

HE301*

Health Act 1911

**Health Act (Swimming Pools) Amendment
Regulations 2002**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Health Act (Swimming Pools) Amendment Regulations 2002*.

2. The regulations amended

The amendments in these regulations are to the *Health Act (Swimming Pools) Amendment Regulations 2002**.

[* Reprinted as at 14 September 1988.

For amendments to 21 August 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 158.]

3. Regulation 1 amended

Regulation 1 is amended by deleting “*Health Act (Swimming Pools) Regulations 1964*” and inserting instead —

“ *Health (Swimming Pools) Regulations 1964* ”.

4. Regulation 1A replaced

Regulation 1A is repealed and the following regulation is inserted instead —

“

1A. Regulations to operate as local laws

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

”.

5. Regulation 2 amended

Regulation 2 is amended by inserting before the definition of “occupier” the following definition —

“

“**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;

”.

6. Regulation 3 amended

Regulation 3(1) is amended by deleting “authority” and inserting instead —

“ government ”.

7. Regulation 4 amended

Regulation 4(2) is amended by deleting “authority” and inserting instead —

“ government ”.

8. Regulation 6 amended

- (1) After regulation 6(1) the following subregulations are inserted —

“

- (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) After regulation 6(4) the following subregulations are inserted —

“

- (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.

”.

- (3) Regulation 6(9) is amended by deleting “Australian Standard 3000 1981 S.A.A. Wiring Rules.” and inserting instead —

“ AS/NZS 3000:2000. ”.

- (4) After regulation 6(9) the following subregulation is inserted —

“

- (10) An exemption granted under subregulation (1A) or (4A) may be revoked at any time by the Executive Director, Public Health.

”.

9. Regulation 7A amended

- (1) Regulation 7A is amended as follows:
- (a) by inserting before “With” the subregulation designation “(1)”;

- (b) by deleting “the *Local Government Act 1960* in the *Uniform Private Swimming Pool By-laws*,” and inserting instead —

“ AS 1926.1 — 1993 Part 1; ”.

- (2) At the end of regulation 7A the following subregulations are inserted —

“

- (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.

”.

10. Regulation 14 amended

- (1) Regulation 14(2) and (3) are repealed and the following subregulation is inserted instead —

“

- (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.

”.

- (2) Regulation 14(4)(a) is amended by deleting “ensure that a person who has the qualifications referred to in subregulation (3) is present whenever the pool is in use” and inserting instead —

“ comply with subregulation (2) ”.

- (3) Regulation 14(5) is amended by deleting “, and the occupier shall comply with any such conditions.” and inserting instead a full stop.

11. Regulation 19A amended

Regulation 19A is amended by deleting “authority” and inserting instead —

“ government ”.

12. Regulation 21 amended

Regulation 21(1) is amended by deleting “and (5),” and inserting instead a comma.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
