

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF PALMERSTON (PRIVATE SWIMMING POOL) BY-LAWS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1999, No. 5*

By-laws under the *Local Government Act*

The Palmerston Town Council, in pursuance of the powers conferred on it by the *Local Government Act* and in accordance with section 184(3) and (4) of the Act, at a meeting held on 14 January 1999, made the following By-laws and, for the purpose of section 63(2)(a) of the *Interpretation Act*, authorised Roydon Robertson, the clerk, to sign them.

Dated 15 January 1999.

R ROBERTSON
Clerk

AMENDMENTS OF PALMERSTON (PRIVATE SWIMMING POOL) BY-LAWS

1. PRINCIPAL BY-LAWS

The Palmerston (Private Swimming Pool) By-laws are in these By-laws referred to as the Principal By-laws.

2. DEFINITIONS

By-law 3 of the Principal By-laws is amended -

(a) by omitting the definition of "barrier" and substituting the following:

"'barrier' means a fence, wall or building;"; and

(b) by inserting after the definition of "council" the following:

"'fence' does not include a hedge or growing vegetation;".

* Notified in the *Northern Territory Government Gazette* on 10 March 1999.

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3. APPLICATION

By-law 4 of the Principal By-laws is amended by omitting clause (1).

4. FENCING OF PRIVATE SWIMMING POOLS

By-law 5 of the Principal By-laws is amended -

- (a) by omitting from clause (2) all words after "complies with" and substituting "Australian Standards 1926.1-1993 'Swimming pool safety Part 1: Fencing for swimming pools' and 1926.2-1995 'Swimming pool safety Part 2: Location of fencing for private swimming pools'"; and
- (b) by omitting clause (4).

5. PERMIT REQUIRED TO INSTALL POOL

By-law 6 of the Principal By-laws is amended -

- (a) by inserting in clause (1) "or a person authorised in writing by the owner of the land on which the private swimming pool is to be installed or constructed" after "the person";
- (b) by omitting from clause (3) "this clause" and substituting "this by-law"; and
- (c) by adding at the end the following:

"(4) A permit remains in force for 12 months and authorises the commencement of work to which it relates only while it remains in force."

6. COUNCIL TO BE ADVISED WHEN POOL COMPLETE

By-law 7 of the Principal By-laws is amended by adding at the end "or when the pool is first filled to a depth of 300 mm or more at its deepest point".

7. REPEAL AND SUBSTITUTION

By-law 8 of the Principal By-laws is repealed and the following substituted:

"8. NOTICE TO COMPLY WITH BY-LAWS

"(1) The council or an authorised person may serve a notice -

- (a) on the owner of a private swimming pool; or
- (b) on the owner or occupier of land on which a private swimming pool is situated,

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if the council or authorised person is not satisfied that the private swimming pool complies with these By-laws.

"(2) The notice may require the person to execute and carry out work and do anything else for the purpose of complying with these By-laws by the time and in the manner specified in the notice.

"(3) If a person on whom a notice under clause (1) is served fails to comply with the notice within the time specified, the council may carry out the work or cause it to be carried out.

"(4) If the council carries out or causes to be carried out work, the cost of the work is a debt due and payable to the council by the person required under clause (1) to carry out the work."

8. INSPECTION ON SALE OF PROPERTY

By-law 9 of the Principal By-laws is amended -

- (a) by omitting "Where" and substituting "(1) Where";
- (b) by omitting "shall inspect the pool to ensure that" and substituting "may inspect the pool to ascertain whether"; and
- (c) by adding at the end the following:

"(2) After conducting an inspection, the council -

- (a) may issue a notice stating that the pool complies with these By-laws at the date of inspection; and
- (b) may take any other action or issue any notice that the council thinks necessary."

9. REPEAL

Regulation 10 of the Principal By-laws is repealed.

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The common seal of the Palmerston Town Council was affixed hereto in pursuance of a resolution of the Council passed on 14 January 1999, authorising the seal to be so affixed.

ANNETTE BURKE
Mayor

R ROBERTSON
Clerk
