

AQUATIC FACILITY GUIDELINES

9 Legislation and Standards



Commissioned by: New Zealand Recreation Association with funding from Sport NZ and the ACC Drowning Prevention Fund, managed by Water Safety New Zealand.

Authors: Robyn Cockburn and Trish Amos, Lumin

February 2015

ISBN 978-0-473-30640-3

The Aquatic Facility Guidelines have been developed for use by aquatic managers. They provide detailed information covering the management and operation of an aquatic facility.

This document is a companion document to the Facility Management Manual which can be found on the Sport NZ website and the NZ Recreation Association website:

<http://nzrecreation.co.nz/index.php/facilities-home/facilities-guidelines>

Acknowledgements

Alex Brunt, General Manager, Water Safety New Zealand; **Alison Law**, Aquatic Facilities Manager, Te Kaiwhakahaere Wāhi Roto i te Wai, Kāpiti Coast District Council; **Bevan Smith**, H&S Development Advisor, Parks, Sport and Recreation, Wellington City Council; **Brian Milne**, Director, Xyst; **Craig Rouse**, Centre Manager, Manurewa Pool and Leisure Centre, Auckland City; **Caroline Ancell**, Assistant Manager, Powerco Aquatic Centre, South Taranaki District Council; **David Cameron**, Contracts Manager, Filtration and Pumping Commercial Ltd; **David Lee**, Aquatic Services Manager, Powerco Aquatic Centre South Taranaki District Council; **Esther Bukholt**, Community, Recreation and Sport Project Manager, NZ Recreation Association; **Esther Hone-Moore**, Austswim; **Fee Botcher**, Customer Service Assistant, Gore Multisports Complex; **Haydn Wilton**, Wellington Regional Aquatics Centre Programmes Team Leader, Wellington City Council; **Halina Dorne**, Administration Officer, Aquatics, Coastlands Aquatic Centre; **Jamie Delich**, Facilities Consultant Community Sport, Sport NZ; **Jenni Pethig**, Learning & Development Advisor, Community Recreation & Arts, Skills Active; **Joanne Saxton**, Wellington Regional Aquatics Centre Operations Team Leader, Wellington City Council; **Judy Tipping**, Aquatic Consultant; **Kathy Moore**, Aquatic Facilities Manager, Selwyn Aquatic Centre; **Lauren Hudson**, Facility Manager, Naenae Pool, Hutt City Council; **Linda Newman**, Waterworld Educare Supervisor, Hamilton City Council; **Nigel Newbery**, Pool Operations Manager, AC Baths, Taupo District Council; **Noel Gulliver**, Service Manager, Rotorua Aquatics Centre; **Patrick Blackman**, Team Leader, Freyberg Pool, Wellington City Council; **Peter Thompson**, Aquatic Services Manager, Southland Aquatic Centre, **Richard Lindsay**, Facilities Consultant Community Sport, Sport NZ; **Rowan Cordwell**, Facility Manager Freyberg Pool, Wellington City Council; **Royce Williams**, Facility Manager Karori Pool, Wellington City Council; **Sarah Cresswell**, Senior Training Consultant, Opus International Consultants; **Stephen Keatley**, Community Facilities Manager, Hutt City Council; **Tracey Prince**, Aquatics Project Manager, NZ Recreation Association; **Vaughan Hope**, Facility Manager, ASB Aquatic and Fitness Centre, Richmond; **Virginia Munro**, Aquatics Consultant; **Yvonne Hughey**, Training Manager, Hanmer Springs Thermal Pools & Spa.



Table of Contents

1	NZ Standards	4
2	Legislation	6
	2.1 Financial	6
	2.2 Resource management & services	7
	2.3 Human resources	8
	2.4 Other legal considerations	9

1 NZ Standards

Standards New Zealand develops, approves and adopts standards and codes of practice which are given legal status by the Standards Act 1988. Standards can be revised so it pays to always check the most recent standard. Relevant standards include:

NZS 246:2010 – *Guidelines for managing risk in sport and recreation organisations*

This document has been written for application across the whole spectrum of sport and recreation.

AS/NZS 1838:1994 – *Swimming pools: premoulded fibre-reinforced plastics - design and fabrication*

Sets out requirements for pre-moulded plastic swimming pools exceeding 7500 L in volume and 750mm in depth, constructed from fibre-reinforced plastics based on thermosetting resin systems.

AS/NZS 1839:1994 – *Swimming pools: premoulded fibre-reinforced plastics - installation*

Sets out the procedures for the installation of pre-moulded fibre-reinforced plastic swimming pools complying with the requirements of AS/NZS1838:1994, for above and below ground locations.

AS/NZS 2865:2001 – *Safe working in confined spaces*

NZS 4121:2001 – *Design for access and mobility: buildings and associated facilities*

Gives requirements for making buildings and facilities accessible to and useable by people with physical disabilities. Provides a means of compliance with the New Zealand Building Code.

NZS 2416.1:2010 – *Water safety signs and beach safety flags*

Prescribes water safety signs intended for use in connection with the aquatic environment. It is intended for use by owners and operators of aquatic environments and by manufacturers of signs and equipment.

NZS 2416.3:2010 – *Water safety signs and beach safety flags*

Provides guidance for the selection and use of water safety signs as specified in ISO 20712-1 in aquatic environments. It provides guidance on their location, mounting positions, lighting and maintenance. It also provides guidance on the design and location of multiple signs.

AS/NZS 4360:2013 – *Risk management principles and guidelines*

NZS 4441:2008 – *Swimming pool design standard*

This standard covers only the essentials of design and construction of swimming pools and the provision of water treatment facilities. The standard applies to public, institutional, and private swimming pools.

NZS 5823:2005 – *Specification for buoyancy aids and marine safety harnesses and lines*

Sets out general and specific requirements for the following types of buoyancy aids for surface water such as boating and water skiing: coastal lifejackets for use in coastal waters; lifejackets for sheltered waters; buoyancy vests; buoyancy aid wet suits; buoyancy garments; rescue buoys; float-off buoyancy aids and specialist lifejackets. Also covers selection of the various buoyancy aids and their care.

NZS 5826:2010 – *Pool water quality*

This standard covers the essential aspects of the operation and maintenance of pools in regard to pool water quality criteria including reference to methods of water treatment. It does not cover maintenance of heating equipment or mechanical and electrical equipment. It covers all fresh water and sea water swimming pools and spa pools and geothermal pools during use. Safe handling of swimming pool chemicals is also covered.

NZS5828:2004 – *Playground equipment and surfacing*

Specifies general requirements for playground equipment and surfacing, with the adoption of BS EN 1176 Parts 17: 1998, BS EN 1177:1998 and BS 7188:1998, with addendums for playgrounds and playground equipment to meet the needs that are specific to the New Zealand environment.

SNZ HB 5828.1:2006 – *General equipment and surfacing handbook*

SNZ HB 5828.2:2006 – *Supervised early childhood facilities - playground equipment and surfacing handbook*

NZS 8500:2006 – *Safety barriers and fences around swimming pools, spas and hot tubs*

Assists people to avoid a swimming pool related drowning by presenting various options designed to deny, delay or detect unsupervised entry to the swimming pool area. Options for the location of effective safety barriers that will restrict the access of young children to swimming pools are provided, and requirements for the design, construction and performance of fences, gates, retaining walls and door sets intended to form a barrier to restrict access of young children to swimming pools are specified. This Standard is intended to become a compliance document under the Building Code for new pools and to be used by territorial authorities in developing safe solutions for existing pools.

Further information

Standards New Zealand www.standards.co.nz

2 Legislation

A summary of legislation that impacts on facility management is described below. For full details on current legislation refer to www.legislation.govt.nz

Legislation can be revised and updated so it pays to always check the most recent legislation.

2.1 Financial

Charitable Trusts Act 1957

This Act defines charitable purposes and which organisations can be deemed charitable trusts.

Charities Act 2005

This legislation establishes the Charities Commission which register societies, institutions and trustees of trusts as charitable entities. The Act also outlines the obligations required of charities.

Companies Act 1993

This Act provides basic and adaptable requirements for the incorporation, organisation, and operation of companies.

Goods and Services Tax Act 1985

This Act provides for the provision of the collection of goods and services tax (GST). This Act sets out responsibilities for businesses when registering for GST, filing returns, calculations, payment, invoicing and pricing.

Income Tax Act 2007

This Act sets out obligations and requirements for employers, self employed persons and employees in respect of PAYE, tax exemptions, deductions and specific requirements for particular classifications of employment.

Incorporated Societies Act 1908

The Act makes provision for the incorporation of societies which are not established for the purpose of pecuniary gain.

KiwiSaver Act 2006

The Act aims to encourage long-term savings by individuals principally through the workplace. It also details the compulsory obligations of employers to support employees choosing to opt-in to the scheme.

2.2 Resource management & services

Building Act 2004

The Building Act and the Building Code provide for the regulation of building work and setting of performance standards for buildings. This Act and Code is fully detailed by the Department of Housing and Building.

Consumer Guarantees Act 1993

The Act sets out guarantees that are implicit with the provision of goods and services and the rights of redress where those guarantees are breached.

Fair Trading Act 1986

An Act to prohibit certain conduct and practices in trade, to provide for the disclosure of consumer information relating to the supply of goods and services, and to promote product safety.

Food Act 2014

The Act outlines the requirements for the sale of food including the Food Hygiene Regulations 1974.

Local Government Act 1974 & Bylaws

The Act sets out the various requirements of local authorities.

Local Government Act 2002

This Act states the purpose of local government; provides a framework and powers of local authorities to decide which activities they undertake and the manner in which they will undertake them; promotes the accountability of local authorities to their community; and provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural wellbeing of their communities, taking a sustainable development approach.

Local Government Official Information & Meetings Act 1987

The Act makes official information held by local authorities more freely available and protects official information held by local authorities.

Resource Management Act 1991

Resource Management Amendment Act 2013

The Act details sustainable management of the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

Sale and Supply of Alcohol Act 2012

This Act outlines provision for the sale of alcohol to the public.

Smoke-Free Environments Act 1990

This Act aims to reduce the exposure of people who do not themselves smoke to any detrimental effect on their health caused by smoking by others.

Trespass Act 1980

The Trespass Act provides for the control of persons trespassing on or in a facility.

2.3 Human resources

Accident Compensation Act 2001

The purpose of the Act is to enhance the public good and provide for a fair and sustainable scheme for managing personal injury.

Employment Relations Act 2000

The Act aims to build productive employment relationships through the promotion of good faith in all aspects of the employment environment and of the employment relationship.

Equal Pay Act 1972

This Act makes provision for the removal and prevention of gender discrimination in rates of pay of employees. It also provides procedures for recourse to the Employment Relations Authority for aggrieved employees.

Health & Safety in Employment Act 1992

An Act to reform the law relating to the health and safety of employees, and other people at work or affected by the work of other people. Key areas of the Act include the duties of employers in relation to: hazard management; training and supervision; recording and notification of accidents and serious harm; and duties to people who are not employees.

**Note: This Act will be replaced by the Health and Safety at Work Act 2015, effective from 1 April 2015.*

Holidays Act 2003

The purpose of this Act is to promote balance between work and other aspects of employees' lives and, to that end, to provide employees with minimum entitlements.

Human Rights Act 1993

This Act protects human rights in New Zealand and is in general accordance with United Nations Covenants or Conventions on Human Rights. It outlines prohibited discrimination in: employment; the provision of goods and services; racial and sexual harassment. It also provides procedures for investigation of complaints by employees and for recourse to the Equal Employment Opportunities Tribunal, Human Rights Commission, and Race Relations Commission for aggrieved employees.

Minimum Wage Act 1983

This Act establishes minimum rates of wages payable to employees of certain age groups.

Official Information Act 1982

The Act makes official information more freely available, provides for proper access by each person to official information relating to that person, and the protection of official information consistent with public interest and the preservation of personal privacy.

Parental Leave and Employment Protection Act 1987

The Act sets out minimum entitlements with respect to parental leave for male and female employees, protects the rights of employees during pregnancy and parental leave, and entitles certain employees to a defined period of paid parental leave.

Privacy Act 1993

The Act promotes and protects individual privacy in respect to the collection, use and disclosure by public and private sector agencies of information relating to individuals. It also provides for access to personal information held by public or private sector agencies by that person.

Volunteer Employment Protection Act 1973

This Act makes provision for the protection of the employment of volunteers to the Armed Forces for training or service.

Wages Protection Act 1983

This Act provides that no deductions can be made by employers from wages of an employee without their consent. It also stipulates the methods in which wages may be paid to employees.

2.4 Other legal considerations

Children, Young Persons & their Families Act 1989

This Act relates to children and young persons who are in need of care or protection or who offend against the law. The Act is administered by the Ministry of Social Development. It is this Act which defines a child as a boy or girl under the age of 14 years, and a young person as a boy or girl aged 14 years or older but under 17 years. These definitions are used within the industry standards and codes of practice.

Conservation Act 1987

This Act promotes the conservation of New Zealand's natural and historic resources, and is administered by the Department of Conservation. The Act defines the ability for concessions, leases, licences and permits for authorised activities on the conservation estate.

Crimes Act 1961

This Act, administered by the Police, outlines criminal activities, injury to persons, and property damage, and the consequence of conviction on indictment.

Education Act 1989

The Act reformed the administration of education including the role and responsibility of boards of trustees, staffing and resourcing, property, and the establishment of the New Zealand Qualifications Authority.

Fencing of Swimming Pools Act 1987

The Act outlines the requirements for fencing of certain pools under the Building Act 2004. This Act is administered by territorial local authorities.

Harassment Act 1997

The Act provides for criminal and civil remedies in respect of harassment.

Hazardous Substances and New Organisms Act 1996

This act covers the handling and storages of hazardous chemicals.

Industry Training and Apprenticeships Act 1992

The Act provides for the recognition and funding of organisations (to be known as industry training organisations) setting skill standards for, and administering the delivery of, industry-based training.

Land Act 1948

The Act defines the ability for concessions, leases, licences and permits for authorised activities on Crown land.

National Parks Act 1980

This Act outlines the establishment, control and administration of national parks, as well as outlining acceptable activities permitted within National Parks. The Act is administered by the Department of Conservation.

Reserves Act 1977

This Act outlines the acquisition, control, management, maintenance, preservation, development and use of reserves. Reserves are administered by the Department of Conservation and territorial local authorities.

Sport & Recreation New Zealand Act 2002

The purpose of this Act is to promote, encourage, and support physical recreation and sport in New Zealand by establishing an agency called Sport and Recreation New Zealand (SPOANZ).

Standards Act 1988

The Act establishes Standards New Zealand as the developer, approver or adopter of standards and codes of practice which are given legal status by this Act.

Tourist & Health Resorts Control Act 1908

The Act outlines the administration and control of tourist and health resorts and reserves.

