

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

*Health (Aquatic Facilities) Regulations 2007* (Regulation 23)

# **Closure Order**

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| 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:  |  | Time (24hr): |  |
| 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): |
| 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
 |[ ]   |
| AND that: |
| 1. The facility or the operation thereof is a serious risk to the health of persons using the facility
 |[ ]
| OR  |
| 1. The operator has failed to ensure that an improvement order given in respect of the facility is complied with
 |[ ]
| OR |
| 1. The water body is not covered by one or more certificates of compliance: CHO CLOSURE CRITERIA ONLY
 |[ ]
| Detail the specific Code of Practice clause/s and grounds/reasons for non-compliance resulting in the issue of this closure order: |
|  |
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|  |
| You are hereby directed to close this facility, or the afore-mentioned aquatic facility/water body/water bodies type/s and to take the following measures to remedy the problem/s detailed above: |
|  |
|  |
|  |
| Received by: |  | Position: |  | Contact Number: |  |
| Signature of recipient: |  | Date: |  |
| Authorised Officer: |  | DoH/ LG: |  | Contact Number:  |  |
| Signature of Officer: |  | Date: |  |
| Authorised Offer must forward a copy of Closure Order to swimmingpools@health.wa.gov.au for CHO Endorsement |

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| --- | --- | --- | --- | --- | --- |
|  RECEIVED by Chief Health Officer (DOH) | Date: |  | Time (24 hr): |  |  |
|  Closure order ENDORSED by CHO (DOH) |[ ]  With amendment/s (below) |[ ]
|  |  |  |
|  |  |  |
|  | **or** Closure order **RESCINDED** by CHO (DOH) |[ ]   |  |
|  | **Signature of CHO:** |  | Date: |  | Time (24 hr): |  |  |
|  |  |  |  |  |  |

### Closure order notes and completion details

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

**Review of closure 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 23* OF THE *HEALTH (AQUATIC FACILITIES) REGULATIONS 2007***

**Aquatic Facility Operator/ Operators to comply with closure order**

Regulation 23 (7) “The operator of an aquatic facility, or each operator if there is more than one, must ensure that the facility or water body (whichever is relevant) remains closed while a closure order is in force in respect of the facility or water body.”

**Offence for failure to comply with closure order**

Regulation 23 (6) “A closure order must be in an approved form and must specify, to the extent relevant-

(d) “The operator of the facility will commit an offence unless the operator ensures that the facility or water body (whichever is relevant) remains closed while a closure order is in force.”

**Authorised Officer to give CHO copy of closure order**

Regulation 23 (3) “If an authorised officer gives a closure order, the local government must give the CHO a copy of the order as soon as practicable, and in any event within 48 hours after it is given.”

**CHO to confirm or cancel copy authorised officer closure order**

Regulation 23 (4) “If an authorised officer gives a closure order, the CHO must:

(a) confirm the order (with or without amendment); or

(b) cancel the order,

and may do so orally and then in writing.”

**Expiry of closure order**

Regulation 23 (5) If an order given by an authorised officer is not confirmed within 48 hours of being given, it expires on the earlier of:

(a) the time at which it is cancelled by the CHO; or

(b) the end of the 48-hour period after it is given.”

**Duration of closure order**

Regulation 23 (8) “A closure order given or confirmed by the CHO remains in force until:

(a) the CHO is satisfied that the grounds for giving the order have ceased or been remedied; and

(b) where relevant – the measures required to be taken have been taken; and

(c) the CHO directs the closure order cease to be in force (which may be given or confirmed in writing).”

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

**Offences and penalties**

Regulation 31 “A person who contravenes regulation… 24(1)… 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.

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| This portion is to be signed by the authorised officer when the requirements previously set forth have been completed (the order has been complied with). |  |
| Authorised officer name: |  | DoH/LG: |  | Contact number: |  |  |
| The requirements of closure order Ref number: |  | have been completed.  |  |
| Signature of Authorised Officer |  | Date: |  |  |
| CHO AUTHORISATION TO RE-OPEN the facility/ water body as of date: |  |  |
| Signature of CHO: |  |  |
|  |  |  |  |  |  |