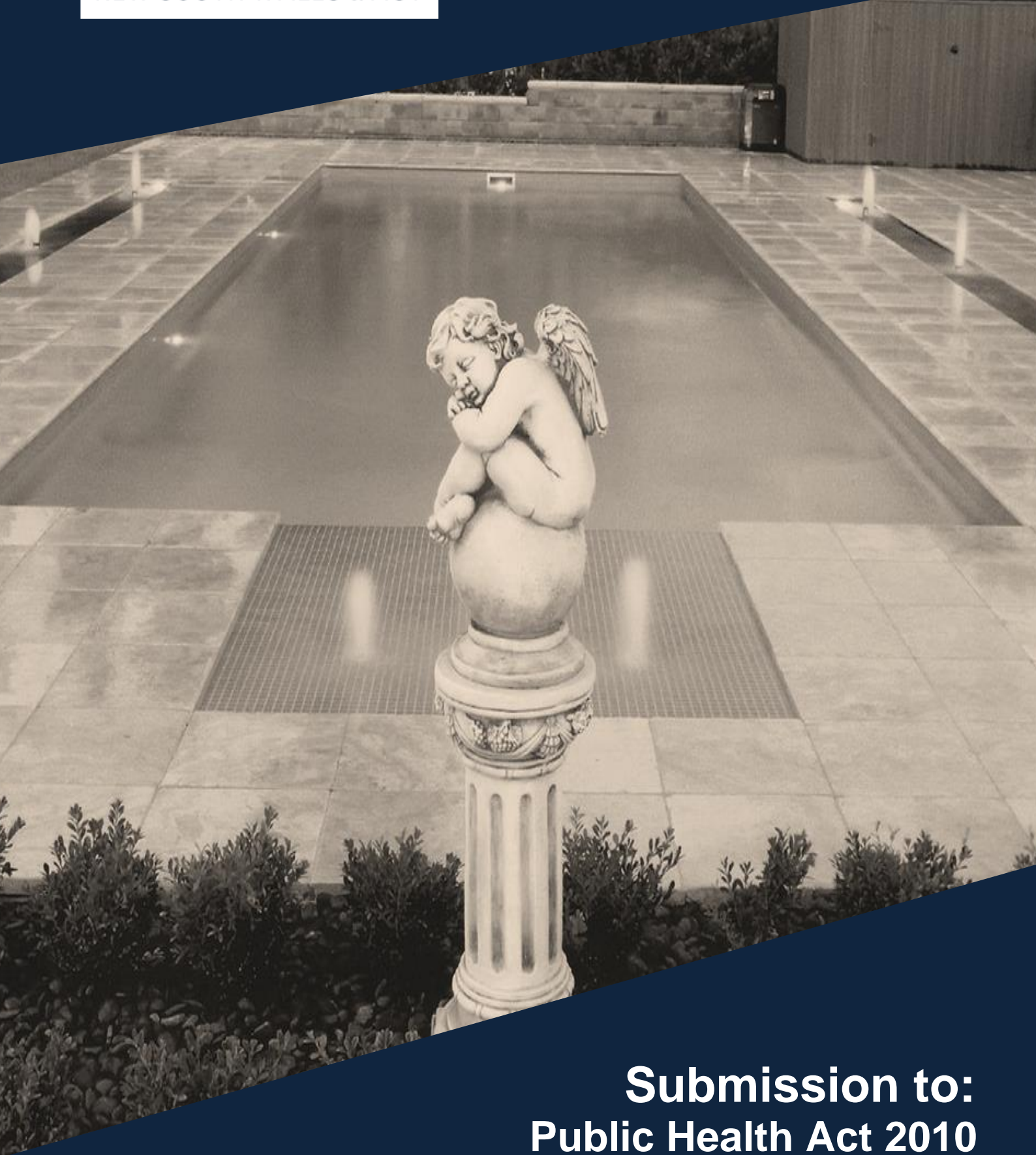




NEW SOUTH WALES & ACT



**Submission to:
Public Health Act 2010
Statutory Review Discussion Paper**

June 2016



About SPASA

The Swimming Pool and Spa Association of NSW & ACT (SPASA) was established in 1966 as the peak industry body of the pool and spa industry.

As a Not-For-Profit organisation, SPASA's members include leading pool builders, manufacturers, suppliers, retailers, technical servicemen, subcontractors, installers, consultants, certifiers and other allied trades, all of whom set themselves apart from the rest of the industry by setting standards of skill, workmanship and ethical business behaviour in the best interests of pool and spa owners.

SPASA is also a Registered Training Organisation (RTO) that provides training and assessment to the swimming pool and spa industry.

The swimming pool and spa industry is a major driver of the NSW and ACT economy and employs 16,000 people, contributes in excess of \$650 million in construction with another \$350 million associated from sectors such as spa, pool shops, and other pool service and product providers.

SPASA has consulted with industry regarding the proposed amendments and our comments are tabled within this document.

10) Should the Act be amended to clarify that the definition of public swimming pool applies to a pool in a residential premises where the pool in question is used by members of the public as part of a commercial undertaking by the occupier of the premises?

Types of Swimming Pools and Spas

There are many types of swimming pool and spa construction and installation types, sizes and configurations available for the residential market. These include:

- In ground swimming pools and spas
- Out of Ground swimming pools and spas
- Above Ground swimming pools and spas (*installed on site*)
- Portable swimming pools and spas
- Inflatable swimming pools and spas
- Prefabricated Spas
- Prefabricated Swim Spas
- Prefabricated swimming pools and spas (*enclosed units*)
- Modular swimming pools





Residential swimming pools and spas Construction/Set Up/Installation

Residential

Residential swimming pools and spas are constructed, renovated and installed in accordance with specific Australian Standards and the Building Code of Australia.

Australia Standards include:

- **AS2783** Use of reinforced concrete for small swimming pools
- **AS1839** Swimming pools - Premoulded reinforced plastics – Installation
- **AS/NZS1839** Swimming pools - Premoulded fibre-reinforced plastics – Design and Fabrication
- **AS 2610.2** Spa pools - Private spas
- **AS 3861** Spa baths

Public

Whilst, public swimming pools and spas also have to adhere to broader Australian Standards and the Building Code of Australia, they often are constructed with “*Alternative Solutions*” covering swimming pool water treatment plants that are designed by experienced engineers and architects who are suitably qualified in the field of community water treatment engineering, hydraulics and other similar disciplines.

Australian Standard AS3633 Private Swimming Pools – Water Quality

- This Standard specifies requirements for the sanitisation and maintenance of water quality in private swimming pools which can vary to public pool and spa requirements.
- Public pool and spa testing guidelines would make residential pools that were treated as public pools financially unviable.
- Unlike public pools and spa, residential pools and spa are not required to have an Automatic Feeder and/or Continuous Dosing System.

Residential pools and spas cannot comply with public pool and spa requirements at flick of a switch

It is not feasible or practically possible to construct, install or retrofit a swimming pool and/or spa to operate in a residential setting which then can be adjusted to cater for a short period of public patronage.

It should be noted:

- The pool and spa equipment for residential and public is different
- The pool and spa hydraulics for residential and public is different
- The water recirculation requirements for residential and public are different
- Construction and installation methods for residential and public are different
- The chemical and sanitisation requirements for residential and public are different
- The chemical testing for residential and public are different



Residential pools and spas could not support costs and resources associated with the public swimming pools testing regime

The average cost of constructing or installing a residential swimming pool and spa is:

- In ground swimming pools and spas	\$55,000
- Prefabricated swimming pools	\$40,000
- Above Ground swimming pools and spas	\$8,000
- Prefabricated spas	\$8,000
- Prefabricated Swim Spas	\$25,000
- Modular swimming pools	\$35,000

Commercial hydraulic installations used in small public pools would see the above average cost for a residential pool and/or spa *increase by at least 35%*.

Powers of Entry and Access Difficulties

SPASA foresees significant power of entry and access difficulties along with unintended consequences associated with redefining a public pool to include a residential pool and spa.

- resources available to undertake inspections of swimming pools and spas at residential premises
- entry to residential premises can only be undertaken during times that the pool and/or spa is being used as a commercial enterprise
- residential pools and spas that also operate a limited commercial enterprise do not generally operate normal business hours

Broader Implications

Redefining a public pool to include a residential pool will significantly impact owners of such pools as well as the broader swimming pool and spa industry. Examples include:

- Less residential swimming pools and spas being built due to public pool and spa construction, installation and maintenance requirements
- Less residential swimming pools and spas being serviced due to closure or cost imposts
- Closure or reduction of learn to swim centres due to cost impost
- Increased cost of learn to swim lessons at public pools
- Closure or no access of pools at residential premises that are also used as bed and breakfasts
- Loss or reduction of casual and part-time jobs
- Redefining a public pool to include a residential pool may breed non-compliance

Conclusion

SPASA does not support redefining a public pool to include a residential pool and considers such a change would have dire long term business and employment effects alongside other industry and homeowner unintended consequences.

Moreover, it is impossible to properly consider what is being proposed without any statistical data to review.

For further information:

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