

NORTHERN TERRITORY OF AUSTRALIA

ALICE SPRINGS (PRIVATE SWIMMING POOL) BY-LAWS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1988, No. 45*

By-laws under the Local Government Act

The Alice Springs Town Council, in pursuance of the powers conferred upon it by the Local Government Act and in accordance with section 204(2) and (3) of the Act, at a meeting held on 29 August 1988, hereby makes the following By-laws.

ALICE SPRINGS (PRIVATE SWIMMING POOL) BY-LAWS

1. CITATION

These By-laws may be cited as the Alice Springs (Private Swimming Pool) By-laws.

2. CROWN TO BE BOUND

These By-laws bind the Crown in right of the Territory.

3. DEFINITIONS

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

"authorized person" means a person appointed pursuant to section 82 of the Act for the purpose of enforcing by-laws of the Council;

"Council" means the Alice Springs Town Council;

"private swimming pool" means a place, structure, building or excavation installed, constructed or maintained for the purpose of swimming, wading or similar activities (other than such a place, structure, building or excavation installed, constructed or maintained by the Council for use by the public) and includes a spa pool;

"small child" means an infant who has not attained the age of 5 years.

* Notified in the Northern Territory Government Gazette on 16 November 1988.

Alice Springs (Private Swimming Pool) By-laws

4. APPLICATION

These By-laws apply to and in relation to every private swimming pool in the municipality of Alice Springs, other than a private swimming pool -

- (a) the surface of the water in which, when filled, is less than 5m² in area;
- (b) that cannot be filled with water to a depth greater than 300 mm; and
- (c) that is of a portable nature.

5. ENTRY AND INSPECTION BY AUTHORIZED PERSONS

(1) Where the Council has received a complaint from a member of the public about the danger of a private swimming pool because of its accessibility to unsupervised small children, an authorized person may, pursuant to section 235 of the Act -

- (a) enter on the land or premises on or in which the private swimming pool to which the complaint relates is situated; and
- (b) inspect the land or premises and the pool.

(2) If after an inspection under clause (1) the authorized person considers that the owner of the swimming pool is not taking reasonable measures to ensure that the pool is not a danger to unsupervised small children on the land or premises, whether or not those children are trespassers, the authorized person shall report that fact to the Council and recommend measures to be taken to ensure that the pool will, after the measures have been taken, no longer be such a danger.

6. NOTICE TO COMPLY

(1) The Council may, if it concludes after considering a report and recommendations under by-law 5(2) that the owner of a private swimming pool is not taking measures of a kind referred to in that by-law, serve on the owner of the private swimming pool or, where the owner of the pool is not after reasonable inquiry known to the Council, the owner of the land on which or premises in which the pool is situated, a notice in writing requiring the owner to carry out, within the time specified (being no sooner than 30 days after service of the notice), the measures specified in the notice, being measures which, in the opinion of the Council, are necessary in the circumstances.

Penalty: \$500 or imprisonment for 6 months.

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(2) A notice under clause (1) is not invalid by reason only that it requires measures to be taken that are other than those recommended under by-law 5(2) by an authorized person.

7. COUNCIL MAY DO WORK

(1) Where a person on whom a notice under by-law 6 has been served fails to comply with the notice within the time specified or within such further time as the Council, in writing, allows, the Council may carry out or cause to be carried out the necessary work.

(2) The costs and expenses reasonably incurred by the Council in exercising its powers under clause (1) shall be a debt due and payable to the Council by the owner of the private swimming pool or the owner of the land or premises, as the case may be.

8. COUNCIL TO DEFER WORK UNTIL APPEALS DETERMINED

Where a person appeals to the Tribunal under section 219(1) of the Act before the expiry of the time specified by the Council as being the time in which work specified in a notice under by-law 6 is to be carried out, that time is deemed to be extended until the final determination of the appeal.

The common seal of the Alice Springs Town Council was affixed hereto on the 6th day of October 1988, in pursuance of a resolution of the Council authorizing the seal to be so affixed, passed on the 29th day of August 1988, in the presence of

Richard Lim
Acting Mayor

Roy Mitchell
Town Clerk

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