumination will not compromise the safety of persons using the swimming pool.
- (1B) An exemption under subregulation (1A) may be subject to —
 - (a) a condition that the occupier provides a level of illumination specified in the exemption; and
 - (b) any other reasonable condition specified in the exemption.
- (2) The average level of illumination referred to in subregulation (1) shall be determined by taking a number of readings at intervals of 3 metres around the perimeter, and calculating the mean of these values.
- (3) The floor of every swimming pool, except for the guide lines, shall be of such colour or colours that it has a light reflecting value of not less than 60%.
- (4) Where a pool has a greater depth than 2 metres, underwater flood lamps shall be provided and their intensity shall be not less than that set out in Table 1.

- (4A) On the written application of an occupier of a swimming pool, the Executive Director, Public Health may by instrument in writing exempt the occupier from complying with subregulation (4) in respect of the pool if the Executive Director, Public Health is satisfied that, in the circumstances, an alternative method is sufficient to ensure the same level of underwater illumination.
- (4B) An exemption under subregulation (4A) may be subject to —
- (a) a condition that the occupier provides illumination by a method specified in the exemption; and
 - (b) any other reasonable condition.
- (5) Overhead lighting for diving pools, diving platforms and steps thereto shall be so arranged that direct or reflected glare, either from the fittings or from the water, shall be kept to a minimum acceptable to the Executive Director, Public Health.

[(6) and (7) repealed]

- (8) A pool deck shall be provided with sufficient lighting around the pool perimeter so that it may be illuminated to a distance of at least 3.6 metres out from the pool.
- (9) The electrical installation for swimming pools and surrounding areas shall be in accordance with AS/NZS 3000:2000.
- (10) An exemption granted under subregulation (1A) or (4A) may be revoked at any time by the Executive Director, Public Health.

[Regulation 6 inserted in Gazette 5 Mar 1971 p. 697; amended in Gazette 11 Jan 1974 p. 62; 29 Jun 1984 p. 1782; 16 Aug 1985 p. 2918; 1 Nov 2002 p. 5364-5.]

7. Provision of facilities

- (1) The occupier shall provide an adequate number of dressing rooms in respect of each sex, conveniently situated, and shall

r. 7A

provide facilities to such number and of such nature as to be in accordance with the following scale:

- (a) Toilets:
 - (i) one water closet for every 40 female swimmers; and
 - (ii) one water closet plus one urinal for every 60 male swimmers.
 - (b) Showers: One for every 40 swimmers.
 - (c) Handbasins: One for every 60 swimmers.
- (2) Where provision is made at the swimming pool for spectators, separate toilets and handbasins shall be provided for their use.
- (3) Unless otherwise directed by the Executive Director, Public Health for the purpose of the provision of facilities under subregulation (1), the number of swimmers shall be calculated by allowing one person for each 2.3 square metres of pool surface area and allotting the final number as 50% male and 50% female.

[Regulation 7 amended in Gazette 16 Aug 1985 p. 2918.]

7A. Design safety factors

- (1) With respect to every swimming pool —
- (a) clearly visible markings shall be provided at regular intervals around the pool indicating the depth at the particular point;
 - (b) the pool area shall be totally enclosed to a standard at least equal to that prescribed under AS 1926.1 — 1993 Part 1;
 - (c) of less than 12.5 metres in length constructed in or after 1988, the floor of the pool shall have an even gradient so that there is no sudden increase in depth;
 - (d) of 12.5 metres or more in length constructed in or after 1988, the floor of the pool shall not have a greater slope than 1:15 where the water depth is less than 1.75 metres;

- (e) where a diving board is provided, the depth of water and clearance from the board shall comply with the diagram in Table 2; and
 - (f) constructed in or after 1988, the concourse shall have a flat, non-slip surface graded to drain away from the pool.
- (2) On the written application of an occupier of a swimming pool, the Executive Director, Public Health may by instrument in writing exempt the occupier from complying with subregulation (1)(b) in respect of the pool if the Executive Director, Public Health is satisfied that, in the circumstances, an alternative method of enclosure is sufficient to provide an effective barrier to the uncontrolled entry of persons to the pool.
- (3) An exemption under subregulation (2) may be subject to —
 - (a) a condition that the occupier encloses the pool by a method specified in the exemption; and
 - (b) any other reasonable condition specified in the exemption.
- (4) On the written application of an occupier of a swimming pool, the Executive Director, Public Health may by instrument in writing exempt the occupier from complying with subregulation (1)(d) in respect of the pool if —
 - (a) the swimming pool was built on or after the day on which the *Health Act (Swimming Pools) Amendment Regulations 2002* came into operation; and
 - (b) the Executive Director, Public Health is satisfied that, in the circumstances, the design or construction of the floor of the pool will not compromise the safety of persons using the swimming pool.
- (5) An exemption under subregulation (4) may be subject to any reasonable condition specified in the exemption.

- (6) An exemption granted under subregulation (2) or (4) may be revoked at any time by the Executive Director, Public Health.

[Regulation 7A inserted in Gazette 31 Dec 1987 p. 4571; amended in Gazette 1 Nov 2002 p. 5365-6.]

[7B. Repealed in Gazette 31 Dec 1987 p. 4571.]

8. Equipment for swimming pools

Every swimming pool shall be provided with equipment for ensuring sterilization and continuous circulation and filtration of the water as approved by the Executive Director, Public Health.

[Regulation 8 inserted in Gazette 16 Aug 1985 p. 2919.]

9. Filtration system

- (1) The filtration system of a swimming pool shall be designed and operated in such manner that the water in the swimming pool is completely changed once in every period of 8 hours or in such lesser period as the Executive Director, Public Health may specify.
- (2) Any water inlet in a swimming pool shall be distant not more than 13 metres from the nearest outlet in that pool.
- (3) The water treatment system shall be so designed that —
- (a) all additional water is filtered before entering the pool; and
 - (b) if uncovered gravity sand filters or cartridge filters are used, the chlorine is introduced to the system before the filter.

[Regulation 9 amended in Gazette 11 Jan 1974 p. 62; 29 Jun 1984 p. 1782; 16 Aug 1985 p. 2919; 19 Oct 2004 p. 4807.]

10. Maintenance of clarity of water

The clarity of water in a swimming pool shall be maintained so that, when a matt black disc 150 millimetres in diameter is placed on the bottom of the swimming pool at the deepest point, it is visible under water upon being viewed from the concourse at a distance of 9 metres.

[Regulation 10 amended in Gazette 11 Jan 1974 p. 62.]

11. Chemical standards

At all times when a swimming pool is in use the water shall contain —

- (a) residual free chlorine in accordance with the scale set out in Table 3 and as determined with a Lovibond or equivalent comparator using D.P.D. tablets or by any method which has been approved in writing by the Executive Director, Public Health for use at that swimming pool;
- (b) water of a pH of between 7.0 and 7.8 when determined with a Lovibond or equivalent comparator using Phenol red as the indicator; and
- (c) where isocyanurate is used, not less than 30 and not more than 50 milligrams of isocyanurate per litre as determined by using Palin C.N.A. reagents or equivalent in conjunction with a Lovibond or equivalent comparator or by any method which has been approved in writing by the Executive Director, Public Health for use at the swimming pool.

[Regulation 11 inserted in Gazette 16 Aug 1985 p. 2919.]

12. Water samples to be taken

- (1) Samples for the determination of residual free chlorine and pH shall be taken from the swimming pool at least twice daily, from not less than 2 sampling points situated 300 millimetres below the surface and next to the outlets from the pool; and to maintain

comparative figures the same sampling points shall be used each day.

- (2) Samples for determination of isocyanurate levels, shall be taken at least weekly.
- (3) The results of tests conducted under subregulations (1) or (2) shall be recorded and produced for examination when required by a health surveyor.

*[Regulation 12 amended in Gazette 11 Jan 1974 p. 62;
16 Aug 1985 p. 2919.]*

13. Storage of chlorine gas

Where chlorine gas is used for water treatment in respect of a swimming pool —

- (a) all chlorine cylinders on the premises shall be housed in a separate room isolated from the rest of the buildings with entrance from the open air; be secured in an upright position unless otherwise approved by the Executive Director, Public Health; and be so arranged that they can be used with a minimum amount of handling;
- (b) the storage room shall be —
 - (i) well ventilated;
 - (ii) protected from direct sunlight;
 - (iii) kept free of combustible or inflammable materials;
 - (iv) fitted with a floor at or above ground level; and
 - (v) kept locked at all times when not in use;
- (c) the storage room shall not be connected to any ventilating or air conditioning unit or be adjacent to any furnace, heating element or radiator;
- (d) as protection from chlorine leakage —
 - (i) at least one self contained breathing apparatus, with a minimum duration of 10 minutes

protection against chlorine shall be kept in a readily accessible place away from, but near to the area likely to be contaminated;

- (ii) all personnel shall be trained in the use of such apparatus; and
- (iii) the apparatus shall be regularly tested and maintained.

[Regulation 13 amended in Gazette 16 Aug 1985 p. 2919.]

13A. Exemptions

- (1) The Executive Director, Public Health may by instrument in writing exempt an occupier from complying with regulations 11, 12 and 13 in respect of a swimming pool where the Executive Director, Public Health is satisfied the source of the water used in the swimming pool is free from pollution.
- (2) Any exemption granted under this regulation may be so granted subject to such conditions to ensure the cleanliness of the swimming pool as the Executive Director, Public Health specifies therein, including a condition requiring the water in the pool to be changed at such intervals as the Executive Director, Public Health directs.
- (3) An exemption granted under this regulation may be revoked at any time by the Executive Director, Public Health.

[Regulation 13A inserted in Gazette 28 Nov 1968 p. 3456; amended in Gazette 29 Jun 1984 p. 1782.]

14. Methods for dealing with accidents or apparent drowning

- (1) Every swimming pool shall have a separate room or place —
 - (a) equipped for dealing promptly with accidents and other emergencies in which there is —
 - (i) a wash hand basin with running water;
 - (ii) a first aid kit; and
 - (iii) a stretcher and 2 woollen blankets,

- in such condition as to be ready at all times for immediate use; and
- (b) in which there is a notice, conspicuously displayed setting forth an approved method for the resuscitation of an apparently drowned person.
- (2) The occupier must ensure that whenever the swimming pool is in use there is on the premises a person —
- (a) who is acting for or on behalf of the occupier; and
- (b) who holds qualifications, as approved by the Executive Director, Public Health, in methods of rescue and resuscitation and in operating pool equipment.
- [(3) repealed]*
- (4) The Executive Director, Public Health may by instrument in writing exempt an occupier from complying with subregulation (2) in respect of a swimming pool if the Executive Director, Public Health is satisfied —
- (a) that because of the size or location of the pool, or the number of persons entitled or likely to use the pool, it would be unreasonable to require the occupier to comply with subregulation (2); or
- (b) that in view of the class or classes of persons entitled or likely to use the pool, or of the safety measures enforced and supervision provided at the pool, it is not necessary to require that a person who has those qualifications be present whenever the pool is in use.
- (5) An exemption granted under subregulation (4) may be made subject to such conditions to secure the safety of persons using the swimming pool as are specified by the Executive Director, Public Health in the instrument of exemption or by written notice to the occupier from time to time.
- (6) An exemption granted under subregulation (4) may be revoked at any time by the Executive Director, Public Health.

[Regulation 14 amended in Gazette 5 Mar 1971 p. 697; 12 Jul 1972 p. 2412; 29 Jun 1984 p. 1782; 16 Aug 1985 p. 2919-20; 21 Dec 1990 p. 6251; 1 Nov 2002 p. 5367.]

15. Occupier to maintain fixtures in clean condition

The occupier shall at all times maintain the swimming pool and all fixtures and fittings in a clean and working condition.

16. Entry of infected persons not to be permitted

The occupier shall not permit any person who is suffering from any skin infection or other communicable disease or who is in the opinion of the occupier in an unclean condition to enter or use the swimming pool.

17. Infected person not to enter or use a swimming pool

A person, who is suffering from any skin infection or other communicable disease or who is in an unclean condition, shall not enter or use, or attempt to enter or use, any swimming pool.

18. Pollution of swimming pools

A person shall not foul or pollute, or deposit any rubbish or offensive matter in, or upon, any portion of a swimming pool.

19. Animals to be kept away from swimming pools

A person shall not permit any dog or other animal belonging to such person or under his control, to either remain in or upon the premises or to loiter about the precincts of a swimming pool.

19A. Disposal of waste water

The disposal of backwash and other pool water shall be to the satisfaction of the local government.

[Regulation 19A inserted in Gazette 16 Aug 1985 p. 2920; amended in Gazette 1 Nov 2002 p. 5367.]

20. Compliance by occupier

The occupier shall ensure that regulations 6, 7(2), 7A, 8, 9, 10, 11, 12, 13, 14(1) and 19A are complied with.

[Regulation 20 inserted in Gazette 16 Aug 1985 p. 2920; amended in Gazette 14 Oct 1988 p. 4163.]

21. Offences and penalties

- (1) A person who contravenes a provision of the regulations specified in the Table to this subregulation commits an offence.

Table

Regulations 4(1), 4A(3), 6(1), (3), (4), (5), (8) and (9), 7(1) and (2), 7A, 8, 9, 10, 11, 12, 13, 14(1), (2), 15, 16, 17, 18, 19 and 19A.

- (2) A person who commits an offence under subregulation (1) is liable to —
- (a) a penalty which is not more than \$1 000 and not less than —
- (i) in the case of a first offence, \$100;
- (ii) in the case of a second offence, \$200; and
- (iii) in the case of a third or subsequent offence, \$500;
- and
- (b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

[Regulation 21 inserted in Gazette 14 Oct 1988 p. 4163; amended in Gazette 1 Nov 2002 p. 5367.]

Table 1

Table 1

[Reg. 6(4)]

Underwater illumination required for swimming pools

Maximum depth of water along centre line of pool to be included in vertical beam angle of fitting	Depth below water level to centre of fitting	Lamps lumens per square metre of water surface
metres	millimetres	lm/m ²
3.5	900	860
3.2	900	730
2.9	900	665
2.5	900	590
2.0	900	515

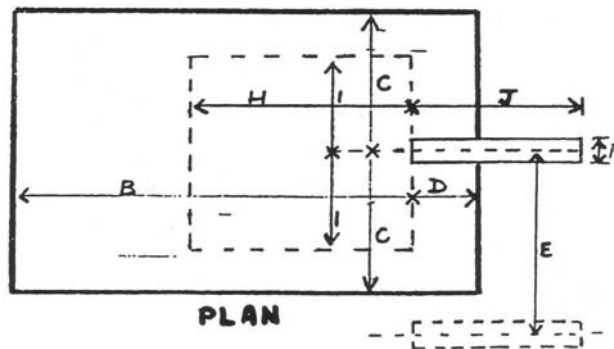
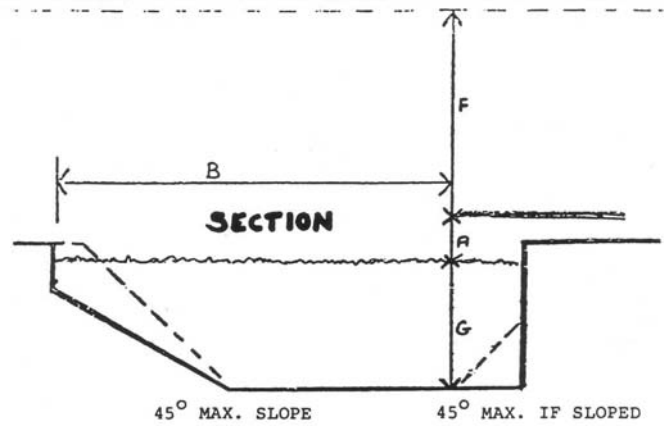
[Table 1 inserted in Gazette 16 Aug 1985 p. 2920.]

Table 2

Table 2

[Reg. 7A(1)(e)]

Water depth and clearances for diving board



A. 1 metre	3 metres
B. 7.5	9.0
C. 2.5	3.5
D. 1.5	1.5
E. 2.0	2.5
F. 4.6	4.6
G. 3.0	3.5
H. 5.3	6.2
I. 2.2	2.7
J. 4.0	4.0
K. 0.5	0.5

[Table 2 inserted in Gazette 16 Aug 1985 p. 2920-1.]

Table 3

Table 3

[Reg. 11(a)]

pH of Water	Minimum Residual Free Chlorine	
	Pools Without Isocyanurate	Pools With Isocyanurate (maximum — 50 mg/L)
From 7.0 to 7.3	1 milligram per litre	2 milligrams per litre
From 7.4 to 7.6	1 milligram per litre	2.5 milligrams per litre
From 7.7 to 7.8	1.5 milligrams per litre	2.5 milligrams per litre

[Table 3 inserted in Gazette 16 Aug 1985 p. 2921.]

Notes

- ¹ This is a compilation of the *Health (Swimming Pools) Regulations 1964* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Health Act (Swimming Pools) Regulations 1964</i> ²	15 Oct 1964 p. 3525-8	15 Oct 1964
Untitled regulations	28 Nov 1968 p. 3456	28 Nov 1968
Untitled regulations	5 Mar 1971 p. 697-8	5 Mar 1971
Untitled regulations	30 Nov 1971 p. 4940	30 Nov 1971
Untitled regulations	12 Jul 1972 p. 2412	1 Oct 1972
Untitled regulations	11 Jan 1974 p. 62	11 Jan 1974
<i>Health Act (Swimming Pools) Amendment Regulations 1982</i>	22 Oct 1982 p. 4117	22 Oct 1982
<i>Health Legislation Amendment Regulations 1984</i> r. 4	29 Jun 1984 p. 1780-4	1 Jul 1984 (see r. 2)
<i>Health Act (Swimming Pools) Amendment Regulations (No. 2) 1985</i>	5 Jul 1985 p. 2391-2	5 Jul 1985
<i>Health Act (Swimming Pools) Amendment Regulations 1985</i>	16 Aug 1985 p. 2918-21	16 Aug 1985
<i>Health Act (Swimming Pools) Amendment Regulations 1987</i>	12 Jun 1987 p. 2322	12 Jun 1987
<i>Health Act (Swimming Pools) Amendment Regulations (No. 2) 1987</i>	31 Dec 1987 p. 4571	31 Dec 1987
Reprint of the <i>Health Act (Swimming Pools) Regulations 1964</i> as at 14 Sep 1988 in <i>Gazette 5 Oct 1988</i> p. 4023-36 (includes amendments listed above)		
<i>Health (Offences and Penalties) Amendment Regulations 1988</i> Pt. 14	14 Oct 1988 p. 4160-3	14 Oct 1988
<i>Health Act (Swimming Pools) Amendment Regulations 1990</i>	21 Dec 1990 p. 6250-1	21 Dec 1990

Health (Swimming Pools) Regulations 1964

Citation	Gazettal	Commencement
<i>Health Act (Swimming Pools) Amendment Regulations 2002</i>	1 Nov 2002 p. 5363-7 (as amended 17 Dec 2002 p. 5918-19)	1 Nov 2002
Reprint 2: The Health (Swimming Pools) Regulations 1964 as at 9 May 2003 (includes amendments listed above)		
<i>Health (Swimming Pools) Amendment Regulations 2004</i>	19 Oct 2004 p. 4806-7	19 Oct 2004
These regulations were repealed by the Health (Aquatic Facilities) Regulations 2007 r. 34 as at 1 Oct 2007 (see r. 2(b)(i) and Gazette 28 Sep 2007 p. 4917)		

² Now known as the *Health (Swimming Pools) Regulations 1964*; citation changed (see note under r. 1).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
closure notice	4A(4)
Executive Director, Public Health	2
occupier.....	2
swimming pool	2