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| Key regulatory compliance requirements for category 1 and 2 aquatic facilities |
| Public Health and Wellbeing Regulations 2019 |

# Purpose

This guidance provides a summary of the key regulatory compliance requirements for category 1 and 2 aquatic facilities. Please also refer to the Public Health and Wellbeing Regulations 2019 for the exact wording in the regulations, and the Water quality guidelines for public aquatic facilities: managing public health risks (the Water Quality Guidelines) for further information.

# Which aquatic facilities need to comply with the Public Health and Wellbeing Regulations 2019?

Category 1 and category 2 aquatic facilities are subject to the Public Health and Wellbeing Regulations 2019 (the regulations). Aquatic facility definitions are provided in Table 1 and Table 2.

Table 1: Aquatic facilities definitions

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| Category 1 aquatic facility | Category 2 aquatic facility |
| **means a swimming pool, spa pool or interactive water feature that—**   1. is used by members of the public, whether free of charge or on payment of a fee; or 2. is used in association with a class or program that is offered free of charge or on payment of a fee; or 3. is located at the premises of an early childhood service, school or other educational institution; or 4. is located at premises at which residential aged care services are provided; or 5. is located at any of the following premises:    1. a public hospital;    2. a multi-purpose service[[1]](#footnote-1);    3. a denominational hospital;    4. a private hospital;    5. a privately-operated hospital within the meaning of section 3(1) of the Health Services Act 1988; | **means a swimming pool or spa pool that is used by members of the public[[2]](#footnote-2) and located at the premises of the following—**   1. a residential apartment complex; 2. a hotel, motel or hostel; |

Table 2: Exempt facilities

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| Exempt facilities |
| **means any of the following—**   1. a spa pool that is, or is intended to be, emptied of water after each use; 2. a floatation tank[[3]](#footnote-3); 3. a spring water pool that has a turnover rate of at least 25 percent of the entire volume of the water in the pool to waste each hour; 4. a waterway within the meaning of section 3(1) of the Water Act 1989; 5. a private dam within the meaning of section 3(1) of the Water Act 1989; |

# Why regulate category 1 and 2 aquatic facilities?

Public aquatic facilities are important for maintaining and promoting active lifestyles and providing health benefits. However, if aquatic facilities are not properly managed, the health of bathers may be put at risk. Bathers can be affected by disease-causing microorganisms (pathogens) that are passed on through contaminated pool water, contaminated surfaces or person-to-person contact.

This is particularly relevant for vulnerable groups in our community such as young children, the elderly and people with low immunity.

# Who is responsible for compliance with these regulations?

Category 1 aquatic facilities are required to be registered with the local council. The **registration holder** is the applicant for the certificate of registration and would usually be the proprietor or owner of the premises. The registration holder has ultimate responsibility for ensuring that the standards and requirements for a category 1 aquatic facility are complied with.

The **aquatic facility operator** also has a duty to ensure the standards and requirements are met. The aquatic facility operator is defined in regulation 4 as “a person who owns, manages or controls an aquatic facility”. This may be the proprietor, or it may be a person or company the proprietor contracts with or engages to manage the facility.

Category 2 aquatic facilities are not required to be registered with the local council. Therefore, the aquatic facility operator has the ultimate responsibility for ensuring that the standards and requirements are complied with.

# What are the key compliance requirements?

Category 1 and Category 2 aquatic facilities must comply with the regulations. Table 3 provides a summary of the key requirements. Please also refer to the Water Quality Guidelines and the regulations for all requirements.

Table 3: Summary of key compliance requirements

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| Category 1 aquatic facility | Category 2 aquatic facility |
| * Registration of your facility with your local council by 14 December 2020 | * No registration requirement |
| * Manage the risks to human health arising from pathogenic microorganisms in the water in the aquatic facility in accordance with the regulations and the Water Quality Guidelines | |
| * Ensure adequate training and competency of aquatic facility operators. Recommendations for training are provided in Chapter 10 of the Water Quality Guidelines. | |
| * Have a water quality risk management plan that includes:   + staff roles and responsibilities, competencies and training requirements,   + a description of the facility, its source water, and its treatment systems,   + water quality targets and treatment objectives,   + hazard identification, risk assessment and control measures,   + operational and verification monitoring,   + incident management and response procedures, and   + data recording and reporting.   Resources to assist in the development of this document are available on the Department of Health and Human Services’ [website](https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/developing-water-quality-risk-mgmt-plan) <https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/developing-water-quality-risk-mgmt-plan>. | |
| * Undertake at a minimum:   + one daily check of key pool water quality parameters before the pool opens for the day; and   + operational monitoring every four hours while the pool is open.   At least one of these checks should be done by hand and analysed manually each day. It is strongly recommended that this occurs immediately before the aquatic facility opens for the day.  For further information see Appendix 2 of the Water Quality Guidelines. | |
| * Requirement to keep pool water quality parameters within the range specified in the Water Quality Guidelines (refer to Appendix 2) | |
| * Requirement to undertake periodic verification monitoring of microbiological parameters (refer to Appendix 2 of the Water Quality Guidelines) | |
| * In the event of non-compliance with microbiological parameters, follow the [prescribed procedure for responding](https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/incident-response) <https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/incident-response> | |
| * Keep written records for 12 months from the date the record was made, including:   + details of all results of tests and monitoring, and   + all corrective activities undertaken in relation to the water in the aquatic facility. | |
| * At the discretion of your local Council, you may be subject to an inspection for compliance with the regulations and the Water Quality Guidelines | |

# Key resources

Department of Health and Human Services 2018, [*Healthy swimming resources*](https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/healthy-swimming) <https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/healthy-swimming>, State Government of Victoria, Melbourne

Department of Health and Human Services 2019, [*Water Quality Guidelines for public aquatic facilities*](https://urldefense.proofpoint.com/v2/url?u=https-3A__aus01.safelinks.protection.outlook.com_-3Furl-3Dhttps-253A-252F-252Fwww2.health.vic.gov.au-252Fpublic-2Dhealth-252Fwater-252Faquatic-2Dfacilities-252Fquality-2Dguidelines-26data-3D02-257C01-257Cagatha.pawlowski-2540education.vic.gov.au-257Cec27c4251cb141b2097c08d84f086487-257Cd96cb3371a8744cfb69b3cec334a4c1f-257C0-257C0-257C637346247997219685-26sdata-3DGVXSL2J4QAKtcP4UnyLArHCaR43pyFmsLLHGW7u7Nhg-253D-26reserved-3D0&d=DwMFAg&c=JnBkUqWXzx2bz-3a05d47Q&r=dUYW1XDFxOY8W4BdpeVbVNAZAnJT6DNCOZVTG20WPAo1Q2dBpRmzYd2nSVZkQqe5&m=4weaa8hiMn4fzpwVKKITUaBFx4KyPBdHI-OoPu8Su8s&s=BHYBBV8uQqb8a-0uIIDi8QlODqrK2ARTvQ57dSKuFVA&e=) *– managing public health risks* <https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/quality-guidelines>, State Government of Victoria, Melbourne.

Department of Health and Human Services 2020, [*Aquatic facility incident response procedures*](https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/incident-response) <https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/incident-response>, State Government of Victoria, Melbourne.

Department of Health and Human Services 2020, [*Cryptosporidium*](https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/cryptosporidium-in-pools) < https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/cryptosporidium-in-pools> State Government of Victoria, Melbourne.

Department of Health and Human Services 2020, [*Developing a water quality risk management plan for public aquatic facilities*](https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/developing-water-quality-risk-mgmt-plan) <https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/developing-water-quality-risk-mgmt-plan>, State Government of Victoria, Melbourne.

Department of Health and Human Services 2020, [*Procedure for non-compliance with microbiological parameters (regulation 59)*](https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/incident-response)< https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/incident-response>, State Government of Victoria, Melbourne.

[*Public Health and Wellbeing Act 2008 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040) <https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/040>

[*Public Health and Wellbeing Regulations 2019 (Vic)*](https://www.legislation.vic.gov.au/in-force/statutory-rules/public-health-and-wellbeing-regulations-2019/004) <https://www.legislation.vic.gov.au/in-force/statutory-rules/public-health-and-wellbeing-regulations-2019/004>

# Where can I get more information?

* [Your local Council](https://knowyourcouncil.vic.gov.au/councils) <https://knowyourcouncil.vic.gov.au/councils>
* Your aquatic facility technical specialist
* The Department of Health and Human Services [aquatic facilities webpage](https://www2.health.vic.gov.au/public-health/water/aquatic-facilities) <https://www2.health.vic.gov.au/public-health/water/aquatic-facilities>
* Public aquatic facility industry bodies

To receive this document in another format phone 1300 761 874, using the National Relay Service 13 36 77 if required, or email [email the Department of Health and Human Services Water Unit](mailto:water@dhhs.vic.gov.au) <water@dhhs.vic.gov.au>.

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Available at the [Department of Health and Human Services’ website](https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/public-aquatic-facilities-compliance-requirements) <https://www2.health.vic.gov.au/public-health/water/aquatic-facilities/public-aquatic-facilities-compliance-requirements>

1. The functions of a multi-purpose service are the provision of any or a combination of the following— (a) public hospital services; (b) health services; (c) aged care services; (d) community care services; and further criteria as defined in the *Health Services Act 1998*. [↑](#footnote-ref-1)
2. While the term ‘members of the public’ is not defined in the regulations, the term in the context of a “category 2 aquatic facility” means persons other than the owners and residents of a residential apartment complex, hotel, motel or hostel. [↑](#footnote-ref-2)
3. floatation tank means a heated, highly saline, fluid-filled enclosed tank designed for individual therapeutic use. [↑](#footnote-ref-3)