



Aquatic Facility Guidance Note 11

Aquatic Facilities for Hire at Residential Premises

Any water body (e.g. spa pool, swimming pool, water slide) which is **operated as a business**, is considered an aquatic facility under the *Health (Aquatic Facilities) Regulations 2007* (Regulations).

Hiring out a water body to members of the public for gain or reward may be considered a business activity.

Do I need an to obtain approval to operate the aquatic facility?

Under the Regulations, a person must not operate an aquatic facility without a Certificate of Compliance and Permit to Operate issued by the Chief Health Officer (CHO).

If you intend on hiring out a water body which is located at a residential premise as a business, approval is required.

However, under Regulation 5(3) the CHO may exempt an aquatic facility if satisfied that:

1. only persons who have a long-term connection with the facility and their guests are permitted to have access to it; and
2. the health and safety of the persons using the facility will not be compromised; and
3. it is in the public interest to exempt the facility.

Can my aquatic facility be exempted?

Yes, to be exempted, the owner of the aquatic facility must:

- demonstrate to the CHO that the above 3 conditions apply; and
- confirm and commit to ensuring that whenever the aquatic facility is available for hire, that aquatic facility meets the [minimum health and safety requirements](#) below.

An exemption is only valid providing that the owner/operator maintain compliance with these requirements.

Minimum Health and Safety Requirements

1. The aquatic facility is structurally sound and is approved as a Class 10b structure under the Building Code.
2. The surface finish of the aquatic facility allows patrons to be fully visible at all areas, at all depth of the water body and at all times when the facility is in use.
3. The concourse and surface finish of the aquatic facility must be slip-resistant and adequately maintained to prevent slips, trips and falls.
4. There are sufficient means of access and egress into and out of the water body.
5. All steps and protrusions in the water body are clearly visible.
6. There are sufficient depth markers informing the patrons of the depth of the water body.

7. The aquatic facility's water treatment and recirculation system is adequate in treating the water to a quality that is safe for the patrons and designed to fail-safe at all times.
8. The aquatic facility's water recirculation system does not pose the risk of entrapment or injury to the patrons and provides for the safe operation of skimmer boxes and outlet systems.
9. All electrical equipment and electrical installations comply with WA Electrical Requirements and have been installed by a licensed electrician.
10. All occupants of the premises must be informed of all hazards associated with the facility and agree to the pool safety rules and conditions of use before the facility is made available for use.
11. Rescue equipment is readily accessible for use.
12. All fencing and safety barriers for the facility comply with Australian Standards 1926.1.
13. A resuscitation notice is displayed in a prominent position in the aquatic facility area.
14. Patrons have access to toilet facilities.

Are there any other regulatory requirements I need to meet?

If the aquatic facility is exempted, you will need to meet the regulatory requirements of the local government including existing home occupation and home business approval conditions administered in accordance with local government town planning requirements.

For further assistance, please contact the contact your local government.

More information

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