

NORTHERN TERRITORY OF AUSTRALIA

ALICE SPRINGS (AQUATIC AND LEISURE CENTRE) BY-LAWS 2011

As in force at 7 March 2012

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 7 March 2012

ALICE SPRINGS (AQUATIC AND LEISURE CENTRE) BY-LAWS 2011

By-laws under the *Local Government Act 2019*

Part 1 Executive and administrative

1 Citation

These By-laws may be cited as the *Alice Springs (Aquatic and Leisure Centre) By-laws 2011*.

2 Enactment and commencement

- (1) These by-laws were made by special resolution of the Alice Springs Town Council on the 25th day of July 2011 and amended by further special resolution on the 31st day of October 2011 pursuant to Part 13.1 of the *Local Government Act 2008*.
- (2) These by-laws have force and effect from the 1st day of January 2011 or the date that they are notified in the *Gazette* whichever is later.
- (3) The *Alice Springs (Swimming Centre) By-laws 1983* (Subordinate Legislation No. 29 of 1983) are repealed.

3 Application

These By-laws apply to the Alice Springs Aquatic and Leisure Centre situated at Speed Street, Alice Springs.

4 Definitions

In these By-laws:

authorised person means either a person appointed by Council under Division 1 of Part 9.6 of the *Local Government Act 2008* or a member of the Police Force.

body means an association of members whether or not that association is incorporated.

Centre means the Alice Springs Aquatic and Leisure Centre situated at Speed Street, Alice Springs.

commercial activity includes coaching for reward.

container includes any cask, flask, receptacle, bottle or can.

Council means the Alice Springs Town Council.

guide dog means a dog, trained by an approved guide dog association, used as a guide by a person who is wholly or partially blind.

hearing dog means a dog, certified as a hearing dog by an approved hearing dog association, used as an aid by a person who is wholly or partially deaf.

liquor has the same meaning as in the *Liquor Act 1978*.

manager means manager of the Centre so appointed by Council or by the operator of the Centre as the case may be and includes, when the Manager is not in attendance at the Centre, any duly authorised delegate of the Manager.

polluting substance means:

- (a) faeces;
- (b) urine;
- (c) blood;
- (d) vomit;
- (e) detergents;
- (f) food and beverages; or
- (g) any other substance deemed to be a polluting substance by a resolution of Council; and

pool includes a waterslide.

Part 2 Public use of the Centre

5 Refusal of entry

The manager must refuse entry to the Centre to a member of the public if that person is:

- (a) under the age of 10 years unless that person is accompanied by:
 - (i) a parent or guardian of that person; or
 - (ii) another person authorised by a parent or guardian to supervise that person provided that other person is in the reasonable opinion of the Manager competent to supervise that person;
- (b) accompanied by an animal except for a guide dog or a hearing dog;
- (c) in the possession or control of a container of liquor whether opened or unopened or appears in the reasonable opinion of the Manager to be under the influence of liquor or any other drug;
- (d) in the possession or control of a glass container;
- (e) prohibited from entering the Centre under By-law 22; or
- (f) not in possession of valid pass or has not paid the necessary entry fee to the Centre.

6 Entry into pool

- (1) If a person at the Centre is, in the Manager's opinion:
 - (a) in an unhygienic or unclean state; or
 - (b) clothed in a manner which is unsuitable or inappropriate for swimmingthe manager may request that person to:
 - (c) keep from entering a pool whilst in that state or clothed in that manner; or
 - (d) immediately leave a pool.
- (2) A person-who refuses to obey a request given under clause (1)(c) or (d) is guilty of an offence.

7 Closing

- (1) The manager or an authorised person may at any time close the Centre or a pool within the Centre.
- (2) Where the Centre or a pool is closed under clause (1), a person must leave the Centre or the pool on being directed to do so by the manager or an authorised person.
- (3) A person who contravenes clause (2) is guilty of an offence.

Part 3 Prohibited conduct**8 Interfering with others**

- (1) A person must not interfere with another person or throw or push, or attempt to throw or push, another person into a pool at the Centre, or throw a stone or stick or ball or other matter or thing to the annoyance of another person using the facilities at the Centre.
- (2) For clause (1), interference includes interfering with the enjoyment of that other person.
- (3) A person who contravenes clause (1) is guilty of an offence.

9 Damage to Centre property

- (1) A person must not wilfully damage any building, structure, fixture, equipment or furniture in, at, or part of the Centre.
- (2) A person who contravenes clause (1) is guilty of an offence.

10 Climbing

- (1) A person must not climb or attempt to climb on a tree or a fence or a roof or other part of a building, structure or fixture in, at or part of the Centre.
- (2) A person who contravenes clause (1) is guilty of an offence.

11 Substances in a pool

- (1) A person must not put or discharge any polluting substance in a pool at the Centre.
- (2) A person who contravenes clause (1) is guilty of an offence.

12 Infectious diseases

- (1) A person having:
 - (a) an infection; or
 - (b) disease or skin complaint that is contagiousmust not enter a pool at the Centre.
- (2) A person who contravenes clause (1) is guilty of an offence.

13 Recording images in change room

- (1) A person must not use a camera, video camera, mobile telephone camera or any other device that records still or moving images in any change room in the Centre.
- (2) A person who contravenes clause (1) is guilty of an offence.

14 Recording images of children

- (1) A person must not within the Centre use a camera, video camera, mobile telephone camera or any other device that records still or moving images of a child under the age of 16 years without the consent of that person's parent or guardian.
- (2) A person who contravenes clause (1) is guilty of an offence.

15 Entry into change rooms

- (1) A person, being above the age of 4 years, must not enter a change room or toilet at the Centre which is designated for the use of a person of the opposite sex to that person.
- (2) A person who contravenes clause (1) is guilty of an offence.

16 Fundraising

- (1) A person or body must not carry out any fundraising activity at the Centre without the written permission of the Manager.
- (2) A person who contravenes clause (1) is guilty of an offence.

17 Commercial activity

- (1) A person or body must not carry out any commercial activity at the Centre without the written permission of the Manager.
- (2) A person who contravenes clause (1) is guilty of an offence.

Part 4 Responsibility for young children

18 Adult custody and control

- (1) A parent or guardian of a child under the age of 10 years must not cause the child to be left at the Centre unless the child is in the custody and control of an adult who has undertaken to the parent or guardian to be responsible for the safety and good behaviour of the child while the child is at the Centre.
- (2) A person who contravenes clause (1) is guilty of an offence.

19 Duty of adult custodian

- (1) Where an adult:
 - (a) accompanies into the Centre; or
 - (b) within the Centre takes or has the custody or control of, a child under the age of 10 years, the adult must:
 - (c) ensure that the child obeys these By-laws; and
 - (d) ensure, or make provision for, the safety of the child while at the Centre.
- (2) If a person to whom clause (1) applies fails to so ensure that a child obeys these By-laws or fails to so ensure, or make provision for, the safety of the child, the Manager or an authorised person may ask the person to leave the Centre with the child.
- (3) A person who fails to immediately leave the Centre with the child on being requested to do so under clause (2) is guilty of an offence.

Part 5 Enforcement

20 Request to leave

- (1) If a person when at the Centre:
 - (a) has entered the Centre in circumstances where the manager would have been obliged to refuse entry to the person under By-law 5;
 - (b) breaches any of these By-laws;
 - (c) is under the influence of liquor or another drug;
 - (d) uses threatening or abusive language; or

- (e) acts in a disorderly or indecent manner

the manager or an authorised person may ask the person to leave the Centre.

- (2) A person who fails to immediately leave the Centre on being requested to do so under clause (1) is guilty of an offence.

21 Request to cease conduct

- (1) If a person when at the Centre:

- (a) spits;
- (b) is unreasonably noisy;
- (c) runs;
- (d) behaves in a way that places themselves or others at risk; or
- (e) smokes

the manager or an authorised person may ask the person to cease that conduct.

- (2) Where a person, having been asked to cease certain conduct under clause (1), continues with that conduct, the Manager or an authorised person may ask the person to leave the Centre.
- (3) A person who fails to immediately leave the Centre on being requested to do so under clause (1) is guilty of an offence.

22 Ban on attendance

- (1) Where a person is requested to leave the Centre under By-laws 19(2), 20(1) or 21(2), that person is, subject to clause (2), prohibited from entering the Centre for the rest of that day.
- (2) When a person is requested to leave the Centre under By-laws 19(2), 20(1) or 21(2), the manager or authorised person may issue the person with a banning notice prohibiting the person from entering the Centre for the duration of the ban.
- (3) Where clause (2) applies:
 - (a) the manager may subsequently set aside or reduce the duration of the ban; or
 - (b) the banned person may apply to Council to set aside or reduce the duration of the ban.

- (4) A person who enters or attempts to enter the Centre while a ban is in force under clauses (1) or (2) is guilty of an offence.

23 Removal from the Centre

An authorised officer may remove any person who fails to immediately leave the Centre on being requested to do so under By-laws 19(2), 20(1) or 21(2).

24 Abuse of manager or authorised person

- (1) A person must not threaten, intimidate or use abusive language against the manager or authorised person in the exercise of powers under these By-laws.
- (2) A person who contravenes clause (1) is guilty of an offence.

25 Hindering or obstructing manager or authorised person

- (1) A person who hinders or obstructs the manager or an authorised person in the exercise of powers under these By-laws.
- (2) A person who contravenes clause (1) is guilty of an offence.

26 Regulatory offence

Any offence against these By-laws is a regulatory offence.

27 Penalties and infringement notices

By-laws 81 and 82 of the *Alice Springs (Management of Public Places) By-laws 2009* shall apply to and be incorporated into these By-laws save that:

- (a) in relation to By-law 81, the reference to "these By-laws" is deemed to be in reference to the *Alice Springs (Aquatic and Leisure Centre By-laws) 2011*; and
- (b) in relation to By-law 82, the reference to By-law 81 in clause (1) is deemed to be in reference to By-law 81 of the *Alice Springs (Management of Public Places) By-laws 2009* and "By-law 27" is substituted for "By-law 82" wherever the latter appears in By-law 82.

Schedule

by-law 27

FIXED PENALTIES

Column 1 By-law	Column 2 General Description of Offence	Column 3 Penalty units
6(2)	Entering or remaining in pool in unhygienic or unclean state or in unsuitable or inappropriate state	2
7(3)	Failing to leave Centre or pool on being directed to do so	2
8(3)	Interfering with another	1
9(2)	Wilfully damaging Centre property	5
10(2)	Climbing on Centre property	1
11(2)	Putting polluting substance in pool	5
12(2)	Entering pool with infectious disease	5
13(2)	Recording images in a change room	5
14(2)	Recording images of children	1
15(2)	Entering change room of opposite sex	2
16(2)	Carrying out fundraising without written permission	1
17(2)	Carrying out commercial activity with written permission	3

18(2)	Leaving a child under 10 at Centre without adult supervision	3
19(3)	Failing to leave Centre due to failure to ensure child obeys By-laws or make provision for the safety of the child	3
20(2)	Failing to leave Centre due to conduct	3
21(3)	Failing to leave Centre due to continued conduct	3
22(4)	Entering Centre when ban in force	2
24(2)	Abusing manager or authorised person	5
25(2)	Hindering or obstructing manager or authorised person	3

These by-laws were made by special resolution of the Alice Springs Town Council at its Ordinary meeting on the 25th day of July 2011 and amended by further special resolution at its Ordinary meeting on the 31st day of October 2011

Rex Roger Mooney
CHIEF EXECUTIVE OFFICER

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Alice Springs (Aquatic and Leisure Centre) By-laws 2011* (SL No. 58, 2011)**

Notified	7 March 2012
Commenced	7 March 2012

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: bl 1, 2, 4 and 27.