

South Australia

# **Public and Environmental Health (General) Regulations 2006**

under the *Public and Environmental Health Act 1987*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Public and Environmental Health (General) Regulations 2006*.

### **3—Interpretation**

In these regulations—

*Act* means the *Public and Environmental Health Act 1987*.

## Part 2—Protection of public health

### Division 1—Control of refuse

#### 4—Control of refuse

- (1) The owner of premises must take reasonable steps to ensure that refuse on the premises that is capable of causing an insanitary condition is kept in a receptacle or receptacles—
  - (a) that are adequate to hold the refuse;
  - (b) that prevent access by flies, pests, vermin or other animals;
  - (c) that are impervious to water;
  - (d) that prevent, as far as practicable, the emission of offensive odours.

Maximum penalty: \$2 500.

- (2) The owner of premises must take reasonable steps to ensure that refuse on the premises that is capable of causing an insanitary condition is disposed of as often as may be appropriate in view of the nature of the refuse, but in any event at least once a week.

Maximum penalty: \$1 000.

- (3) The owner of premises on which a receptacle for the storage of refuse is kept must take reasonable steps to ensure that—
  - (a) the receptacle is kept in a clean and sound condition; and
  - (b) any putrescible waste that is placed in the receptacle is contained in wrapping or sealed in a disposable container so as to prevent or minimise the discharge of fluids and the emission of offensive odours.

Maximum penalty: \$500.

- (4) In order to facilitate compliance with subregulation (2), it is expected that a metropolitan council (within the meaning of the *Local Government Act 1999*) will provide a weekly kerbside waste collection service in respect of residential premises within its area.

### Division 2—Public swimming pools and spa pools

#### 5—Interpretation

- (1) In this Division—

*public spa pool* means—

- (a) a spa pool that is for the use of persons on payment of an admission or membership fee; or
- (b) a spa pool that is for the use of persons staying at a hotel, motel, guesthouse, camping or caravan ground or similar place where accommodation is provided on a temporary basis; or

- (c) a spa pool that is for the use of persons who attend, or live or work on, the premises where the spa pool is located, but not if it is used in connection with a single private residence and is only available for the use of residents or their guests;

**public swimming pool** means—

- (a) a swimming pool that is for the use of persons on payment of an admission or membership fee or a fee for swimming instruction; or
- (b) a swimming pool that is for the use of persons staying at a hotel, motel, guesthouse, camping or caravan ground or similar place where accommodation is provided on a temporary basis; or
- (c) a swimming pool that is for the use of persons who attend, or live or work on, the premises where the swimming pool is located, but not if it is used in connection with a single private residence and is only available for the use of residents or their guests;

**spa pool** means a pool or other water-retaining structure designed for human use—

- (a) that is capable of holding more than 680 litres of water; and
- (b) that incorporates, or is connected to, equipment that is capable of heating water contained in it and injecting air bubbles or water into it under pressure so as to cause general turbulence in the water;

**swimming pool** includes a waterslide pool, wave pool, hydrotherapy pool or other similar structure designed for human use, other than—

- (a) a spa pool; or
  - (b) a tidal pool or other similar structure where water flows in and out according to the operation of natural forces.
- (2) For the purposes of these regulations, a public swimming or spa pool will only be taken to have been closed to the public if—
- (a) a barrier or sign or similar device is erected or displayed in a conspicuous place indicating that the pool is closed to the public; or
  - (b) public access to the pool is prevented by means of locked doors or gates.

## **6—Public swimming pools—duties of pool owners and managers**

- (1) A public swimming pool must, at all times while it is open for use, be operated and maintained in accordance with the following requirements:
- (a) the pool water must be disinfected by chlorine or by some other method approved in relation to pools of that class by the Standard for the Operation of Swimming Pools and Spa Pools in South Australia (ISBN 0-7243-4062-9) prepared by the South Australian Health Commission in December 1991 as in force from time to time;
  - (b) if chlorine is used to disinfect the pool water—
    - (i) the total residual free chlorine concentration in the water must be at least—

- (A) if the chlorine is not stabilised by the use of cyanuric acid and the water temperature does not exceed 26°C—1mg/litre; and
- (B) if the chlorine is stabilised by the use of cyanuric acid and the water temperature does not exceed 26°C—2mg/litre; and
- (C) if the chlorine is not stabilised by the use of cyanuric acid and the water temperature exceeds 26°C—2mg/litre; and
- (D) if the chlorine is stabilised by the use of cyanuric acid and the water temperature exceeds 26°C—4mg/litre; and
- (ii) the total chlorine concentration in the water other than residual free chlorine must not exceed 1mg/litre; and
- (iii) cyanuric acid must not be used to stabilise the chlorine if the pool is located in an enclosed structure; and
- (iv) if cyanuric acid is used to stabilise the chlorine, the concentration of cyanuric acid in the water must be maintained between 30mg/litre and 50mg/litre;
- (c) the pH of the water must be maintained between 7.2 and 7.6;
- (d) the alkalinity of the water (calculated as a measure of the total amount of dissolved alkaline compounds in the water) must be maintained at a concentration of between 60mg/litre and 200mg/litre;
- (e) if a method other than chlorine is used to disinfect the pool water, the applicable requirements of the Standard for the Operation of Swimming Pools and Spa Pools in South Australia (ISBN 0-7243-4062-9) prepared by the South Australian Health Commission in December 1991 as in force from time to time must be met, except to the extent of any inconsistency with these regulations;
- (f) the pool must be fitted with—
  - (i) a filtration system that—
    - (A) provides a continuous circulation of water through the filter; and
    - (B) passes all water in the pool through the filter as often as is necessary to ensure that the water in the pool complies with the minimum disinfection levels prescribed by this regulation and in any event—
      - in the case of a waterslide pool—at least once in every hour;
      - in the case of a wading pool or hydrotherapy pool—at least once in every 2 hours;
      - in any other case—at least once in every 6 hours; and

- (C) maintains the water in a clean, clear condition so that a matt black disc, or a disc that contrasts with the colour of the bottom of the pool, 150 mm in diameter, is (or would be) clearly visible from above the water at the deepest part of the pool; and
  - (ii) automatic equipment that continuously analyses and controls the level of disinfectant in the water and the pH level of the water (at least to the levels referred to in this regulation).
- (2) The following steps must be taken to monitor compliance with subregulation (1) at such intervals as are reasonably necessary having regard to the size of the pool, level of use of the pool, ambient air temperature and any other relevant factor (but, in any event, at least once in every day that the pool is or has been open for use):
  - (a) the results of the analysis made by the equipment referred to in subregulation (1)(f)(ii) must be read and recorded; and
  - (b) manual tests must be carried out to verify the accuracy and reliability of the equipment referred to in subregulation (1)(f)(ii) and the results of those tests recorded; and
  - (c) other manual tests in relation to matters not measured by that equipment must be carried out and the results of those tests recorded.
- (3) Records made under subregulation (2) must be kept for a period of 2 years and made available for inspection at any time on request by an authorised officer.
- (4) If, at any time while the pool is open for use, the filtration system ceases to operate or a reading taken under this regulation indicates that the total chlorine concentration in the water exceeds 10mg/litre, the pool must immediately be closed to the public.
- (5) Subregulation (1)(f)(i)(B) does not apply to the swimming pools commonly known as the Naracoorte and Millicent swimming lakes.
- (6) If a requirement under this regulation is not met in respect of a public swimming pool, the owner of the premises on which the pool is located and the person responsible for the care, control and management of the pool are each guilty of an offence.  
Maximum penalty: \$2 500.
- (7) It is a defence to a charge of an offence against this regulation if the defendant proves that the alleged offence was not committed intentionally and did not result from a failure on the part of the defendant to take reasonable care to avoid the commission of the offence.
- (8) Without limiting subregulation (7), in order for the owner of a public swimming pool to establish that he or she had taken reasonable care to avoid the commission of the offence, the owner must establish that he or she had taken reasonable care to ensure that the pool was under the care, control and management of a person with appropriate knowledge and experience.

## **7—Public spa pools—duties of pool owners and managers**

- (1) A public spa pool must, at all times while it is open for use, be operated and maintained in accordance with the following requirements:
  - (a) the pool water must be disinfected by chlorine or by a method specified by the Standard for the Operation of Swimming Pools and Spa Pools in South Australia (ISBN 0-7243-4062-9) prepared by the South Australian Health Commission in December 1991 as in force from time to time;
  - (b) if chlorine is used to disinfect the pool water—
    - (i) the total residual free chlorine concentration in the water must be at least 4mg/litre; and
    - (ii) the total chlorine concentration in the water other than residual free chlorine must not exceed 1mg/litre; and
    - (iii) cyanuric acid must not be used to stabilise the chlorine;
  - (c) the pH of the water must be maintained between 7.2 and 7.6;
  - (d) the alkalinity of the water (calculated as a measure of the total amount of dissolved alkaline compounds in the water) must be maintained at a concentration of between 60mg/litre and 200mg/litre;
  - (e) if a method other than chlorine is used to disinfect the pool water, the applicable requirements of the Standard for the Operation of Swimming Pools and Spa Pools in South Australia (ISBN 0-7243-4062-9) prepared by the South Australian Health Commission in December 1991 as in force from time to time must be met, except to the extent of any inconsistency with these regulations;
  - (f) the pool must incorporate a weir off-take or skimmer system that continuously takes away surface water while the pool is in use;
  - (g) the pool must be fitted with—
    - (i) a filtration system that—
      - (A) provides a continuous circulation of water through the filter; and
      - (B) passes all water in the pool through the filter at least once in every 30 minutes; and
      - (C) maintains the water in a clean, clear condition so that a disc measuring 150 millimetres in diameter that is matt black or contrasts with the colour of the bottom of the pool is (or would be) clearly visible at the deepest part of the pool when there is no turbulence; and
    - (ii) automatic equipment that continuously analyses and controls the level of disinfectant in the water and the pH level of the water (at least to the levels referred to in this regulation).

- (2) The following steps must be taken to monitor compliance with subregulation (1) at such intervals as are reasonably necessary having regard to the size of the pool, level of use of the pool, ambient air temperature and any other relevant factor (but, in any event, at least once in every day that the pool is or has been open for use):
- (a) the results of the analysis made by the equipment referred to in subregulation (1)(g)(ii) must be read and recorded; and
  - (b) manual tests must be carried out to verify the accuracy and reliability of the equipment referred to in subregulation (1)(g)(ii) and the results of those tests recorded; and
  - (c) other manual tests in relation to matters not measured by that equipment must be carried out and the results of those tests recorded.
- (3) Records made under subregulation (2) must be kept for a period of 2 years and made available for inspection at any time on request by an authorised officer.
- (4) The water in a public spa pool must be replaced—
- (a) at the rate of at least 20 per cent every day during which it is open for use; or
  - (b) at least once in every week by completely draining the pool.
- (5) A public spa pool must be cleaned at least once in every week during which it has, at any time, been open for use.
- (6) If, at any time while a public spa pool is open for use, the filtration system ceases to operate or a reading taken under this regulation indicates that the total chlorine concentration in the water exceeds 10mg/litre, the pool must immediately be closed to the public.
- (7) If a requirement under this regulation is not met in respect of a public spa pool, the owner of the premises on which the pool is located and the person responsible for the care, control and management of the pool are each guilty of an offence.  
Maximum penalty: \$2 500.
- (8) It is a defence to a charge of an offence against this regulation if the defendant proves that the alleged offence was not committed intentionally and did not result from a failure on the part of the defendant to take reasonable care to avoid the commission of the offence.
- (9) Without limiting subregulation (8), in order for the owner of a public spa pool to establish that he or she had taken reasonable care to avoid the commission of the offence, the owner must establish that he or she had taken reasonable care to ensure that the pool was under the care, control and management of a person with appropriate knowledge and experience.

## **8—Use of public swimming pools and spa pools**

A person must not—

- (a) enter a public swimming pool or spa pool if—
  - (i) the person is suffering from an open wound or sore, or knows, or has reasonable cause to suspect, that he or she is infected with a notifiable disease that could be transmitted to others using the pool;
  - or

- (ii) the person, or any clothing that he or she is wearing, are not reasonably clean; or
- (b) allow a child to enter a public swimming pool or spa pool if the person knows, or has reasonable cause to suspect, that—
  - (i) the child is suffering from an open wound, or sore, or is infected with a notifiable disease that could be transmitted to others using the pool; or
  - (ii) the child, or any clothing that the child is wearing, are not reasonably clean; or
- (c) while in a public swimming pool or spa pool, spit, squirt water or release bodily material (other than any such material released through the ordinary course of being in the water); or
- (d) allow an animal to enter a public swimming pool or spa pool.

Maximum penalty: \$500.

## **Part 3—Miscellaneous**

### **9—Prescribed guidelines for local councils**

Pursuant to section 47(2)(j) of the Act, the following guidelines are prescribed to assist local councils in the administration of the Act:

- (a) Code of Practice for the Provision of Facilities for Sanitation and Personal Hygiene (ISBN 0 243 4054 8) prepared by the South Australian Health Commission in October 1991 as in force from time to time;
- (b) Standard for the Inspection and Maintenance of Swimming Pools and Spa Pools in South Australia (ISBN 0-7243-4070) prepared by the South Australian Health Commission in February 1992 as in force from time to time.

### **10—Access to codes, standards etc**

For the purposes of section 47(8)(c) of the Act, copies of codes, standards or other documents referred to or incorporated by these regulations or other regulations under the Act are available for inspection at the principal office of the Department.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Public and Environmental Health (General) Regulations 2006* revoked the following:

*Public and Environmental Health Regulations 1991*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2006	215	<i>Gazette 31.8.2006 p3074</i>	1.9.2006: r 2
<b>2009</b>	<b>237</b>	<b><i>Gazette 17.9.2009 p4502</i></b>	<b>17.9.2009: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>17.9.2009</i>
Pt 2		
r 4		
r 4(4)	inserted by 237/2009 r 4	17.9.2009
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>17.9.2009</i>