

Public Pools (Standards for Conditions of Entry and Removal) Determination 2019 (No 1)

Notifiable Instrument NI2019–76

made under the

Public Pools Act 2015, section 15 (Conditions of entry and removal) and section 16 (Signs)

1 Name of Instrument

This instrument is the *Public Pools (Standards for Conditions of Entry and Removal) Determination 2019 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Determination

I determine that the Standards to apply for the Conditions of Entry and Removal are as provided in the Schedule to this instrument.

4 Display

- 4.1 I determine under subsection 16(1) of the *Public Pools Act 2015* (the Act) that the Standards for Conditions of Entry and Removal must be displayed:
- a. at the point of entry to the pool facility and within the facility in a prominent position; or
 - b. by giving the patron entering the pool facility a copy of the Standards.
- 4.2 A pool operator will meet the display requirements for clause 4.1 if the pool operator:
- a. for subclause 4.1(a) – displays a copy of the Schedule to this instrument, as recorded on the ACT Legislation Register; and / or
 - b. for subclause 4.1(b) – provides a copy of the Schedule to this instrument, as recorded on the ACT Legislation Register, to each patron on entry; or
 - c. for subclause 4.1(b) – provides, in another format, a written copy of the information contained in the Schedule to this instrument, as recorded on the ACT Legislation Register, to each patron on entry.

5 Revocation

This instrument revokes the *Public Pools (Standard for Conditions of Entry and Removal) Determination 2016 (No 1)* NI2016-552.

Kathy Leigh

Director General

Chief Minister, Treasury and Economic Development Directorate

18 January 2019

SCHEDULE

Standards for Conditions of Entry and Removal

The following Standards are grounds that may result in a person, including a child, being excluded from entry to, or removed from, a pool facility:

1. Admission would result in the pool operator contravening a Standard or requirement under the *Public Pools Act 2015* (the Act) - for example exceeding the occupancy loading for the pool facility.
2. The person is excluded from entry under the procedures determined by Notifiable Instrument for paragraph 15(2)(c) of the Act.
3. A child 12 years and under (*minimum age*) is not accompanied by, and under the supervision of, an adult on entering the pool facility or within the pool facility.
4. A person refuses to comply with a request to search bags or possessions on entry to the facility.
5. A person possesses or uses a *prohibited article* under section 18 of the Act.
6. A person is intoxicated, possesses or consumes liquor or illicit drugs.
7. A person's health or hygiene may pose a risk to another person at the pool facility.
8. Supervision by an adult for a child does not comply with the minimum standards notified under section 14 of the Act for *Operational Matters – Supervision of a Child*.
9. A person refuses or fails to comply with a direction given by an authorised person.
10. A person with a disability has an assistance animal that enters the water of a pool.
11. A person does not ensure that aqua nappies are worn by a child under 4 years.
12. A person does not ensure that aqua nappies are worn by a child 4 years and over who is not toilet trained.
13. A person is nude or wears swimwear that is offensive.
14. A person smokes any substance within the facility.
15. A person refuses or fails to comply with safety signs or signs indicating rules of behaviour.
16. A person refuses or fails to comply with a request to leave the pool facility due to an *Emergency Closure Order* being issued under section 21 of the Act.
17. A person discharges bodily fluids in pool water or not within allocated toilets.
18. A person's behaviour is a danger to themselves or other pool facility users.
19. A person's behaviour is threatening to other pool facility users or authorised persons.
20. A person's behaviour is against the Act or another law of the Territory.
21. A person's behaviour is offensive to a reasonable person.
22. A person engages in photography, including still and video, without appropriate consent.
23. A person uses a mobile phone or recording device within a bathroom or change room area.
24. A person, other than a parent or guardian, conducts coaching or training without consent of the operator.