

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

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NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1986, No. 46\*

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The Palmerston Town Council, in pursuance of the powers conferred on it by the *Local Government Act* and in accordance with section 204(2) and (3) of the Act, at a meeting held on the thirtieth day of October, 1986, hereby makes the following By-laws.

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PALMERSTON (PRIVATE SWIMMING POOL) BY-LAWS

1. CITATION

These By-laws may be cited as the Palmerston (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 -

"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.

4. APPLICATION

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

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

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\* Notified in the *Northern Territory Government Gazette* on 3 December, 1986.

(c) that is of a portable nature.

## 5. FENCING OF PRIVATE SWIMMING POOLS

(1) Subject to clause (3), the owner of a private swimming pool shall cause that pool to be enclosed by a fence, wall or building, or any combination thereof, of such a construction or nature as to provide a reasonably effective barrier against a small child gaining access to the pool.

Penalty: \$200.

(2) For the purposes of clause (1), a private swimming pool is enclosed if the whole, or the relevant part, of the land on which it is situated is enclosed as required by that clause.

(3) No portion of a fence, wall or building used to enclose a private swimming pool shall be less than 1.2 metres in height above the surface on which it is constructed and every gate or door that is incorporated in the fence, wall or building through which access to the pool may be gained shall be fitted with -

- (a) an efficient self-closing mechanism; and
- (b) a positive self-latching mechanism that is situated not less than 1.1 metres above the ground or floor above which it is suspended,

which shall be maintained in good working order.

## 6. NOTICES TO FENCE

(1) Without prejudice to any proceedings which the Council may initiate in respect of a contravention of, or failure to comply with, these By-laws, the Council may -

- (a) where, in its opinion, a private swimming pool has not been enclosed in accordance with by-law 5, serve on the owner of the private swimming pool or, where the owner of the pool is not after reasonable enquiry known to the Council, the owner of the land on which it is situated a notice in writing requiring him to erect, within 30 days after service of the notice, such fencing as is necessary to ensure compliance with by-law 5; and
- (b) where a person on whom a notice under sub-clause (a) has been served fails to comply with the notice within the 30 days or such further time as the Council, in writing, allows, the Council may carry out or cause to be carried out the necessary work.

Palmerston (Private Swimming Pool) By-laws

(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, as the case may be.

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The common seal of the Palmerston Town Council was affixed hereto on the first day of November, 1986, in pursuance of a resolution of the Council authorizing the seal to be so affixed, passed on the thirtieth day of October, 1986, in the presence of

Michael Ting  
MAYOR

Roger Teague  
TOWN CLERK

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