

**LOCAL GOVERNMENT ACT 1995**

SHIRE OF ASHBURTON

**LOCAL LAW RELATING TO THE MANAGEMENT AND  
CONTROL OF PUBLIC SWIMMING POOLS**

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## SHIRE OF ASHBURTON

**LOCAL LAW RELATING TO THE MANAGEMENT AND CONTROL OF PUBLIC SWIMMING POOLS**

In pursuance of the powers conferred upon it by the above mentioned Act, and all powers enabling it, the Council of the Shire of Ashburton hereby records having resolved on the 19 May 1998 to make the following local law.

**PART 1—PRELIMINARY****1. Citation**

This local law shall be cited as the Shire of Ashburton "Local Law Relating to the Management and Control of Public Swimming Pools".

**2. Application**

This local law shall apply to the Vic Hayton Memorial Pool, Tom Price and the Paraburdoo Swimming Pool, Paraburdoo.

**3. Commencement**

This local law comes into effect fourteen (14) days after the date of its publication in the *Government Gazette*.

**4. Repeal of Previous Local Law**

The Shire of Ashburton's "Local Law Relating to the Management and Control of the Vic Hayton Memorial Swimming Pool, Tom Price and the Paraburdoo Swimming Pool" published in the *Government Gazette* on 28 September 1984 and all other Local Laws relating to public swimming pools are hereby repealed.

**5. Content and Intent**

This local law provides for rules and guidelines for the management and control of the Vic Hayton Memorial Pool in Tom Price and the Paraburdoo Swimming Pool in Paraburdoo.

**6. Interpretation**

(1) In this local law, unless the context otherwise requires—

"Act" means the Local Government Act 1995.

"adult" means any person aged eighteen (18) years and over.

"attendant" means an employee of the local government performing duties in connection with the pool.

"child" means any person under the age of eighteen (18) years.

"local government" means the local government of the Shire of Ashburton

"manager" means the person appointed by the local government to have control of and manage the pool, and the parking area and other surrounds of the pool, or other person who, for the time being is acting in that capacity.

"pool premises" means the Vic Hayton Memorial Swimming Pool, Tom Price and the Paraburdoo Swimming Pool, Paraburdoo and shall include all fencing, parking areas, turnstiles, dressing rooms, shower recesses, spectators' stands, seating, ablution facilities, and all other structures erected and facilities provided for use and convenience of persons using the pool.

"season" means the period of the consecutive months in which the pool is open to the public and agreed upon from time to time by the local government.

(2) Unless otherwise defined herein the terms and expressions used in the local law shall have the same meaning given to them in the Act.

(3) Where a term is not defined in this local law, the Act or regulations, the terminology is to be taken from the Oxford Dictionary.

**PART 2—CONDUCT OF PATRONS****7. Conditions of Use**

No person shall —

- (a) enter any portion of the pool premises set apart exclusively for the opposite sex except a person under the age of five (5) years or younger who are bona fide accompanying their parent or guardian or other responsible person delegated by their parent or guardian over the age of eighteen years;
- (b) enter or attempt to enter any cubicle, shower dressing area or other compartment which is already occupied;
- (c) in any way interfere with any other person in the pool premises or with another person's use thereof nor throw or push, or attempt to throw or push another person in any pool area or throw any stones, sticks or any other matter or thing to the annoyance of another person using the pool premises;
- (d) play a ball game except with the consent of the manager or attendant or do anything which in any way limits the enjoyment of the users of the pool premises, but nothing herein contained applies to the playing of any games or aquatic sports organised and conducted in the pool premises by a club, association, organisation or other person at times and in a manner approved by the manager;
- (e) permit an animal to enter or remain in or about the pool premises.
- (f) obstruct the Manager or attendant in carrying out their duties;
- (g) enter or depart from any part of the pool premises except by means of the respective entrances or exits set apart for that purpose;
- (h) appear in public unless properly attired in clothing or a costume of such nature as to preserve public decency and to cover the body so as to prevent indecent exposure of the person;
- (i) enter or be in the pool premises whilst in an intoxicated condition induced by alcohol or any illegal substance;
- (j) take into the pool premises, or have possession of intoxicating liquor or any illegal substance;
- (k) take into the pool premises, or have in possession any glass or metal container, unless with prior consent of the manager or attendant;
- (l) use soap or shampoo or detergent in any part of the pool premises other than in a dressing room or shower recess;
- (m) climb up or upon a roof, fence, wall, partition of the pool premises;
- (n) in any part of the pool premises behave in an unseemly, improper, disorderly, riotous or indecent manner or swear or use indecent, obscene, offensive or abusive language or gamble or act in a manner which is offensive;
- (o) bring onto or deposit in any part of the pool premises any refuse or rubbish except in receptacles set aside for that purpose;
- (p) consume food stuffs or drinks in any specific area in which consumption is prohibited;
- (q) wastefully use water or leave any taps flowing in the dressing rooms or elsewhere in the pool premises;
- (r) expectorate or spit in or on any part of the pool premises or in any way commit any nuisance on or in part of the pool premises;
- (s) use a substance or preparation whereby the water of any swimming pool may become discoloured or rendered turbid or otherwise unfit for the proper use of bathers;
- (t) foul or pollute the water in a shower, bath or any swimming pool or soil, damage, injure, destroy, use improperly, disfigure or write in or upon a dressing room closet, compartment or any other part of the pool premises or any furniture or other article of equipment therein;
- (u) damage, break, injure, improperly use, interfere with or destroy any fitting, appliance, equipment or any other property of the local government in or about the pool premises;
- (v) whilst suffering from any contagious, infectious or cutaneous disease, or whilst in an unclean condition, enter or attempt to enter or use any swimming pool of the pool premises or any part thereof.

**8. Special Provisions for Guide Dogs**

Notwithstanding anything contained within this local law a person who is blind or deaf or partially blind or deaf—

- (a) is entitled to be accompanied by a dog *bona fide* used by him or her as a guide dog in any part of the pool premises, excluding the actual pool; and
- (b) is not guilty of an offence by reason only that he or she takes that dog or permits that dog to enter the pool premises.

**9. Control of Premises**

(1) Every person using the pool premises shall obey all reasonable directions of the manager or attendant.

(2) The manager or attendant may temporarily suspend admittance to or clear the pool premises or any part thereof of all or any person or persons if in his or her opinion such action is necessary or desirable.

**10. Valuables**

- (1) Any person entering the pool may deposit valuables with the manager or attendant.
- (2) Under no circumstances will the local government accept liability should such valuables be lost, stolen, damaged, destroyed or otherwise interfered with while in the custody of the manager or attendant.

**11. Lost Property**

- (1) Every person finding in the pool premises any article which may have been left or lost therein shall immediately deliver the same to the manager or attendant who shall thereupon register a description of such article and all particulars relating thereto.
- (2) Any person claiming any such article and who satisfies the manager or attendant that he or she is the lawful owner of the same shall have such article returned.
- (3) The local government shall not under any circumstances incur any liability in respect of articles lost or left in the pool premises.
- (4) All articles left at the pool and not claimed within a period of six calendar months shall be disposed of by the local government in accordance with the Act.

**12. Carnivals**

- (1) Any person, club, association or organisation conducting any carnival held at the pool premises shall be responsible for the conduct of the competitors and spectators during such carnivals.
- (2) Every club, person, association or organisation wishing to conduct any function apart from that mentioned in (1) above shall submit written application to the local government who may set conditions having regard to the number of persons anticipated to attend the function, together with the type and nature of the function.

**PART 3—ADMISSION TO POOL****13. Hours of Admission**

- (1) The pool shall be open for public use for such periods and at such times as the local government may from time to time decide.
- (2) Such periods and such times shall be clearly displayed upon a notice board at the pool entrance and by such other means determined by the local government.

**14. Age of Admission**

- (1) Subject to the conditional consent of the manager, children under the age of ten (10) years at or entering the pool premises must be accompanied by an adult.
- (2) An adult shall be responsible for the supervision and safe conduct of the child or children up to four (4) in number.

**PART 4—MISCELLANEOUS****15. Fees and Charges**

The fees and charges in relation to this local law will be set in accordance with Part 6, Division 5, and Subdivision 2 of the Act.

**16. Persons Maybe Removed**

- (1) Any person who breaches any of the provisions of this local law or who shall permit any breach thereof may be summarily removed from the pool by the manager or attendant, or may be arrested and given into custody of the police.
- (2) The local government may issue a written direction to the manager that any person named in such direction shall not be admitted to the pool premises and whilst such direction remains in force the manager shall not admit such person to the pool.

**17. Objection and Appeal Rights**

When the local government makes a decision as to whether it will not admit to the pool premises any person or a decision in relation to clause 12 the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 shall apply to that decision.

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Dated this 19 day of May 1998.

The Common Seal of the Shire of Ashburton was hereunto affixed in the presence of—

BRIAN HAYES, President.  
DAVID G. CAREY, Chief Executive Officer.

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