

NORTHERN TERRITORY OF AUSTRALIA

**WEST ARNHAM REGIONAL COUNCIL (JABIRU TOWN) (SWIMMING
POOL COMPLEX) BY-LAWS 1982**

As in force at 16 December 2021

Table of provisions

Part I	Preliminary	
1	Citation	1
2	Definitions	1
Part II	Administration	
3	Admission	2
4	Season tickets	2
5	Hours of admission	3
6	Risk	3
Part III	Conduct of persons	
7	Control of premises	3
8	Offences	3
9	Lost property	5
Part IV	Miscellaneous	
10	Carnivals	6
11	Hire of complex	7
12	Coaching	7
13	Offences and penalties	7
14	Enforcement	7

ENDNOTES

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By-laws under the *Local Government Act 2019*

Part I Preliminary

1 Citation

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) (Swimming Pool Complex) By-laws 1982*.

2 Definitions

In these By-laws, unless the contrary intention appears:

admission charge means the admission charge determined under by-law 3(3)(b) by the Authority.

complex means the area of land which constitutes the Jabiru Swimming Pool Complex and includes fencing, turnstiles, dressing rooms, shower baths, spectator stands, seating, lavatories, barbecue areas and other structures erected for the use and convenience of persons using the complex.

manager means the person appointed by the Authority to control and manage the complex, and includes a person acting in his stead or on his behalf.

pool means the swimming pools within the complex including the wading pool.

season ticket means a season ticket under by-law 4.

session means the period during which the complex is open to the public as determined under by-law 3(3)(a) by the Authority.

Part II Administration

3 Admission

- (1) A person shall not, without the express permission of the Authority or manager, enter the complex except through a turnstile erected for that purpose and upon offering, for inspection:
 - (a) a ticket granting admission to the complex for a session; or
 - (b) a season ticket.
- (2) A person wishing to obtain a ticket granting admission to the complex for a session may, upon payment of the admission charge, obtain it from the manager.
- (3) The Authority shall, by resolution, determine:
 - (a) the periods of sessions;
 - (b) charges for admission to the complex for a session; and
 - (c) charges for the issue of season tickets.

4 Season tickets

- (1) A season ticket shall entitle the person in whose name it is issued to admission to the complex for a series of sessions and may be obtained from the manager, upon payment of the charge for the issue of a season ticket determined under by-law 3(3)(c) by the Authority.
- (2) A season ticket is not transferable and may be used only by the person in whose name it is issued.
- (2A) An offence of contravening or failing to comply with a provision of, or a notice under, clause (2) is a regulatory offence.
- (3) A list of the persons in whose names season tickets are issued shall be kept at the complex and the manager may refuse admission to a person using a season ticket where he reasonably believes that the person is not the person in whose name the season ticket was issued.
- (4) A person shall not enter, or attempt to enter, the complex by using a season ticket issued in the name of another person.

5 Hours of admission

- (1) Subject to clause (2), the complex shall be open daily for the periods determined under by-law 3(3)(a) by the Authority and posted on a notice board at the entrance to the complex.
- (2) The Authority may restrict or prohibit public access to the complex on a specific day by posting a notice to that effect on a notice board at the entrance to the complex.

6 Risk

- (1) A person using the complex does so at his own risk.
- (2) A person entering the complex may deposit valuables with the manager, but the Authority shall not be liable in the event that such valuables are lost, stolen, damaged or otherwise interfered with whilst in the custody of the manager.

Part III Conduct of persons**7 Control of premises**

- (1) A person shall obey all reasonable directions of the manager with regard to the person's conduct in or in relation to the complex.
- (2) A person in the complex shall not obstruct, interfere with or hinder the manager in the exercise of his powers or discharge of his duties under these By-laws.

8 Offences

- (1) A person shall not enter the complex while in an intoxicated condition whether such condition is induced by liquor, drugs or otherwise, and a person shall not bring into the complex intoxicating liquor or drugs or have such items in his possession whilst in the complex.
- (2) Where a person in the complex appears in such a condition as to be, in the opinion of the manager, indecently or insufficiently clad, the manager may direct that person to adopt a standard of dress acceptable to him or to leave the complex.
- (3) At the complex, a person shall not:
 - (a) use soap, other than in the dressing rooms, shower baths or shower recesses;

- (b) behave in an unseemly, improper, disorderly, riotous or indecent manner, swear or use indecent, obscene, offensive or abusive language, gamble or misconduct himself;
- (c) enter the pool without first using a shower bath;
- (d) smoke in a part of the complex where a notice is exhibited prohibiting smoking in that part;
- (e) eat in or take into the dressing rooms food of any kind;
- (f) climb up to or on a fence, partition, roof or other portion of the complex;
- (g) wastefully use water or leave a tap running;
- (h) spit or expectorate;
- (j) whilst in the pool, use a substance or preparation which may cause the water to discolour or render the water turbid or otherwise unfit for the use of bathers;
- (k) wilfully:
 - (i) foul or pollute water in a shower bath or the pool;
 - (ii) soil, defile, damage, injure, destroy, use improperly, disfigure or write in or upon a dressing room, furniture or other article or equipment in the complex; or
 - (iii) discharge or deposit litter of any description on, in or about the complex;
- (m) carelessly or negligently damage or improperly use or interfere with a tap, lock, valve, locker or other fitting or appliance in or about the complex;
- (n) damage, remove, mark or without lawful excuse interfere with the barbeque facilities provided in the complex, or equipment forming part of the barbeque facilities, or leave such facilities and equipment in an unclean or untidy condition after use;
- (p) damage, remove, mark or interfere with trees, plants or turf;
- (q) cause or allow a dog or other animal belonging to him or under his control to enter or remain in the complex;

- (r) interfere with another person, throw or push, or attempt to throw or push, another person into the pool or throw a stone, stick or other matter or thing to the annoyance of another person using the facilities of the complex;
 - (s) whilst suffering from a cutaneous infection or contagious disease, or while in an unclean condition, enter the pool;
 - (t) be a nuisance; or
 - (u) subject to clause (4), leave a child who has not attained the age of 8 years, unless the child is in the custody and control of a person who has attained the age of 15 years and undertaken to be responsible for the safety and good behaviour of the child while that child is in the complex.
- (4) A person is not guilty of the offence of contravening, or failing to comply with, clause (3)(u) where the manager is satisfied that the child is a competent swimmer.
- (5) Subject to clause (6), a male person shall not enter a part of the complex set apart solely for the use of females, and a female person shall not enter a part of the complex set apart solely for the use of males, nor shall a person enter or attempt to enter, without the consent of the occupier, a shower recess or dressing room or other compartment which is already occupied.
- (6) Where a male child who has not attained the age of 5 years is accompanied by a female person, he may enter a part of the complex set apart solely for the use of females.
- (7) A person in respect of whom a direction has been issued in accordance with by-law 14(3) shall not, knowing that the direction is in force, enter, or attempt to enter, the complex.
- (8) A person shall not play ball games or take action which shall, in any way, limit the enjoyment of other users of the pool or complex at such time or times as the complex is in general public use, but this clause shall not apply to the playing of a game or aquatic sport specially organized and conducted at the complex by a club or person at a time approved by the manager.

9 Lost property

- (1) Where a person finds an article which he reasonably believes to have been abandoned or lost in the complex, he shall immediately deliver the article to the manager.
- (2) Where an article is delivered to the manager in pursuance of clause (1) or he finds an article which he reasonably believes to

have been abandoned or lost in the complex, the manager shall, as soon as practicable, enter a description of the article and all particulars relating to the article in a register which he shall keep for that purpose.

- (3) Where a person claims an article, a description of which has been entered in a register under clause (2) and satisfies the manager that he is the owner of the article, the person shall have it returned to him upon signing for the article in the register.
- (4) The manager shall report to the Council Services Manager, at least once a week, regarding articles abandoned or lost in the complex during the immediately preceding week and produce the register for inspection by the Council Services Manager.
- (5) The Authority shall not incur liability in respect of an article abandoned or lost in the complex or stolen from a person while he is in the complex.
- (6) An article abandoned or lost in the complex and not claimed within 14 days after the date of the entry under clause (2) in relation to it shall be handed by the manager to a member of the Police Force as abandoned or lost property.

Part IV Miscellaneous

10 Carnivals

- (1) A person, club, association or organization conducting a carnival at the complex shall be responsible for the conduct of the competitors, officials and spectators during the carnival and shall ensure that:
 - (a) there is no overcrowding;
 - (b) no damage is done to the complex; and
 - (c) these By-laws are observed by competitors, officials and spectators attending the carnival.
- (2) At a swimming carnival held at the complex the competitors shall wear bathing costumes approved by the manager.
- (3) A person, club, association or organization to whom or to which the complex is let on hire for the purpose of holding a swimming carnival shall, at least 14 days before the proposed date of the carnival, forward to the Council Services Manager a copy of the programme of events for the carnival and of games or sports proposed to be conducted, and an item on the programme of which the Authority does not approve shall be removed from the

programme or varied in such manner as the Authority determines.

11 Hire of complex

- (1) The Authority may, on receipt of an application in writing made to the manager, allow a person, club or association to have sole use of the complex for such period and subject to such conditions as it thinks fit.
- (2) Where a person, club, association or organization is allowed sole use of the complex, a written agreement shall, before the period of sole use commences, be entered into between the Authority and the person or an official of the club, association or organization on behalf of that club, association or organization, requiring the use of the complex.
- (3) The complex and facilities and equipment within the complex shall be left in a clean and tidy condition at the end of a period of sole use, and the Authority may, in order to secure compliance with this clause, require a person, club, association or organization entering into an agreement for sole use of the complex to pay a deposit which shall be returned upon the Authority being satisfied that the requirements of this clause have been met in relation to that period of sole use.

12 Coaching

- (1) A person shall not, for reward, teach, coach or train another person at the complex except with the consent in writing of the Authority.
- (2) The Authority may, in writing, consent to a person teaching, coaching or training another person at the complex, for reward.

13 Offences and penalties

- (1) A person shall not contravene or fail to comply with a provision of, or an order or direction under, these By-laws.
- (2) A person who contravenes or fails to comply with a provision of, or an order or direction under, these By-laws for which a penalty is not provided by a provision of these By-laws, other than this by-law, is punishable upon conviction by a fine of \$200.

14 Enforcement

- (1) A person who contravenes or fails to comply with a provision of, or an order or direction under, these By-laws may be removed from the complex by the manager, or may be detained by the manager and given into the custody of a member of the Police Force.

- (2) Where, within the immediately preceding 6 months, a person has been convicted of an offence against these By-laws, the manager may refuse to admit him to the complex.
- (3) The Authority may issue a written direction to the manager that a person named in the direction shall not be admitted to the complex and, whilst that direction remains in force, the manager shall not admit that person to, or allow him to remain in, the complex.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Jabiru Town Development (Swimming Pool Complex) By-laws (SL No. 82, 1982)

Notified	28 January 1983
Commenced	28 January 1983

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

Statute Law Revision Act 2005 (Act No. 44, 2005)

Assent date	14 December 2005
Commenced	14 December 2005

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

Assent date	15 December 2021
Commenced	16 December 2021 (s 2)

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, 2018) to: r 1.

4 LIST OF AMENDMENTS

bl 1 – 2	amd Act No. 29, 2021, s 10
bl 4	amd Act No. 68, 1983, s 139
bl 9	amd Act No. 29, 2021, s 10
bl 10	amd Act No. 44, 2005, s 35; Act No. 29, 2021, s 10