



# Aquatic Facilities

## GUIDANCE NOTE 7

### APPLICATION – LOCAL GOVERNMENT EXEMPTION

#### *Section 21(4) Health (Aquatic Facilities) Regulations 2007*

#### Obligations of Local Governments

Regulation 21 of the Health (Aquatic) Regulations 2007 require Local Government (LG) to ensure that their Environmental Health Officer (EHO) collect water samples from every aquatic facility in their district at least once per month and submit them for microbiological analysis.

However, provision is made within part (4) of this Regulation for the Executive Director Public Health (EDPH) to exempt Local Government from this requirement if satisfied that it is impractical for the EHO to meet this requirement and that the operator of the facility is prepared and able to competently undertake the responsibilities involved.

Where an exemption is granted by the EDPH it has the effect of transferring the regular sampling/submission obligation of the LG to the facility operator however all other responsibilities of the LG under the regulations remain.

The EDPH may also revoke an exemption where circumstances change, where the facility operator fails to maintain the sampling schedule or other requirements or where the conditions under which the exemption was granted have not been met.

Where an application for exemption is refused by the EDPH the Local Government may apply to the State Administrative Tribunal for a review of the decision (see Reg. 28)

#### Reasons for seeking an Exemption

Having an Environmental Health officer visit all aquatic facilities to undertake the required monthly aquatic water samples can place a significant demand on local government resources, more so when these are distant from the local government centre. So as to offset these demands a number of Local Governments have already chosen to charge a service fee to aquatic facility operators, so as to cover the cost of undertaking this prescribed service. Such a charge for water sampling is made under the *Local Government Act 1995*, which allows a local government to impose a service charge to meet the cost of providing a prescribed service.

Where aquatic facilities are in remote locations (eg. distant from local government centres) then the costs associated with providing the prescribed service monthly can be great, as would any subsequent service fee necessary to recoup the ongoing costs to local government. In such situations these exemption provisions provide a practical and economical solution for local government and aquatic facility operators.

#### Applying for an Exemption

To assist Local Governments in making an application for exemption the attached application form details the necessary information which is required so it may be considered by the Executive Director, Public Health. Please ensure that:

- One form is completed with the required accompanying details (for each aquatic facility) for which you seek an exemption from sampling. (exemptions, where granted, are not general in nature but are specific to nominated aquatic facilities).
- The application is requested by, and signed by the Chief Executive Officer of the Local Government.





## Delivering a Healthy WA

- The application is confirmed and signed by the aquatic facility owner/operator.
- The application is forwarded with a covering letter to:  
“The Executive Director Public Health, PO Box 8172 Perth Business Centre Western Australia 6849”

### Local Government Management Arrangements

Where an exemption is granted the LG must put in place arrangements to ensure that:

- A record of all results is kept by the facility operator and is available for review at any time by the district EHO and the DOH and that a corresponding set of results are held by the LG
- The laboratory provides reports of all results to the operator and the district EHO.
- Where unsatisfactory results occur, the laboratory also informs the operator and the EHO by emailing a copy of the laboratory report to each of them (provision is made on the laboratory report form for additional reports).
- The EHO reviews all laboratory reports and where necessary initiates appropriate action. See interpretative guidelines at:  
<http://www.public.health.wa.gov.au/cproot/2050/2/Pathwest%20-%20Spas.pdf> and  
<http://www.public.health.wa.gov.au/cproot/2051/2/Pathwest%20-%20Swimming%20Pools.pdf>
- The conditions under which the exemption was granted are met and that the EDPH is immediately advised of any change in circumstance.
- The LG continues to administer/enforce those requirements of the regulations for which it has responsibility.

### Further Information

For further aquatic facility information go to:

[http://www.public.health.wa.gov.au/2/641/2/aquatic\\_facilities.pm](http://www.public.health.wa.gov.au/2/641/2/aquatic_facilities.pm)

or contact DOH at:

[swimmingpools@health.wa.gov.au](mailto:swimmingpools@health.wa.gov.au)

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

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





**Regulation 21, Health (Aquatic Facilities) Regulations 2007**  
**LOCAL GOVERNMENT AQUATIC WATER SAMPLING EXEMPTION**  
**APPLICATION FORM**

The *Health (Aquatic Facilities) Regulations 2007*, Regulation 21 requires that the local government must have their Environmental Health Officer collect microbial water samples from each water body of each aquatic facility within their district at least once per month for delivery to an approved water testing laboratory. *Regulation 21* also provides scope for the Executive Director, Public Health to exempt a local government from that requirement, where the Executive Director, Public Health is satisfied that:

- it is impractical for an Environmental Health Officer of the local government to comply with that requirement; and
- the operator of the facility can ensure water samples are taken at least once per month and have these delivered to the testing laboratory (eg. Pathwest).

Where such an exemption is granted the onus to ensure the required sampling then becomes a requirement on the aquatic facility operator. Such exemptions (if granted for a specific aquatic facility) may likewise be revoked by the Executive Director, Public Health if circumstances for issuing the exemption change or where the operator has not ensured the required monthly sampling has occurred.

So that local government requests for an exemption may be considered and dealt with, it is necessary to ensure adequate information is supplied with each exemption application, so the Executive Director, Public Health may consider merits of the request and make a determination on the exemption. Such requests must therefore explain precisely why the exemption is being sought (eg: a remote aquatic facility which is logistically impractical to visit monthly) and provide documentation to demonstrate suitable arrangements will be in place for the operator to satisfactorily undertake the water sampling and deliver the samples to the laboratory.

This form provides a list of the information necessary for the Executive Director, Public Health to consider such a request from local government.

<b>LOCAL GOVERNMENT SEEKING EXEMPTION</b>		
<b>TITLE/NAME OF PERSON WHOM COMPLETED THIS APPLICATION</b>		
<b>PARTICULAR FACILITY NAME ITS LOCATION</b>		
<b>GIVE THE REASON/S WHY AN EXEMPTION IS BEING SOUGHT FOR THIS AQUATIC FACILITY. DETAIL TRAVEL TIMES/DISTANCES.</b>		
<b>LIST THE WATER BODIES PRESENT AT THE FACILITY &amp; THE SAMPLING SITE CODE ALLOCATED TO EACH WATERBODY BY THE LOCAL GOVT.</b>	WATERBODY TYPE	SAMPLE SITE CODE
<b>AQUATIC FACILITY OWNER &amp; OPERATOR NAME &amp; CONTACT DETAIL PHONE FAX &amp; EMAIL (CONFIRM BOTH IF DIFFERENT).</b>	Owner:	
	Operator:	





<p><b>HEAD PERSON/S RESPONSIBLE FOR OVERSEEING THE DEVELOPMENT AND AQUATIC FACILITY</b> (EG. site manager/owner)</p>	<p>NAME/S:  JOB TITLES:  CONTACT DETAILS: (PHONE FAX &amp; EMAIL)</p>
<p><b>A DOCUMENTED WATER SAMPLING PROCEDURE IS REQUIRED</b> (Please attach separate sheets to detail the intended procedure.)</p>	<p style="text-align: center;"><b><u>The documented water sampling procedure must identify:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Sampling schedules.</u></b> Provide the intended sampling schedule (eg: the first Tuesday of each month or every 4<sup>th</sup> Monday etc.)</li> <li>2. <b><u>Responsible persons.</u></b> Give the name, work title and contact detail of all person/s that will physically collect the water samples, complete sample paperwork &amp; dispatch for delivery to the Water Testing laboratory for analysis (either direct from the facility or via the Local Government to the laboratory).</li> <li>3. <b><u>Detail the transport arrangements.</u></b> Identify each stage of how samples will be packaged &amp; transported from the aquatic facility and by whom, under the correct conditions for delivery to the water testing laboratory within 24hrs of sample collection. (eg. bacterial @ 4<sup>o</sup> C , Amoeba @ ambient temp.) If transported in partnership with the Local Government, detail both the delivery arrangements to and from the Local Government to the water testing laboratory. Detail each stage.</li> <li>4. <b><u>Record keeping.</u></b> A logbook needs to be stored onsite at all times to record the required daily water chemistry testing results. Water sampling person should also record their details and time/date of each water sample collection/dispatch event into this logbook. Who will be responsible to receive, review and store the laboratory results onsite and where will these records be stored? Please detail the above arrangements intended.</li> <li>5. <b><u>Trained samplers.</u></b> Are the person/s responsible for physical collection of samples either qualified in Swimming Pool Technical Operation as prescribed in the Code of Practise (S.6.2.7) or have they been practically instructed on how to record water chemistry/temp &amp; correctly collect, package and transport samples to the laboratory? If instructed only, provide details of who has provided the necessary instruction and the trainer's experience/qualification.</li> <li>6. <b><u>Ongoing training.</u></b> Does the Owner/Operator have arrangements in place to brief any new staff on the correct method for water sampling? Please detail these.</li> <li>7. <b><u>Start up sample results &amp; adverse results.</u></b> What arrangements are in place for the local government to receive, review and record ongoing sampling results, so as to ensure it is being undertaken as required of the facility operator? How will the local government monitor and confirm satisfactory start-up and on-going water sampling results with the operator and direct necessary action in the event of adverse results? Please confirm the intended arrangements.</li> </ol>
<p><b>ATTACH A COMPLETED (SAMPLE) WATER SAMPLING SHEET</b> (blank copy attached)</p>	
<p><b>FACILITY OPERATOR SIGNATURE AND DATE CONFIRMING AGREEANCE TO THE PROPOSED WATER SAMPLING ARRANGEMENTS DETAILED IN THIS APPLICATION</b></p>	
<p><b>LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICER SIGNATURE AND DATE CONFIRMING THIS APPLICATION WAS MADE UNDER THEIR AUTHORITY</b></p>	

