

Public Pools (Standards for Conditions of Exclusion of People) Determination 2015 (No 1)*

Notifiable Instrument NI2015-326

made under the

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

- 1 Name of approval**
This instrument is the *Public Pools (Standards for Conditions of Exclusion of People) Determination 2015 (No 1)*.
- 2 Commencement**
This instrument commences on 1 July 2015.
- 3 Determination**
I determine that the procedures and grounds for excluding people from a pool facility are as provided in the Schedule to this instrument.

David Dawes
Director-General
Economic Development

16 June 2015

**THIS IS PAGE 1 OF 1 PAGE TO THE SCHEDULE TO THE PUBLIC POOLS (STANDARDS FOR CONDITIONS OF EXCLUSION OF PEOPLE) DETERMINATION 2015
(NO 1) MADE UNDER THE *PUBLIC POOLS ACT 2015*.**

1. A person may be excluded for a period of time from entering a pool facility if the person:
 - a. has been given a direction by an authorised person under the *Public Pools Act 2015* (the Act) to leave a pool facility; or
 - b. refused to leave a pool facility when directed to do so; or
 - c. within the last five (5) years committed an offence under the Act while at the pool facility; or
 - d. court action for an offence under the Act has not been finalised.

2. In deciding whether a person should be excluded from entering a pool facility a pool operator must consider:
 - a. the severity of the behaviour;
 - b. any previous behaviour or conduct while at the facility;
 - c. whether or not the behaviour or conduct affected other patrons at the facility; and
 - d. the likelihood of the person repeating the behaviour or conduct.

3. A pool operator is not to exclude a person from a pool facility for any period that exceeds 30 days.

4. If a pool operator seeks to exclude a person for longer than the period specified in clause 3, the operator must seek the approval of the Director-General by providing a written request detailing:
 - a. the reason why the exclusion period should be for a longer period; and
 - b. the time period sought for the exclusion.

5. A pool operator must not exceed the exclusion period authorised by the Director-General under clause 4.

6. A pool operator may reduce the exclusion period or revoke the exclusion at any time.

7. A pool operator must, as far as is reasonably practicable, provide written notice to a person if they are to be excluded. The notice must contain the following information:
 - a. the name of the person excluded;
 - b. the period of time that the person is excluded;
 - c. when the exclusion period is to, or did, commence;
 - d. the reason for the exclusion; and
 - e. information on the operator's complaint processes.

8. A pool operator must keep a record of all exclusions.