Public Health Act 2010

Part 3 Environmental Health; Division 3 Control of public swimming pools and spa pools

34 Definitions (cf Swimming Pools Reg, cl 4)

In this Division:

prescribed operating requirements means requirements prescribed by the regulations with respect to the operation of a public swimming pool or spa pool.

public swimming pool or spa pool means a swimming pool or spa pool to which the public is admitted, whether free of charge, on payment of a fee or otherwise, including:
(a) a pool to which the public is admitted as an entitlement of membership of a club,
or
(b) a pool provided at a workplace for the use of employees, or
(c) a pool provided at a hotel, motel or guest house or at holiday units, or similar facility, for the use of guests, or
(d) a pool provided at a school or hospital,
but not including a pool situated at private residential premises.

spa pool includes any structure (other than a swimming pool) that:
(a) holds more than 680 litres of water, and
(b) is used or intended to be used for human bathing, and
(c) has facilities for injecting jets of water or air into the water.

swimming pool includes any structure that is used or intended to be used for human bathing, swimming or diving, and includes a water slide or other recreational aquatic structure.

35 Operation of premises where public pools are situated

(1) If an occupier of any premises at which a public swimming pool or spa pool is situated fails to ensure that the prescribed operating requirements are complied with, the occupier is guilty of an offence.
Maximum penalty:
(a) in the case of an individual—100 penalty units, or
(b) in the case of a corporation—500 penalty units.

(2) The occupier of premises at which a public swimming pool or spa pool is situated must not allow a person to use the pool unless the occupier has caused notice of the pool’s existence to be given to the person prescribed by the regulations in the approved form and in the manner prescribed by the regulations.
Maximum penalty: 10 penalty units.

36 Disinfection and cleaning of public pools (cf Swimming Pools Reg, cl 5, 6 and 9)

(1) The occupier of premises at which a public swimming pool or spa pool is situated must not allow a person to use the pool unless the water in the pool is disinfected in such a way as to minimise the transmission of disease to the other users of the pool.
Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.
(2) The occupier of premises at which a public swimming pool or spa pool is situated must ensure that the pool surrounds, including any toilets or change rooms, are kept clean and in such condition as to minimise the transmission of disease. Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.

(3) It is a defence to proceedings for an offence under this section if the defendant satisfies the court that the public swimming pool or spa pool was maintained in accordance with any standards prescribed by the regulations for the purposes of this section.

37 Pools subject to prohibition orders

The occupier of premises at which there is a public swimming pool or spa pool the subject of a prohibition order must display a copy of the order in a conspicuous place at or near each entrance to the premises concerned. Maximum penalty: 10 penalty units.