

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

*Health (Aquatic Facilities) Regulations 2007* (Regulation 22)

# **Improvement Order**

|  |  |  |  |
| --- | --- | --- | --- |
| Issued to (Aquatic facility operator): |  | Ref number: |  |
| Aquatic facility name: |  | Contact No:  |  |
| In relation to the aquatic facility/ water body/water bodies type/s: |  | Date: |  |
| I, a delegate of the Chief Health Officer (CHO)/ an authorised officer of the City/ Town/ Shire have completed an inspection of the above-mentioned facility/water body and am satisfied that you are not operating these facilities, or ensuring that the facility is operated and hence not complying with (tick appropriate boxes below): |
| 1. Regulation 19(1)/ (2) of the Health (Aquatic Facilities) Regulations 2007
 |[ ]  Local Government / DOH(Stamp / Address / Logo) |
| 1. Section 5 of the Code
 |[ ]   |
| 1. Section 6 of the Code
 |[ ]   |
| 1. Section 7 of the Code
 |[ ]   |
| 1. Clause 2.12 of the Code
 |[ ]   |
| 1. Clause 2.22 of the Code
 |[ ]   |
| 1. Clause 2.23 of the Code
 |[ ]   |
| 1. Clause 2.24 of the Code
 |[ ]   |
| 1. Clause 2.25 of the Code
 |[ ]   |
| OR; that: |
| 1. The facility or the operation thereof is a risk to the health of persons using the facility
 |[ ]
| Detail the specific Code clause/s and grounds/reasons for non-compliance resulting in the issue of this improvement order: |
|  |
|  |
|  |
|  |
| You are required to remedy the above by no later than:  | Date: |  | at time (24hr): |  |
| You are directed to take the following measures: |
|  |
|  |
|  |
|  |
|  |  |  |  |  |  |
| Received by: |  | Position: |  | Contact number: |  |
| Signature of recipient: |  | Date: |  |
| Authorised officer: |  | DoH/ LG: |  | Contact number: |  |
| Contact number: |  | Signature of authorised officer:  |  |

|  |
| --- |
| This portion is to be signed by the inspecting officer when the requirements set forth above have been completed (the order has been complied with). |
| Authorised officer: |  | DoH/ LG: |  | Contact number:  |  |  |
| The requirements of improvement order Ref number:  |  | have been completed. |
| Signature of authorised officer: |  | Date: |  |  |
|  |  |  |  |

### Improvement order notes and completion details

**REGULATION 28 OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007***

**Review of improvement order**

A person (in this case the aquatic facility operator) affected by a reviewable decision of the CHO or of an authorised officer may apply to the State Administrative Tribunal for a review of any decision, in relation to this improvement order.

The State Administrative Tribunal is located at Level 4 12 St Georges Terrace, Perth and can be contacted on the telephone (08) 9219 3111 or 1300 306 017, or by email through the following website: [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)

**REGULATION 22 (5) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007***

**Time extension for improvement order**

Regulation 22(5) “The time within which an order must be complied with may, before that time has expired, be extended by the CHO or, in the case of an order given by an officer of the local government, an authorised officer of the local government”

**REGULATION 19 OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007***

**Operation of aquatic facility**

Regulation 19(1) “The operator of an aquatic facility must operate the facility, or ensure that the facility is operated, in accordance with:

(a) the operational requirements of the Code, except to the extent to which a variation in operational requirements approved by the CHO under regulation 20 is inconsistent with those requirements of the Code; and

(b) any variations in operational requirements approved by the CHO under regulation 20.”

Regulation 19(2) “The operator of an aquatic facility must ensure that clauses 2.12, 2.22, 2.23, 2.24 and 2.25 of the Code are complied with for that facility.”

**REGULATION 38 (1) & (2) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007***

**Operational requirements of the code**

Regulation 38(1) “Despite regulation 19(1), the operator of the aquatic facility need not comply, nor ensure compliance, with the operational requirements of the Code, other than those in sections 5, 6 and 7.”

Regulation 38(2) “Despite sub regulation (1), the operator need not comply, nor ensure compliance, with the operational requirements of sections 5, 6 and 7 of the Code –

(a) if the facility was operated as if it were a Class 1 facility for the majority of the time that it was in use during the 12 months immediately prior to the commencement day – until the end of the 6-month period commencing on commencement day: or

(b) if paragraph (a) does not apply to the facility - until the end of the 12-month period commencing on commencement day.”

**REGULATION 22 (4) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007***

**Requirement to comply with Improvement order**

Regulation 22(4) “If the operator of an aquatic facility is given an improvement order, the operator of the facility, or each operator if there is more than one, must ensure that the order is complied with.”

**REGULATION 22 (6) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007***

**Completion of improvement order**

Regulation 22(6) “If an improvement order is complied with, the CHO or, in the case of an order given by an authorised officer, an authorised officer of the local government must note the date of compliance on the order or a copy of it and, if asked to do so by the operator of the facility, give a copy of the order as noted to the operator.”

**REGULATION 23 (1) (b) OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007***

**Failure to comply with improvement order**

Regulation 23(1) “The CHO or an Authorised officer of the local government of the district in which an aquatic facility is located may give the operator of the facility a closure order in respect of the facility if satisfied that:

(b) the operator has failed to ensure that an improvement order given in respect of the facility is complied with.”

**REGULATION 31 OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007***

**Offences and penalties**

Regulation 31 “A person who contravenes regulation… 22(4)… commits an offence against that provision.

Penalty:

(a) for a first offence against that provision – a fine of not more than $1000 and not less than $100

(b) for a second offence against that provision – a fine of not more than $1000 and not less than $200

(c) for a third offence against that provision – a fine of not more than $1000 and not less than $500

(d) if the offence is a continuing offence - a fine of not more than $100 and not less than $50 for each day or part of a day during which the offence continues.