

**LAUNCESTON CITY COUNCIL**  
**Swimming Centres**  
**BY-LAW NO. 3 of 2009**

**A By-Law of the Launceston City Council, made under section 145 of the Local Government Act 1993 for the regulation of Swimming Centres controlled or managed by the Launceston City Council.**

**PART 1 - PRELIMINARY**

**1. Repeal**

The following by-laws are repealed;

- (a) By-Law Number 14, notified in the Tasmanian Government Gazette on March 3, 1999 on page 225; and
- (b) By Law Number 17, notified in the Tasmanian Government Gazette on October 10, 2001 on page 1358.

**2. Short title**

This by-law may be cited as the Swimming Centres By-Law, Number 3 of 2009.

**3. Application**

This by-law applies to all Swimming Centres controlled or managed by the Launceston City Council.

**4. Interpretation**

In this by-law, unless a different intention appears:

"Attendant" means an employee or agent of the Council who works at a Centre;

"Authorised officer" includes Shift Leader, Customer Liaison Officer, Operations Coordinator, Duty Manager, Manager of Launceston Aquatic, Security Officer, Senior Lifeguard and Parking Officer, as approved in writing by the General Manager, and a member of Tasmania Police;

"Centre" includes Launceston Aquatic, the Lilydale District Swimming Pool, the Basin Swimming Pool, and any other swimming centre controlled or managed by the Council;

"CCTV" means a closed circuit television visual surveillance and recording technology system with the capability to monitor environments and activities;

"Commercial Activity" means any activity in a Centre from which a person, body corporate, registered business or other organisation receives money which does not become profits of a Centre;

"Council" means the Launceston City Council;

"General Manager" means the person holding the position of General Manager with the Council;

"Manager" means the person holding the position of the Manager of Launceston Aquatic with the Council or a person acting in that position;

"parking area" means an area allocated by Council for parking vehicles;

"Pool" means any swimming pool or recreational body of water, slide or spa within a Centre;

"Penalty unit" means a sum prescribed under the provisions of *the Penalty Units and Other Penalties Act 1987*;

"Published" in a Centre means:

- (a) displayed on a notice board or sign;
- (b) available in hardcopy; and
- (c) available on Council's internet site.

"Polluting Substance" means in any pool in a Centre:

- (c) faeces;
- (d) urine;
- (e) blood;
- (f) vomit;
- (g) detergents;
- (h) food and beverages; or
- (i) any other substance deemed to be a polluting substance by an authorised officer.

"Security Officer" means a licensed security officer who is employed by a recognized security company and contracted by Council to provide security services in a Centre.

"Shift Leader" means a person nominated by the Manager to act in a supervisory capacity for the length of their shift at a Centre.

## **PART 2 - ENTRY TO CENTRE**

### **5. Conditions of Entry**

- (1) A person must comply with the published Conditions of Entry of a Centre.

Penalty: a fine not exceeding 5 penalty units

- (2) A police officer may arrest without warrant a person who:
  - (a) he or she believes on reasonable grounds to have committed an offence against this clause; and
  - (b) is on land owned by, or under control of the Council.

### **6. Closed Circuit Television**

- (1) A person who enters a Centre, or in the case of a person under the age of consent, their guardian, is deemed to consent to having their image captured by CCTV whilst in a Centre.
- (2) Council may use any images captured by CCTV for investigatory and/or management purposes.

## **PART 3 - CLOSING A CENTRE**

### **7. Closure of pool**

- (1) A Duty Manager or a Shift Leader may close a pool or any part of a pool or other facility in a Centre.
- (2) A person must not use a pool, part of a pool or other facility if it is closed.

Penalty: a fine not exceeding 5 penalty units.

## **PART 4 - UNACCEPTABLE BEHAVIOUR**

### **8. Damage to Council property**

- (1) A person must not willfully damage any equipment, furniture, building or other part of a Centre.

Penalty: a fine not exceeding 5 penalty units.

- (2) A police officer may arrest without warrant a person who:
- (a) he or she believes on reasonable grounds to have committed an offence against this clause; and
  - (b) is on land owned by, or under control of the Council.

### **9. Climbing**

A person must not climb or attempt to climb on a tree or a fence or a roof or other part of a building or permanent or temporary structure in a Centre.

Penalty: a fine not exceeding 5 penalty units.

### **10. Substances in a pool**

A person must not put any polluting substance in a pool at a Centre.

Penalty: a fine not exceeding 5 penalty units.

### **11. Infectious Diseases**

A person who has an infection or a contagious disease or skin complaint must not enter a pool or waterslide in a Centre.

Penalty: a fine not exceeding 6 penalty units.

### **12. Prohibited conduct**

- (1) A person must not in a Centre:
- (a) be under the influence of alcohol or drugs; or
  - (b) spit; or
  - (c) use threatening or offensive language; or
  - (d) act in a disorderly or indecent manner; or
  - (e) be unreasonably noisy; or
  - (f) run;
  - (g) behave in a way that places themselves or others at risk;  
or
  - (h) smoke.

Penalty: a fine not exceeding 6 penalty units.

- (2) A police officer may arrest without warrant a person who:

- (a) he or she believes on reasonable grounds to have committed an offence against clause 12(1)(a), 12(1)(c) or 12(1)(d); and
- (b) is on land owned by, or under control of the Council.

### **13. Use of Cameras in Change Rooms**

- (1) A person must not use a camera, video camera, mobile telephone camera or any other device that records still or moving images in any change room in a Centre.

Penalty: a fine not exceeding 10 penalty units.

- (2) A police officer may arrest without warrant a person who:
  - (a) he or she believes on reasonable grounds to have committed an offence against this clause; and
  - (b) Is on land owned by, or under control of the Council.

### **14. Abuse of authorised officers**

- (1) A person must not threaten, intimidate or use abusive language to an authorised officer acting in the course of their employment in a Centre.

Penalty: a fine not exceeding 10 penalty units.

- (2) A police officer may arrest without warrant a person who:
  - (a) he or she believes on reasonable grounds to have committed an offence against this clause; and
  - (b) is on land owned by, or under control of the Council.

### **15. Supply of Name and Address**

- (1) Where a police officer or authorised officer becomes aware that, or has reasonable grounds for believing that, a person has committed or is committing an offence against this by-law, he or she may require that person to state their name and permanent or temporary address, and a person who fails or refuses to comply with such a requirement or, in response to such a requirement, states a name or address that is false, is guilty of an offence.
- (2) A police officer making a requirement under clause (1) may arrest, without warrant, a person who fails to comply with that requirement or who, in response to the requirement, gives a

name or address that the police officer has reason to believe is false.

Penalty: a fine not exceeding 5 penalty units

## **PART 6 – OTHER MATTERS**

### **16. Coaching**

A person must not instruct or coach a person at a Centre without written permission from the Manager.

Penalty: a fine not exceeding 5 penalty units.

### **17. Distribution of advertisement**

A person must not distribute or arrange to be distributed any advertisement, book, card, notice, pamphlet, print, paper or placard in a Centre without written permission from the Manager of a Centre.

Penalty: a fine not exceeding 5 penalty units

### **18. Fundraising**

A person or body corporate must not carry on any fundraising activity at a Centre without written permission from the Manager of a Centre.

Penalty: a fine not exceeding 5 penalty units

### **19. Commercial Activity**

Commercial activity must not be carried on at a Centre unless that commercial activity is approved in writing by the Manager of a Centre.

Penalty: a fine not exceeding 5 penalty units

## **PART 7 - ENFORCEMENT**

### **20. Refusal of admission**

- (1) If a person breaches this by-law an authorised officer may either:
  - (a) refuse to admit a person to a Centre; or

- (b) ask a person to leave a Centre for a specified length of time.
- (2) An authorised officer may issue a prohibition notice banning a person from entering a Centre for the period of the ban.
- (3) The Manager may withdraw a ban on a person attending a Centre.
- (4) A person who has been told not to use a Centre for a period of time must not enter a Centre during that period.

Penalty: a fine not exceeding 5 penalty units.

- (5) A police officer may arrest without warrant a person who:
  - (a) he or she believes on reasonable grounds to have committed an offence against this clause; and
  - (b) is on land owned by, or under control of the Council.
- (6) Council may still prosecute a person for breach of this by-law if the person leaves a Centre after having been requested to do so.

## **21. Removal from a Centre**

- (1) An authorised officer may remove any person from a Centre if the person commits an offence against this by-law or is reasonably believed by the authorised officer to be offending against this by-law.
- (2) A police officer may assist an authorised officer to remove a person if an authorised officer who is a Council employee reasonably believes that the person is offending against this by-law.

## **22. Recovery of Expenses**

In addition to any penalty imposed on a person in relation to a failure to comply with this by-law, an expense incurred by Council in consequence of that failure is recoverable by Council as a debt payable by the person so failing to comply.

## **23. Infringement notices and fines**

- (1) An authorised officer may:

- (a) issue an infringement notice to a person that the authorised officer has reason to believe is guilty of a specified offence;
  - (b) issue one infringement notice in respect of more than one specified offence;
  - (c) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
- (2) Infringement notices may be issued in respect of the offences specified in Column 1 of the Schedule to this By-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.
- (3) In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action, the person issued with an infringement notice must either:
- (a) pay the total amount of the monetary penalty stated on the infringement notice to;
  - (b) lodge a notice of election to have the offence heard by a Court with the General Manager at the Town Hall, St John St Launceston within 28 days of the date of service of the notice.
- (4) An infringement notice alleging that a vehicle has been used in relation to a prescribed offence may be served by affixing it to that vehicle.
- (5) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.




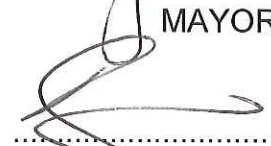
### Schedule 1 Infringement Notice Offences

Clause	General Description of Offence	Penalty Units
5	Failure to comply with Conditions of Entry	1
7	Use of pool when closed	1
8	Causing damage to council property	2
9	Climbing on structures	1
10	Introduction of polluting substances into pool	1
11	Use of Pool with Infectious Disease	1
12	Prohibited conduct	1
13	Use of Cameras in Change Room	2
14	Abusing an authorised officer	1
15	Supply of Name and Address	1
16	Coaching without permission	1
17	Distribution of advertisement	0.5
18	Fundraising	0.5
19	Commercial Activity	2
20	Entry when admission refused	1
21	Removal from Swimming Centre	1

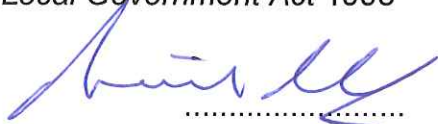
The Common Seal of the Launceston City Council was placed on this document this 8<sup>th</sup> day of April 2009.

The Common Seal of the Launceston City Council has been placed on this document pursuant to a resolution of Council on the 30<sup>th</sup> day of March 2009 in the presence of us:



  
.....  
Albert Van Zetten  
MAYOR  
  
.....  
ALDERMAN

Certified as being made in accordance with *Local Government Act 1993*

  
.....  
Frank Dixon  
GENERAL MANAGER

Certified as being in accordance with the law.

  
.....  
Darryl Wright  
REGISTERED LEGAL PRACTITIONER