



Aquatic Facilities

GUIDANCE NOTE 6

Operation of Aquatic Facilities/Water Bodies at Reduced Classification

Operation of Aquatic Facilities/Aquatic Facility Water Bodies

In accordance with *sub-regulation 16(1)* of the *Health (Aquatic Facilities) Regulations 2007* (the regulations), an operator of aquatic facility/water body may operate an aquatic facility/water body at the class prescribed or alternatively at a lower class.

Operation of an aquatic facility/water body at a lower class does not require approval of either, the Executive Director, Public Health (EDPH), or the local government of the district in which the aquatic facility is located. The aquatic facility operator can independently operate an aquatic facility/water body at a lower class than that for which it is prescribed.

Reduced Operational Classification Details to be Documented in Operations Manual

However, Group 1-3 aquatic facility operators must ensure that for the intended times of reduced classification, the processes and personnel qualifications required for reduced classification are clearly outlined in the aquatic facility operations manual [See Sections 7.8 Operations manuals and emergency action plans of the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities (the Code)].

Classification Grouping Details/Requirements

Detail pertaining to classification groupings can be found in Section 1.2 Classification of Aquatic Facilities - Table 1 Classification of Aquatic Facilities in the Code.

Classification groupings are based upon principles including facility design characteristics, the types of personnel accessing the facility and the types of activities intended to be undertaken. However, in terms of reducing aquatic facility operational classification, the primary consideration is the type of activity to be undertaken, as relating to the types of personnel who will or may access the aquatic facility/water body.

When operating at a lower than prescribed class, it is important to note that the qualification requirements of the respective class/group level must be complied with for the class/group level activity of choice. Therefore, if an operator of a Group 1 aquatic facility reduces their aquatic facility/water body class to Group 2 standing for a given period of time, then the operator must ensure that Group 2 qualified personnel (as prescribed by the Code) are available throughout the duration of the Group 2 activity.

There are a number of different situations and factors that can complicate this basic principle of compliance, particularly if an aquatic facility has multiple water bodies, which operate different activities of varying class at any given time. It is also important to note, that the specialisation of an aquatic facilities plant and equipment, may require the aquatic facility operator to give particular consideration and attention to the risk management process for lowering classification, especially if chlorine gas is utilised in disinfection of aquatic facility water bodies.

Therefore, when aquatic facility operators, operate an aquatic facility/water body at a lower than prescribed class, it is important to note that it may be necessary to implement, or ensure that certain conditions, procedures and risk management strategies are followed to comply with the Code and to fulfil a duty of care.

Operation of Aquatic Facility/Water Body at Reduced Classification in accordance with Regulations & Code

The regulations are silent regarding how a lower than prescribed aquatic facility classification shall be applied, except to say that an aquatic facility/water body is required to be operated by staff/personnel, with qualifications required by the Code, for the respective class of aquatic facility/water body operation (see *sub-regulation 18 (1) (c)* of the regulations).





Delivering a Healthy WA

Aquatic facility operators are also required to ensure that the facility is operated, in accordance with the operational requirements (Sections 5,6 & 7) of the Code, or any operational requirement variations approved by the EDPH (see *subregulations 19 (1) & 38 (1)* of the regulations).

The relevant aspects of operational requirements in terms of aquatic facility classification primarily focus upon Section 6 - Qualification requirements for aquatic facility operators, supervisors and emergency care personnel.

Other applicable operational requirements relevant to aquatic facility classification include:

- Section 5.4 Chemical water testing;
- Section 7.8 Operations manuals and emergency action plans;
- Section 7.10 Supervision requirements; &
- Section 7.12 Qualifications of coaching and instructional staff (including Table 9 - Qualifications of Coaching and Instructional Staff).

Therefore, the onus is essentially upon the operator of the aquatic facility/water body to ensure that when independently lowering aquatic facility/water body classification, they ensure that personnel with qualifications in accordance with the Code for the respective activity type, are located at the facility/provide supervision (as appropriate) and that other classification dependent requirements of the Code are satisfied.

Local Governments/DOH to Check Compliance & Prosecute/Issue Orders for Compliance Failure

From time to time, local government Environmental Health Officers (and occasionally DOH Officers), will require aquatic facility operators/personnel to produce copies of staff personnel qualifications for inspection, to provide evidence that staff/personnel engaged in aquatic facility/water body instruction, supervision, technical operation and/or first aid/emergency response comply with the Code's requirements for the various aquatic facility/water body classes of operation, for the different activities that are, or may be engaged in, either at the time of inspection or at other times (see Section 6.3 Evidence of qualifications in the Code).

An operator of an aquatic facility that fails to ensure compliance with the Code's classification dependent requirements, when operating at lower than prescribed aquatic facility/water body class, may be subject to prosecution, or receipt of an improvement/closure order in respect of the aquatic facility/water body (see *regulation 31 & subregulations 22(1)& 23(1)* of the regulations).

In addition, recommended duty of care principles should be carefully considered as a matter of primary importance, to ensure that patrons and lesser qualified facility personnel are not put at risk as a result of incompetence/negligence from the discharge or neglect of various duties.

Given the consequences for non-compliance with the Code's classification dependent requirements, and the potential for risk to public health, it is essential that aquatic facility operator/personnel comply with the Code and recommended duty of care provisions when operating an aquatic facility/water body at a reduced class.

Using Tables 1 & 9 in the Code to Determine Activity Classification

Table 1 - Classification of Aquatic Facilities and Table 9 - Qualifications of Coaching and Instructional Staff of the Code, provide the relevant information necessary to identify an aquatic facility activity class and Table 9 in particular provides a listing of equivalent supervisory qualification requirements for specific Group 2 activities.

Reducing Group 1 Aquatic Facility Classification

A Group 1 aquatic facility generally includes local government aquatic centres, and waterslide and water-park facilities that enable people with limited restrictions to pay a fee at the entry and then engage in unstructured activities e.g. leisure and free-play.

The limited restrictions applying to Group 1 aquatic facilities is that children less than 10 years of age can not enter unless directly supervised by a parent/guardian who is 16 years of age or older.





Delivering a Healthy WA

A Group 1 aquatic facility may be operated as a Group 1 2, or 3 aquatic facility. It may not however, be operated as a Group 4 aquatic facility, because Group 1 facilities generally do not incorporate permanent/semi-permanent residential tenants.

Operating Group 1 AF's at Group 2 Classification

Examples of Group 2 activities that can potentially be undertaken within Group 1 aquatic facilities include: swimming and water safety instruction (includes learn-to-swim and infant aquatics), competitive swimming coaching, platform and springboard diving, aqua-exercise and physio/hydro-therapy (see Table 9 of the Code).

Operating Group 1 AF's at Group 3 Classification

Examples of Group 3 activities that can potentially be undertaken within a Group 1 aquatic facility include: non-structured activities (e.g. lap-swimming/walking) undertaken by a discrete user group (See Table 1 of the Code).

Lap-swimming

Please note that whilst lap-swimming is recognised as an unstructured activity, fitting both the Group 1 and Group 3 classification, Group 3 lap-swimming is only applicable to discrete users and user groups, who generally comprise of members and/or guests of a particular aquatic facility, group or organisation.

A discrete user is considered to be a person, or a group of people who can individually/characteristically be separated from main-stream aquatic facility water body users.

Therefore, Group 1 and Group 2 aquatic facility operators should consider specific criteria and implement a discrete user policy, and other appropriate measures and/or restrictions to distinguish between general and discrete user (e.g. Group 3 lap-swimming) aquatic facility water body activities.

A starting point may be to review the average demographics of the aquatic facility, to consider the demographics of the discrete user group, and then define appropriate boundaries/restrictions, or apply relevant criteria to ensure that discrete users are distinguishable from general/main-stream water body users.

Two appropriate measures in terms of Group 3 recognition and safety may be to restrict facility entry during lap-swimming sessions, to persons 10 years of age, or older and to ensure that there is always a minimum of two lap-swimmers whenever patrons are engaged in lap-swimming.

Group 1 Classification Principles and Scenarios

A Group 1 aquatic facility may have multiple water bodies, or alternatively may only have one swimming pool, but the operator proposes to engage different activities within that pool at a given time, or alternatively may propose to operate combinations of these arrangements.

In principle the highest class of activity in operation, designates the overall aquatic facility classification. Therefore, although class 1 and class 2 activities might be in operation simultaneously, the aquatic facility operator can not neglect his/her responsibility to ensure that Group 1 qualified personnel (i.e. qualified group 1 swimming pool manager) are present at the facility whilst Groups 1 and 2 designated activities are in duration.

Groups 1 and 2 activities operating simultaneously, have the effect of removing the requirement for a Group 1 qualified lifeguard to supervise the Group 2 activity for the designated duration, providing that a qualified supervisor in accordance with Table 9 of the Code supervises the relevant activity for the duration thereof.

Operating a Group 1 AF at Group 2 Classification

If a Group 1 aquatic facility only operates a Group 2 activity for a designated duration; then the aquatic facility assumes a Group 2 classification for that period, and may therefore be operated in accordance with the operational requirements (Sections 5, 6 & 7) of the Code for a Group 2 aquatic facility for that period of time.

(See Water Body Activity Classification Diagram - Page 7)

Operating what essentially is a Group 1 aquatic facility as a Group 2 aquatic facility for a given period of time, gives rise to a number of operational issues for consideration. Primarily, the operation of a Group 1 aquatic facility at Group 2 classification, removes the requirement for the qualified technical operator (i.e. qualified Group 1 swimming pool manager) to be present at the aquatic facility.





Delivering a Healthy WA

Whilst it is important to have appropriately qualified personnel operate specialised aquatic facility plant and equipment, and this may be essential, particularly if the facility utilises chlorine gas as the means of water body disinfection, there may be other ways in which risks to public health, in certain situations can be carefully and effectively managed.

Utilising Group 2-4 Technical Operators under Limited Capacity for Group 1 Aquatic Facility Operations

For example, Group 2-4 qualified technical operators, whilst competent to run small aquatic facility plant and equipment systems of operation, may under certain conditions with additional instruction, assist with the operation and monitoring of specialised plant and equipment, providing that they do not undertake activities for which additional training/qualification is required e.g. changing chlorine gas cylinders and carrying out maintenance associated with chlorine gas installations and equipment.

This dispensation may be important to sole operated local government aquatic facilities in regional areas of WA, particularly to relieve the swimming pool manager from long working hours and to provide opportunity for early morning, or late evening activities to be undertaken without a pool manager in attendance.

It may not even be necessary to provide a Group 2-4 technical operator in the absence of the Group 1 swimming pool manager, providing that certain controls are established e.g. the pool manager tests water quality before and/or after activity, or can be contacted in the event of an emergency etc.

Therefore, aquatic facility operators should give detailed consideration to enable a reduced classification arrangement to be undertaken effectively, particularly when Group 1 aquatic facilities incorporate chlorine gas installations; thus to eliminate/minimise any potential public health risks, that may result as a consequence of inappropriately qualified personnel maintaining, or conversely qualified personnel not maintaining aquatic facility plant and equipment.

Please note that when lowering the prescribed aquatic facility class from Group 1 to Group 2 for designated activity periods, it would be acceptable to monitor aquatic facility water chemistry in accordance with the Group 2 requirements for the designated activity period of use, whereby the aquatic facility water chemistry is manually tested either by the Group 1 qualified swimming pool manager, or by a person whom the pool manager or Environmental Health Officer has instructed to test the water at the minimum required frequencies.

The minimum required testing frequencies for free chlorine and pH whenever an aquatic facility is open or available for use are as follows:

When operating as a Group 1 aquatic facility = every 4 hours

When operating as a Group 2 aquatic facility = twice/day

In addition, a person holding a Group 2-4 technical operations qualification may make simple chemical adjustments to a well maintained automatic disinfection system (i.e. a system incorporating pH correction/ORP (oxidation reduction potential), or amperometric monitoring equipment), subject to the following conditions:

1. The qualified Group 1 swimming pool manager provides the qualified Group 2-4 technical operator with onsite induction/training, to operate only that function of the disinfection system which enables simple chemical adjustments to be made.
2. The induction process and scope is clearly documented.
3. Under no circumstances shall a person holding a Group 2-4 technical operations qualification, make adjustments to components, or parts of the disinfection system, which alter, or affect the operational mechanism of chlorine gas components or equipment.

Please note, that altering chlorine gas components and replacing chlorine gas cylinders are high risk activities that require personnel qualifications beyond the level of competence of a Group 2-4 technical operator.

Therefore, please note the following recommended 'operator, technical operator and supervisor responsibilities' to assist operators fulfil a duty of care when reducing a Group 1 aquatic facilities operational classification:





Operator Responsibilities

Chlorine Gas

- The operator ensures that the chlorine gas system is fitted with an automatic shut-off mechanism.
- The operator ensures that an audible and visual alarm system for the storage of chlorine gas cylinders at the aquatic facility is fitted and operational, to bring to the activity instructor's immediate attention any problem, or malfunction, requiring participant evacuation and/or other immediate action.
- The operator ensures that the activity instructor is familiar with all relevant operational requirements and emergency action plans/procedures, including training in carrying out emergency action plans in relation to chlorine gas.
- The operator ensures that a person who is authorised in the operation and maintenance of chlorine gas storage and handling, can be contacted by phone or another means, and is readily available and accessible to provide assistance at the swimming pool within the shortest possible timeframe (preferably minutes), in the event of a chlorine gas emergency to turn-off the chlorine gas supply.
- The operator ensures that the aquatic facility, complies in all other respects with the *Dangerous Goods and Safety (Storage & Handling of Non-Explosives) Regulations 2007*, as administered by the Department of Consumer and Employment Protection, in relation to the storage and handling of chlorine gas.

Access to Facility

- The operator ensures that the aquatic facility is restricted to Groups 2 or 3 activities, when utilised outside general pool manager working hours.
- The operator ensures that a 'key or other controlled system of access' is utilised by activity instructors and participants through-out the duration of designated activity sessions to prevent unauthorised persons gaining access into the facility.
- The operator ensures that the designated activity instructor has access to the first aid room/equipment, and telephone for first aid administration purposes or can contact relevant personnel in an emergency.
- The operator ensures that the aquatic facility complies with the regulations and has been subject to regular inspections to ensure compliance with the same.
- The operator has overall responsibility for designated activities undertaken outside the general pool manager working hours.

Water Quality - Technical Operator Responsibilities

- A qualified technical operator (swimming pool manager), or competent person, monitors and maintains swimming pool water chemistry parameters, in accordance with regulation requirements; in particular to ensure compliance with water quality parameters prior to and after designated activity sessions.
- A qualified technical operator (swimming pool manager), or competent person, displays a notice at the facility entrance if the pool water body chemistry/quality is sub-standard and/or establishes another arrangement to notify/advise designated activity instructors and participants that the scheduled swimming pool activities for the day have been cancelled/delayed (as case may require) until water body chemistry/quality is rectified.





Authorised Participant Group - Supervisor Responsibilities

- Supervisor/s shall not permit persons other than participants to enter water bodies located within the aquatic facility relevant to the particular activity session.
- Supervisors visually check all water bodies and undertake a head-count of participants prior to the commencement and at the conclusion of activity sessions.
- Supervisors shall supervise participants in the water at all times.
- Supervisors follow and enact relevant operational requirements and emergency action procedures as appropriate or required.

Reducing Group 2 Aquatic Facility Classification

A Group 2 aquatic facility generally includes schools, learn-to-swim/dive facilities, hospital/nursing home and hydro/physio-therapy pools, which are restricted to discrete user groups that undertake structured activities of tuition/rehabilitative nature.

A Group 2 aquatic facility may be operated as Groups 3 or 4 aquatic facilities, as some hospitals, nursing homes and schools incorporate guest or residential facilities.

An example of where an operator of Group 2 aquatic facility may reduce the aquatic facility classification to cater for a different activity type/personnel group is a health club providing Group 2 learn-to-swim activities and Group 3 membership/group access for leisure/lap-swimming activities. The fundamental difference between the two Groups in this instance is that lifeguard supervision is not required for persons engaged in Group 3 activities.

Group 3 Activity/Qualification Requirements

The aquatic facility operator should however, ensure that Group 3 club/membership/discrete user group participants, have undergone induction and received instruction advising of facility rules, procedures and other responsibilities pertaining to use of the various aquatic facility water bodies.

This instruction may include location and use of rescue/first aid area/equipment, explanation of how to contact the designated qualified person/s in the event of emergency and other appropriate/relevant information.

Although supervision of a Group 3 activity is not required, the operator of a Group 3 facility shall ensure that personnel, who have completed an approved patron rescue training program, and who hold a current first aid qualification incorporating, national unit of competency: 'HLTFA201A Provide basic emergency life support', or equivalent are available to respond to a call for help quickly enough to minimise the chance of a person suffering long-term damage as a result of an incident.

In order for a response to a call for help be provided quickly enough to minimise the chance of a person suffering long-term damage as a result of an incident the response time should not exceed 5 minutes.

Therefore, in situations where Group 3 qualified persons may need to leave the aquatic facility for given periods of time, it is recommended that the operator close/secure aquatic facility/water bodies, or alternatively implement measures that effectively demonstrate due diligence e.g. make arrangements with another person who is onsite to be contactable in the event of an emergency and to provide an appropriate response at the aquatic facility/water body if required.

Key-latch Pools

Another example of lowering Group 2 aquatic facility classification, is when a school makes the pool available for general community use, under what is commonly termed a "key-latch" arrangement; whereby key-holders pay a fee and sign an agreement to use the pool in compliance with prescribed conditions and rules. Once again under this arrangement, key-holders should receive appropriate induction and training regarding various rules, responsibilities and procedures (as appropriate).





Reducing Group 3 Aquatic Facility Classification

Group 3 aquatic facilities generally comprise of community operated facilities, or commercial/institutional facilities that provide temporary guest/work/study accommodation for discrete users and user groups that participate in unstructured activities.

Group 3 aquatic facilities may in certain situations be operated as a Group 4 aquatic facility. An example of this may be where a retirement/lifestyle village that allows non-residential based club/membership access to the aquatic facility under a Group 3 arrangement for designated periods of use reverts back to its primary Group 4 class for periods when the facility is only available to residents of that facility.

Upgrading Aquatic Facility Classification

The operator of a Group 2 aquatic facility must not permit the public to pay an entry fee, to participate in unstructured activities e.g. lap-swimming/walking or leisure activities. Only discrete user groups, clubs, membership groups etc. can participate in lap-swimming/walking or other leisure based activities within a Group 2 aquatic facility. Please note that an entry fee does not include membership/swim-lesson/instruction fees etc.

General facility access is characteristic of Group 1 operations which enables people of unknown swimming competency and with minimal knowledge of facility rules and acceptable behaviours to participate in unstructured activities.

Therefore Group 2 operators that propose to allow general public admission into their facilities must apply in writing to the EDPH for approval to upgrade their classification in relation to their certificate of compliance and permit to operate (see *subregulations 14 (1) & 17 (1)* of the regulations).

The same rule would apply for a Group 3 or Group 4 aquatic facility that intends to undertake Group 2 activities. The operators of these facilities would also be required to apply for reclassification.

An example of this may be Health Clubs, which are listed as Group 3 aquatic facilities under general examples of classification in Table 1 of the Code; these facilities are required (as are all other types of aquatic facilities) to operate in accordance with the class prescribed by the certificate of compliance and permit to operate, or alternatively apply to the EDPH for re-classification to support programs/activities of a higher class e.g. aqua aerobics and learn-to-swim.

Please note that an aquatic facility reclassification process may require DOH and/or local government to re-inspect the aquatic facility (in accordance with the Code, subject to the transitional provisions of the regulations), in order to determine what additional works (if any) may be required to raise the Certificate of Compliance classification e.g. from Group 3 to Group 2, or Group 4 to Group 3 etc.

For further information or questions pertaining to reducing aquatic facility classifications, or other related matters please email swimmingpools@health.wa.gov.au, or alternatively contact Monday - Friday (9am-5pm) the:

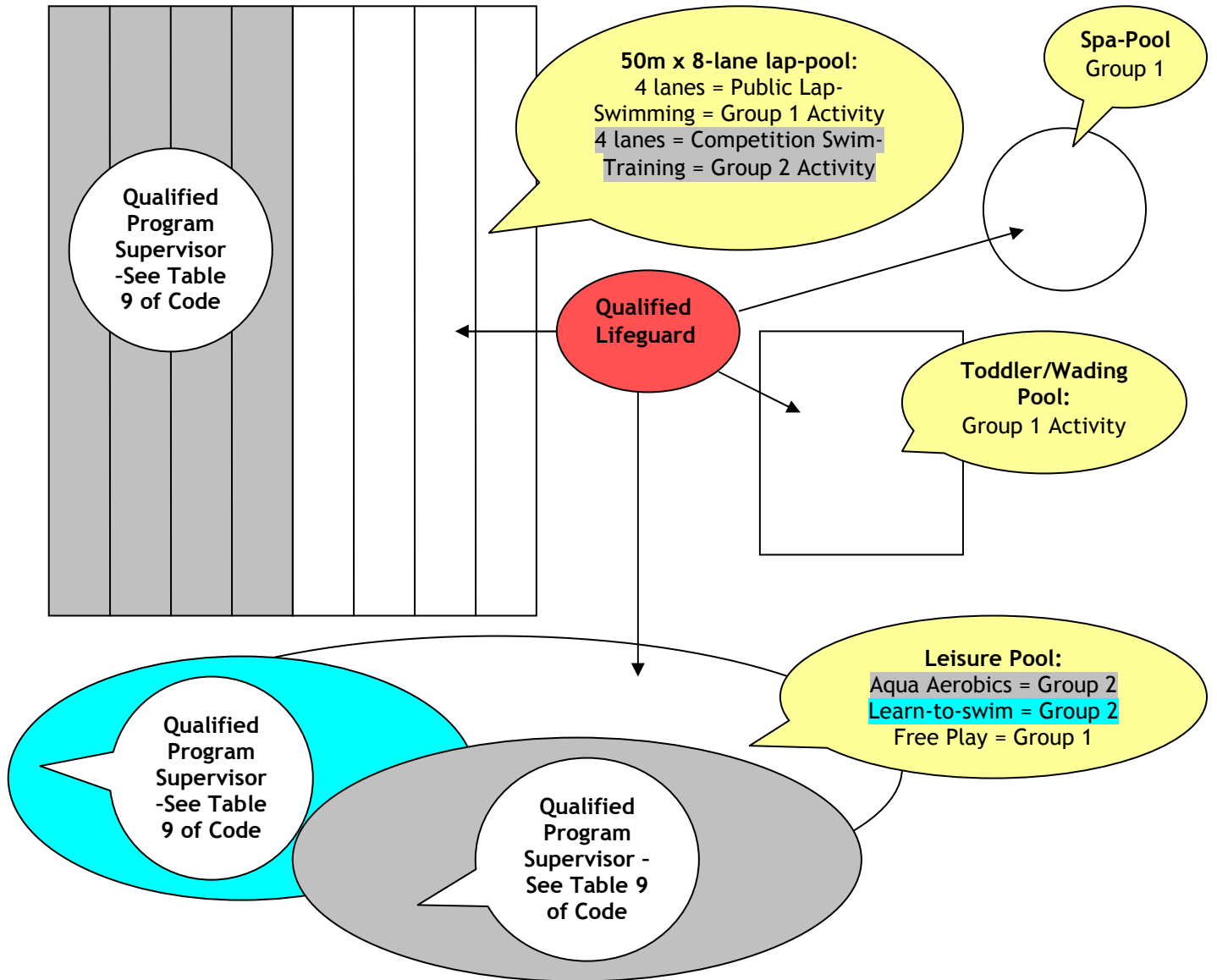
Environmental Health Directorate
Department of Health
PO Box 8172
Perth Business Centre
Perth WA 6849

Phone: (08) 9388 4999
Fax: (08) 9388 4905



Water Body Activity Classification Diagram

Scenario A: Group 1 Aquatic Facility - Multiple Water Bodies Varying Activities - Overall Classification = Group 1



Scenario B: Group 1 Aquatic Facility - Single Water Body Sole Activity - Overall Classification = Group 2

