



New South Wales

# Public Health Amendment (Pools) Regulation 1996

under the

Public Health Act 1991

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

Andrew Refshauge

Minister for Health

## Explanatory note

The object of this Regulation is to amend the *Public Health Regulation 1991*:

- (a) to specify that the business address currently required to be notified to a local authority by a person carrying out a procedure that involves skin penetration is the address where the procedure is carried out, except in certain circumstances (Schedule 1 [1]), and
- (b) to specify that the provisions of the 1991 Regulation relating to public spa pools and public swimming pools apply to pools to which the public are admitted, whether for free or otherwise, including pools at clubs, for employees at workplaces or at hotels, motels, guest houses, holiday units and the like, and at schools and hospitals, but not including pools at private residential premises (Schedule 1 [2]–[4]), and
- (c) to require the Director-General of the Department of Health to state the reasons for the making of an order closing a public swimming pool or public spa pool (Schedule 1 [5]), and

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- (d) to remove certain provisions relating to the handling of bodies that require matters to be approved by the Director-General of the Department of Health (Schedule 1 [6] and [7]).

This Regulation is made under the *Public Health Act 1991*, including section 82 (the general regulation-making power) and section 80.

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## Public Health Amendment (Pools) Regulation 1996

### 1 Name of Regulation

This Regulation is the *Public Health Amendment (Pools) Regulation 1996*.

### 2 Commencement

This Regulation commences on 11 October 1996.

### 3 Amendment of Public Health Regulation 1991

The *Public Health Regulation 1991* is amended as set out in Schedule 1.

### 4 Notes

The explanatory note does not form part of this Regulation.

## **Schedule 1 Amendment of Public Health Regulation 1991**

(Clause 3)

### **[1] Clause 12 Skin penetration to avoid infection**

Insert after clause 12 (2):

- (3) If a person carries out a procedure to which this Part applies at premises occupied by the person (other than mobile premises), the person's business address for the purposes of subclause (1) is the address of those premises.

### **[2] Clause 13 Definitions**

Omit the clause. Insert instead:

#### **13 Application of Part**

- (1) This Part applies to spa pools and swimming pools to which the public is admitted, whether free of charge, on payment of a fee or otherwise, including spa pools and swimming pools:
  - (a) to which the public is admitted as an entitlement of membership of a club, or
  - (b) provided at a workplace for the use of employees, or
  - (c) provided at a hotel, motel or guest house or at holiday units, or the like, for the use of guests,
  - (d) provided at a school or hospital,but not including spa pools or swimming pools in private residential premises.
- (2) For the purposes of this clause:
  - spa pool* means a water-containing structure:
    - (a) that holds more than 680 litres of water, and
    - (b) that is used or intended to be used for human bathing, and
    - (c) that has facilities for injecting jets of water or air into the water.

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*swimming pool* means a water-containing structure that is used or intended to be used for human bathing, swimming or diving, and includes a water slide or similar aquatic recreational structure.

**[3] Clauses 14–16 and 178 (3)–(5)**

Omit “public swimming pool or public spa pool” wherever occurring.

Insert instead “swimming pool or spa pool to which this Part applies”.

**[4] Clause 17A Closure of public swimming pools and public spa pools**

Omit “public swimming pool or a public spa pool” from clause 17A (1).

Insert instead “swimming pool or spa pool to which this Part applies”.

**[5] Clause 17A (2A)**

Insert after clause 17A (2):

- (2A) An order under this clause must be accompanied by a statement in writing of the reasons for the making of the order.

**[6] Clause 26 Bodies to be placed in body bags**

Omit “in a colour approved by the Director-General” from clause 26 (2A).

**[7] Clause 28 Removal of bodies from body bags**

Omit “, in a manner approved by the Director-General,” from clause 28 (2).