

NORTHERN TERRITORY OF AUSTRALIA

TENNANT CREEK (SWIMMING CENTRE) BY-LAWS 1989

As in force at 9 August 1989

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By-laws under the *Local Government Act 2008*

Part I Preliminary

1 Short title

These By-laws may be cited as the *Tennant Creek (Swimming Centre) By-laws 1989*.

2 Definitions

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

adult means a person who has attained the age of 15 years.

centre means the Tennant Creek Swimming Centre and includes land, fencing, turnstiles, dressing cubicles, shower recesses, spectator stands, plant room, seating, lavatories, barbecue areas and other structures erected for the use and convenience of persons using the centre or for the operation of the centre.

child means a person who has not attained the age of 15 years.

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

pool means a swimming pool within the centre and includes a wading pool.

prescribed charge means a charge determined by the council under by-law 3(2)(b).

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

session means the period of admission on a day as determined from time to time by the council during which the centre is open to the public.

Part II Administration

3 Admission

(1) A person shall not, without the express permission of the council or the manager, enter the centre except through a turnstile or gate erected for that purpose and upon:

- (a) payment of the admission charge; or
- (b) offering for inspection a season ticket.

Penalty: \$200.

(2) The council shall, by resolution from time to time:

- (a) determine days on which the centre will be open for sessions and the duration of sessions;
- (b) determine the charges for admission and season tickets.

(3) The form of season tickets shall be as determined by the council.

4 Season tickets

(1) A season ticket shall entitle the holder to admission to the centre for such number of sessions as the council determines and may be obtained upon payment of the prescribed charge.

(2) A season ticket is not transferable and may be used only by the person in whose name it is issued.

(3) A list of the holders of a season ticket shall be kept at the centre and the manager may refuse admission to a person using a season ticket where he reasonably believes that the person is not the person to or in relation to whom the season ticket was issued.

(4) For the purpose of ensuring compliance with clause (2), the manager may request a person using a season ticket to produce documentary evidence of identity, and a person shall comply with such a request.

Penalty: \$200.

(5) A person shall not enter, or attempt to enter, the centre by using a season ticket issued to another person.

Penalty: \$200.

5 Hours of admission

- (1) Subject to clause (2), the centre shall be open at the times determined by the council in pursuance of by-law 3(2) and posted on a notice board at the entrance to the centre.
- (2) The council may restrict or prohibit public access to the centre on a specific day or specific days by posting a notice to that effect on the notice board at the entrance to the centre.

6 Risk

- (1) A person using the centre does so at that person's own risk.
- (2) A person entering the centre may deposit valuables with the manager, but the council and manager 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.
- (3) A notice to the effect of clause (2) shall be displayed at the admission turnstile or gate.

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

- (1) A person shall obey all reasonable directions of the manager with regard to that person's conduct in or in relation to the centre, or with regard to children who have not attained the age of 8 years and who are within that person's custody and control.
- (2) A person in the centre shall not obstruct, interfere with or hinder or permit a child who has not attained the age of 8 years and is within that person's custody and control to obstruct, interfere with or hinder the manager in the exercise of the manager's powers or the discharge of the manager's duties under these By-laws.

Penalty: \$200.

8 Offences

- (1) A person shall not enter or be at the centre whilst in an intoxicated condition whether such condition is induced by liquor, drugs or otherwise, and a person shall not bring into the centre spirits, drugs or intoxicating liquor or be in possession of such while in the centre.
- (2) Where a person in the centre appears in such a condition as to be, in the opinion of the manager, indecently or insufficiently clad, the manager shall require that person to forthwith resume that person's

ordinary clothing and it shall be an offence to fail to comply with such a requirement.

- (3) A person shall not:
- (a) use soap in the centre, other than in the shower baths or shower recesses;
 - (b) in any part of the centre, behave in an unseemly, improper, disorderly, riotous or indecent manner, swear or use indecent, obscene, offensive or abusive language, gamble or misconduct himself;
 - (c) first enter a pool without previously using a shower bath provided in the centre;
 - (d) smoke in a part of the centre where the council has caused a notice to be exhibited prohibiting smoking in that part;
 - (e) eat in or take into the dressing cubicles food of any kind;
 - (f) climb up or on a fence, partition, roof or other part of the centre;
 - (g) in the dressing cubicles or elsewhere in the centre, wastefully use the water or leave a tap running;
 - (h) spit or expectorate in the pool or on the concourse or part of the centre; or
 - (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 pool;
 - (ii) soil, defile, damage, injure, destroy, use improperly, disfigure or write in or upon a dressing cubicle, furniture or other article or equipment in the centre; or
 - (iii) discharge litter of any description on, in or about the centre other than into a receptacle labelled as a litter receptacle, or bring litter into the centre;
 - (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 centre;

- (n) damage, remove, mark or without lawful excuse interfere with a barbeque facility provided in the centre, or equipment forming part of a barbeque facility, or leave such facility and equipment in an unclean or untidy condition after use;
 - (p) damage, remove, mark or interfere with trees, plants or turf in the centre;
 - (q) cause or allow a dog or other animal belonging to the person or under the person's control to enter or remain in the centre;
 - (r) interfere with another person or throw or push, or attempt to throw or push, another person into the pool, or throw a stone or stick or other matter or thing to the annoyance of another person using the facilities of the centre;
 - (s) while suffering from a cutaneous infection or contagious disease, or while in an unclean condition, enter a pool;
 - (t) be a nuisance in the centre; or
 - (u) leave at the centre a child who has not attained the age of 8 years, unless the child is in the custody and control of an adult who has undertaken to the person leaving the child to be responsible for the safety and good behaviour of the child while the child is in the centre.
 - (v) run in any part of the centre.
- (4) Where an adult:
- (a) accompanies into the centre; or
 - (b) within the centre takes or has the custody or control of, a child who has not attained the age of 8 years, the adult shall:
 - (c) ensure that the child obeys these By-laws; and
 - (d) ensure, or make provision for, the safety of the child while in the centre.
- (5) A male person over the age of 4 years shall not enter a part of the centre set apart for females, and a female person over the age of 4 years shall not enter a part of the centre set apart for males, nor shall a person enter or attempt to enter, without the consent of the occupant, a shower recess or dressing cubicle or other compartment which is already occupied.

- (6) A person in respect of whom a direction has been issued in accordance with by-law 12(3) shall not enter, or attempt to enter, the centre,
- (7) A person shall not play ball games or take any action which in the opinion of the manager, limits the enjoyment of other users of the pool or the centre at such time or times as the centre is in general public use, but this clause shall not apply to the playing, at a time approved by the manager, of a game or aquatic sport specifically organized and conducted at the centre by a person.
- (8) A person shall not make a noise, including a noise made by a musical instrument, radio receiver or other device, so as to adversely affect the enjoyment of another person using the centre.

Penalty: \$200.

9 Lost property

- (1) Where a person finds an article which the person reasonably believes to have been abandoned or lost in the centre, the person shall immediately deliver the article to the manager.
- (2) Where an article is delivered to the manager in pursuance of clause (1) or the manager finds an article which may have been abandoned or lost in the centre, the manager shall, as soon as practicable, enter a description of the article and all particulars relating thereto in a register which the manager shall keep for that purpose and a person claiming an article, who satisfies the manager that the claimant is the owner of the article, shall have it returned upon signing for it in the register.
- (3) The manager shall report to the clerk, at least once a month, regarding articles abandoned or lost in the centre during the immediately preceding month and shall produce the register for inspection by the clerk.
- (4) The council and manager shall not incur liability in respect of articles abandoned or lost in the centre, including those articles within the keeping of the manager, or stolen from a person while the person is in the centre.
- (5) An article abandoned or lost in the centre and not claimed within one month after the date of the entry under clause (2) in relation to it in the register shall be handed by the manager to a member of the Police Force for disposal in accordance with the laws relating to abandoned or lost property.

Part IV Miscellaneous**10 Exclusive use of centre**

- (1) A person may apply in writing to the clerk for permission to have exclusive use of the centre.
- (2) The application shall specify the period and purpose of the exclusive use, the name and address of residence of the person applying, and such other matters as the council reasonably requests.
- (3) The council may, on receipt of an application under clause (1), allow a person to have exclusive use of the centre for such a period and subject to such conditions as it thinks fit.
- (4) A person to whom the centre is made available for exclusive use shall, not less than 14 days before the proposed date of the exclusive use, forward to the clerk and manager written details of the intended programme of activities.
- (5) The clerk shall, not less than 7 days before the proposed date of the exclusive use, approve, vary or reject in writing the intended programme of activities.
- (6) The person having exclusive use of the centre shall conduct only those activities approved or varied under clause (5).
- (7) A person having exclusive use of the centre shall be responsible for ensuring that these By-laws are observed by all persons attending the centre during that period of exclusive use.

11 Coaching

- (1) A person shall not, for reward, teach, coach, train or instruct another person in the centre except with the consent in writing of the council.
- (2) The council may, in writing, consent to a person, for reward, teaching, coaching, training or instructing another person in the centre subject to such conditions as it thinks fit.

12 Enforcement

- (1) A person who contravenes or fails to comply with these By-laws may be removed from the centre by the manager or may be detained by the manager and given into the custody of a member of the Police Force from whom the manager may request assistance at any time.

- (2) The manager may refuse to admit to the centre a person who has been convicted of an offence against these By-laws.
- (3) The council may issue a written direction to the manager that a person named in the direction shall not be admitted to the centre and, whilst that direction remains in force, the manager shall not admit that person.
- (4) Where the council issues a written direction under clause (3), it shall wherever possible issue a copy of that direction to the person named therein.
- (5) A copy of these By-laws shall be kept at the centre, and made available for perusal at the centre on request.

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

Tennant Creek (Swimming Centre) By-laws (SL No. 17, 1989)

Notified	9 August 1989
Commenced	9 August 1989

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.