

# **SHIRE OF QUAIRADING**

## **BY-LAWS FOR THE MANAGEMENT OF THE QUAIRADING DISTRICT MEMORIAL SWIMMING POOL**

### **DISCUSSION PAPER**

## **1. INTRODUCTION**

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

## **2. STATUTORY REVIEW OF LOCAL LAWS**

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

## **3. BY-LAWS FOR THE MANAGEMENT OF THE QUAIRADING DISTRICT MEMORIAL SWIMMING POOL**

This by-law was adopted by the Shire on 21<sup>st</sup> December 1995 and gazetted on 24<sup>th</sup> December 1996, and deals with admission to and management of the Quairading District Memorial Swimming Pool.

The Property Local Law adopted by the Shire on 23 May 2001 provides better mechanisms to manage matters relating to swimming pools.

It is proposed that this by-law be repealed.

## **4. SUBMISSIONS**

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6<sup>th</sup> January 2010 to:

Chief Executive Officer  
Shire of Quairading  
PO Box 38  
QUAIRADING WA 6383

**SHIRE OF QUAIRADING**

**BY-LAWS FOR THE MANAGEMENT OF THE  
QUAIRADING DISTRICT MEMORIAL SWIMMING POOL**

**GAZETTED – 24<sup>TH</sup> DECEMBER 1996**

## LOCAL GOVERNMENT ACT 1960

### *The Municipality of the Shire of Quairading*

#### **BY-LAWS RELATING TO MANAGEMENT OF THE QUAIRADING DISTRICT MEMORIAL SWIMMING POOL**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 21st day of December 1995 to revoke the following by-laws and amendments thereto-

By-law for the management of the Quairading District Swimming Pool published in the *Government Gazette* 24/11/1958; Amendment to By-law published in the *Government Gazette* 3/7/1963;

and to make and submit for confirmation by the Governor the following by-laws.

1. In these by-laws, subject to the context-

"Council" means the Quairading Shire Council.

"Manager" means the Manager of the Quairading District Memorial Swimming Pool appointed for the time being by the Quairading Shire Council or other authorised persons having control of the pool and pool premises. "Pool" means the Quairading District Memorial Swimming Pool and all land, structures and buildings pertaining thereto.

#### **Hours of Admission**

2. The pool shall be open for public use for such periods and at such times as the Council may in its absolute discretion from time to time decide, and such periods and such times shall be clearly indicated upon a notice board at the entrance to the said pool.

#### **Admission**

3. (A) No person shall, without the express permission of the Council or the Manager, enter the pool except through the authorised constructed entrance and upon payment of the appropriate admission charge.  
(B) No child under 7 years of age shall be admitted to the pool premises unless accompanied and supervised by a responsible person at all times.

All children who have not achieved Stage 4 in the Education Swimming Program or equivalent are classed as non swimmers and therefore must not use the main pool unless they are supervised and accompanied in the water by a responsible person at all times whilst in the main pool.

The person deemed to be responsible will be determined by the Manager.

4. All persons wishing to obtain a season admission pass granting admission to the pool for any one stipulated season may obtain such pass on application to the Manager upon payment of the appropriate fee. The season pass shall be offered for inspection to the Manager when used to obtain admission to the pool. Season passes are not transferable and such a ticket may be used only by the person in whose name the same is issued. A list of all current season pass holders shall be kept at the pool and the Manager shall refuse admission to any person seeking entry by using any such pass if the Manager reasonably believes that the person so seeking admission is not the person to whom such a pass was issued.

#### **Charges for Admission**

5. Fees and charges for admission to and use of the pool as provided for in these By-laws may be fixed from time to time by the Council.

#### **Costume**

6. All persons shall appear in public on the pool premises sufficiently clad to preserve decency and current public health standards.
7. No person shall dress or undress into or from their bathing costume except in the changerooms or enclosure provided.
8. Should any person appear in public in such a condition as to be in the opinion of the Manager, indecently or unsuitably clad for swimming, the Manager shall direct the person to take appropriate measures to be attired in a more suitable bathing costume.

#### **Offences**

9. No person shall enter the pool whilst in an intoxicated condition and whether such condition is induced by liquor, drugs or otherwise, and no person shall bring on to the pool premises any spirits, drugs, or intoxicating liquors.
10. No person shall use any soap in any part of the pool premises other than in the shower recesses/wash basins provided.

11. No person shall in any part of the pool premises behave in an unseemly, improper, disorderly, riotous or indecent manner, swear or use any indecent, obscene, offensive or abusive language or gamble.
12. No person shall climb up to or onto any portion of the roof, fences, walls, partitions or other portion of the pool premises.
13. No person shall in the changerooms or elsewhere in the pool premises, wastefully use the water or leave any taps running.
14. No person shall spit in the pool or on the concourse or any other part of the pool premises or in any way commit any nuisance on or in any part of such premises.
15. No person whilst in the pool shall use any substance or preparation whereby the water thereof may become discoloured or rendered turbid or otherwise unfit for the proper use of bathers.
16. No person shall take foodstuffs or drinks into the changerooms.
17. No person shall foul or pollute the water in any shower, bath or in the pool, or soil, defile, damage, injure, destroy, use improperly, disfigure or write in or upon any changerooms, closet or compartments or other part of the pool premises or any furniture or other item of equipment.
18. No person shall at any time carelessly or negligently injure or improperly use or interfere with any taps, locks, valves, lockers or other fittings or appliances in or about the pool.
19. No person shall deposit litter of any description on or in or about the pool.
20. No person being the owner of any dog or animal, excluding persons who are blind or partially blind, or deaf or partially deaf, and trainers accompanied by a genuine 'guide dog' or hearing dog, shall cause or allow such dog or animal to enter the pool.
21. No male person shall enter any portion of the pool premises set apart exclusively for females and no females shall enter any portion of the pool premises set apart exclusively for males, nor shall any person enter or attempt to enter any changeroom or other compartment which is already occupied without the consent of the occupier.
22. No person shall smoke tobacco products in the pool premises or the pool surrounds.
23. No person upon the pool premises, shall in any way interfere with any other person, nor throw, push nor attempt to throw or push any person into the pool, or throw any stones, sticks or any other matter or item, to the annoyance of any other person using the pool.
24. No person or group of persons shall play any ball games or take any action whatsoever which shall in any way limit the enjoyment of other users of the pool at such time or times as the pool premises shall be in general public use; provided that this clause shall not apply to the playing of any games or aquatic sports specially organised and conducted on the pool premises by any club or person at such time or times as shall be approved by the Manager or Council.
25. (A) No person shall whilst suffering from any infectious skin ailment or contagious disease, or whilst in an unclean condition, enter or use or attempt to enter or use the pool or the pool premises.  
(B) No person shall enter the pool whilst in an unclean condition without first using the cleansing shower provided on the premises in which the use of soap is permitted.

#### **Valuables**

26. Persons entering the pool premises may deposit valuables with the Manager but under no circumstances whatever will Council or its employees accept liability should such valuables or any of them be lost, stolen, damaged or otherwise interfered with whilst in the custody of the Manager.
27. Every person using the pool premises shall obey all reasonable directions of the Manager.
28. No person shall in any way obstruct, interfere or hinder the Manager in his performances of his duties to maintain control of the pool.

#### **Lost Property**

29. (A) Every person finding in the pool any article which may have been left or lost therein shall immediately deliver the same to the Manager who shall thereupon register a description of such article and all particulars relating thereto in a book which shall be kept for that purpose and any person claiming any such article and who satisfies the Pool Manager that he or she is the lawful owner of the lost article shall have such article returned upon signing for same in the lost property book.  
(B) The Manager shall report to the Shire Clerk upon his or her request regarding lost property and produce the said book for inspection by the Shire Clerk.  
(C) Council shall not under any circumstances incur any liability in respect of articles lost or left in the pool premises or stolen from any person whilst on the pool premises.

- (D) All articles left in the pool and not claimed within a period of two months, after the pool season closure, shall be disposed of by the Council in any manner it thinks proper.

### **Carnivals**

30. (A) Any person, club, association or organisation conducting any carnival held at the pool premises shall be responsible for the conduct of the competitors and spectators during such carnival and shall be bound to ensure that there is no overcrowding and that no damage is done to the buildings or fencing or any other portion of the pool or the pool premises, and further, that these by-laws be strictly observed by all competitors, officials, and spectators attending such carnival.
- (B) At all swimming carnivals held at the pool the competitors shall wear proper and approved bathing costumes.
- (C) Every person, club, association or organisation conducting any carnival shall pay to Council in respect to such carnival a sum to be fixed from time to time by Council.

### **Coaching**

31. (A) No person shall for reward or profit teach, coach or train any other person in the pool premises except with the consent in writing of Council.
- (B) Council may in its absolute discretion give such consent or apply such conditions as it deems fit and Council may at its absolute discretion at any time withdraw such consent or conditions.

### **Enforcement of By-laws**

32. (A) Any person offending against any of the provisions contained in these by-laws shall upon conviction be liable to a penalty not exceeding \$200.
- (B) A person who infringes any of the provisions of these by-laws or who commits any breach thereof may be summarily removed from the pool or the pool premises by the Manager or may be arrested by the Manager, and given into the custody of a police officer.
- (C) The Manager or other person for the time being in charge of the pool premises may refuse to admit any person who shall have been convicted of wilfully disobeying, infringing or breaching any of the provisions of these by-laws until such times as Council may decide that such person shall be admitted.
- (D) The Council may issue a written direction to the Manager that any person named in such direction shall not be admitted to the pool or to the pool premises and whilst such direction remains in force the Manager shall not admit such person to the pool or pool premises and such person shall not with knowledge that such direction is in force enter or attempt to enter the pool.

Passed at a meeting of the Quairading Shire Council held on the 21st day of December 1995.

G. C. WACKETT, President.

G. A. FARDON, Shire Clerk.

Recommended-

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of December 1996.

J. PRITCHARD, Clerk of the Council.