

South Australia

Public and Environmental Health Regulations 1991

under the *Public and Environmental Health Act 1987*

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Legislative history

1—Short title

These regulations may be cited as the *Public and Environmental Health Regulations 1991*.

2—Commencement

These regulations will come into operation on 1 July 1991.

3—Interpretation

- (1) In these regulations—

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

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 any 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 any waterslide, 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 (but subject to subregulation (3)), a swimming pool or spa pool will be taken to be available for public use if the swimming pool or spa pool—
- (a) is available for use by members of the public on payment of an admission or membership fee; or
 - (b) is available for use by persons staying at—
 - (i) a hotel, motel or guesthouse; or
 - (ii) a camping or caravan ground; or
 - (iii) any other similar place where accommodation is provided on a temporary basis; or
 - (c) is available for use by persons who live or work in, or attend, the premises where the pool is situated, other than where the pool is used in connection with a single private residence and is only available for the use of residents or their guests.
- (3) A swimming pool or spa pool will not be taken to be available for public use if the owner of the premises where the pool is situated has by the erection of a barrier or sign, or in some other comparable manner, indicated that the pool is closed (and accordingly not available for use by any person).

4—Control of refuse

- (1) The owner of any premises must take reasonable steps to ensure that any 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, so far as is practicable, the emission of offensive odours.

Penalty: \$2 500.

- (2) Any putrescible waste that is placed in a receptacle must be 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.

Penalty: \$500.

- (3) The owner of any premises must take reasonable steps to ensure that all 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.

Penalty: \$1 000.

- (4) The owner of any premises where a receptacle for the storage of refuse is kept must take reasonable steps to ensure that the container is kept in a clean and sound condition.

Penalty: \$500.

5—Administration of section 20 of the Act

Pursuant to section 47(2)(j) of the Act, the South Australian Health Commission Code of Practice for the Provision of Facilities for Sanitation and Personal Hygiene is prescribed as a guide to assist local councils in the administration of section 20 of the Act.

6—Swimming pools

- (1) Where a swimming pool is available for public use—
 - (a) the water must be disinfected by chlorine, or by an alternative method specified by the South Australian Health Commission Code "Standard for the Operation of Swimming Pools and Spa Pools in South Australia"; and
 - (b) where chlorine is used to disinfect the water—
 - (i) the water must contain residual free chlorine to at least the following levels in the following circumstances:
 - (A) where the chlorine is not stabilised by the use of cyanuric acid and the water temperature does not exceed 26°C—1mg/litre; and
 - (B) where the chlorine is stabilised by the use of cyanuric acid and the water temperature does not exceed 26°C—2mg/litre; and
 - (C) where the chlorine is not stabilised by the use of cyanuric acid and the water temperature exceeds 26°C—2mg/litre; and
 - (D) where 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; and
 - (v) the pH of the water must be maintained between 7.2 and 7.6; and
 - (vi) 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; and
 - (c) the pool must be fitted with—
 - (i) the 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 may be 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—at least once in every hour;
 - in the case of a wading pool or hydrotherapy pool—at least once in every two hours;
 - in any other case—at least once in every six 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 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 standards required by this regulation) while the pool is in use.
- (1a) Subregulation (1)(c)(i)(B) does not apply to the swimming pools commonly known as the Naracoorte and Millicent swimming lakes.
 - (2) Subregulation (1)(c)(ii) does not apply to a pool constructed before the commencement of these regulations until 1 January 1993.
 - (3) If a provision of this regulation is not observed, the owner of the premises where the pool is situated is guilty of an offence.
Penalty: \$2 500.

7—Spa pools

- (1) Where a spa pool is available for public use—
 - (a) the water must be disinfected by chlorine, or by an alternative method specified by the South Australian Health Commission Code "Standard for the Operation of Swimming Pools and Spa Pools in South Australia"; and
 - (b) where chlorine is used to disinfect the water—
 - (i) the water must contain residual free chlorine to at least the level of 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; and
 - (iv) the pH of the water must be maintained between 7.2 and 7.6; and
 - (v) 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; and

- (c) the pool must incorporate a weir off-take or skimmer system that continuously takes away surface water while the pool is in use; and
 - (d) 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 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 at the deepest part of the pool when there is no turbulence in 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 standards required by this regulation) while the pool is in use; and
 - (e) the water must be replaced—
 - (i) at the rate of at least 20 per cent per day; or
 - (ii) at least once in every week by completely draining the pool; and
 - (f) the pool must be completely cleaned at least once in every week.
- (2) Subregulation (1)(d)(ii) does not apply to a pool constructed before the commencement of these regulations until 1 January 1993.
- (3) If a provision of this regulation is not observed, the owner of the premises where the pool is situated is guilty of an offence.
- Penalty: \$2 500.

8—Responsibility to undertake pool maintenance

- (1) Where a swimming pool or spa pool is available for public use, the owner of the premises where the pool is situated must ensure—
- (a) that the pool is under the control and management of a person who is knowledgeable in the operation of the pool and sufficiently competent to ensure that the pool complies with the requirements of these regulations; and
 - (b) that the pool is tested as often as is reasonably necessary to ensure that the pool complies with the requirements of these regulations; and
 - (c) that readings are obtained on a regular basis from any automatic analyser fitted to the pool.
- Penalty: \$2 000.
- (2) The owner of the pool who is required to comply with subregulation (1) must ensure that the results of any tests or readings carried out or obtained for the purposes of that subregulation are—
- (a) maintained in a permanent form; and

- (b) made available on request to an authorised officer.

Penalty: \$500.

9—Duties of persons using pools

A person must not—

- (a) enter a swimming pool or spa that is available for public use if 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
- (b) enter a swimming pool or spa pool that is available for public use if the person, or any clothing that he or she is wearing, are not reasonably clean; or
- (c) allow a child to enter a swimming pool or spa pool that is available for public use if the person knows, or has reasonable cause to suspect—
 - (i) that 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) that the child, or any clothing that the child is wearing, are not reasonably clean; or
- (d) while in a swimming pool or spa pool that is available for public use, spit, spout water or release bodily material (other than any such material released through the ordinary course of being in the water); or
- (e) allow any animal to enter a swimming pool or spa pool that is available for public use.

Penalty: \$500.

10—Administration of provisions relating to pools

Pursuant to section 47(2)(j) of the Act, the South Australian Health Commission Code of Practice "Standard for the Inspection and Maintenance of Swimming Pools and Spa Pools in South Australia" is prescribed as a guide to assist local councils in the administration of the Act and these regulations insofar as they relate to the operation and maintenance of swimming pools and spa pools.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Revocation of regulations

The *Public and Environmental Health Regulations 1991* were revoked by Sch 1 of the *Public and Environmental Health (General) Regulations 2006* on 1.9.2006.

Principal regulations and variations

Year	No	Reference	Commencement
1991	71	<i>Gazette 6.6.1991 p1824</i>	1.7.1991: r 2
1992	82	<i>Gazette 18.6.1992 p1772</i>	1.7.1992: r 2
1996	5	<i>Gazette 4.1.1996 p81</i>	4.1.1996: r 2
2003	147	<i>Gazette 12.6.2003 p2500</i>	12.6.2003: r 2

Provisions varied

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

Provision	How varied	Commencement
r 3		
r 3(3)	varied by 82/1992 r 3	1.7.1992
<i>Heading preceding r 4</i>	<i>deleted by 147/2003 Sch 1</i>	<i>12.6.2003</i>
r 6		
r 6(1)	varied by 82/1992 r 4(a) varied by 147/2003 Sch 1	1.7.1992 12.6.2003
r 6(1a)	inserted by 5/1996 r 3	4.1.1996
r 6(2)	varied by 82/1992 r 4(b)	1.7.1992
r 7		
r 7(1)	varied by 82/1992 r 5(a)	1.7.1992
r 7(2)	varied by 82/1992 r 5(b)	1.7.1992