

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Manjimup

By-laws Relating to the Management of the Manjimup Olympic 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 8th February 1990, to make and submit for confirmation by the Governor the following By-laws—

By-laws of the Shire of Manjimup published in the *Government Gazette* on 2nd June 1978, are hereby amended in the following manner—

By-law 5—Delete and substitute with “The charge for admission to the pool premises shall be as resolved by Council from time to time”.

By-law 28—Line 2—Delete “\$100.00”, substitute “\$500.00”.

By-law 7—Delete

By-law 8—Delete

By-law 9—Delete

By-law 19—Delete and substitute with “Every person finding within the pool premises any article which may have been left or lost therein shall immediately deliver it to the Pool Manager or Attendant. Any person claiming the article who satisfied the Pool Manager or Attendant that he/she is the lawful owner of the article shall have the article returned to him/her.”

Dated this 27th day of February 1990.

The Common Seal of the Shire of Manjimup was hereunto affixed in the presence of—

M. E. DAUBNEY, Shire President.

M. D. RIGOLL, Shire Clerk.

Recommended—

GORDON HILL, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of July 1990.

G. PEARCE, Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1977.

The Municipality of the Shire of Manjimup.

By-laws relating to the Management of the Manjimup Olympic Swimming Pool.

IN Pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 11th day of September, 1975 to make and submit for the confirmation of the Governor the following by-laws—

Swimming Pools (Public) By-laws.

1. In these By-laws, unless the context otherwise requires, the following terms shall have the meaning set against them hereunder respectively—

“Pool Manager” means the person for the time being employed by the Council to control and to manage the Pool Premises and includes his assistant or deputy.

“Attendant” means an employee of the Council performing duties in connection with Pool Premises.

“Council” means the Council of the Municipality of the Shire of Manjimup.

“Pool Premises” means “Manjimup Olympic Swimming Pool” and all buildings, structures, fittings, machinery, chattels, furniture and equipment and fixtures forming part of such centre or used in connection therewith.

2. (a) The Pool Premises shall be open for admission of the public during such hours and periods as the Council may from time to time determine and until otherwise determined, the Pool Premises may be open from 6 a.m. to 10 p.m.

(b) The Pool Premises or any part thereof, may at any time in the discretion of the Manager, endorsed by Council, be set aside for the use of certain persons to the exclusion of others.

3. The Council may from time to time and for such periods as it determines close the Pool Premises to the Public.

4. The Council may refuse any person admission to the Pool Premises at any time and children under the age of six (6) years shall be refused admission unless accompanied by a responsible person over the age of fourteen (14) years.

5. The charge for admission to the Pool Premises shall be:—

Gate Ticket

Adult—forty (40) cents.

Child—twenty (20) cents.

School classes ten (10) cents.

Season Ticket

Family—twenty five dollars (\$25.00)

Adult—fifteen dollars (\$15.00)

Child—ten dollars (\$10).

6. The Council may issue or authorise the issue of concession for such period at such cost and upon such conditions as it shall from time to time determine by these by-laws and amendments thereof.

7. The charge for the hiring of lockers shall be ten cents per day.

8. Every person who hires a locker shall pay a deposit of ten cents per day in respect of each locker key, token or tag.

9. Every person who hires a locker shall before leaving the Pool Premises return the key or token or tag of the locker to the Pool Manager or Attendant.

10. If an article which has been hired is returned in good order and condition the deposit paid in respect thereof shall be refunded to the person returning the article. If any such article is not returned on day of hire or is returned in a damaged condition then without prejudice to any other remedies of the Council the whole or such part of the deposit as the Pool Manager or Attendant shall decide shall be forfeited to the Council.

11. Every person using the Pool Premises shall obey all reasonable directions of the Pool Manager or Attendant with regard to such use.

12. The Pool Manager or Attendant may temporarily suspend admittance to or clear the Pool Premises or any part thereof of all or any persons or person if in his opinion such action is necessary or desirable.

13. If a person shall appear in public and in the opinion of the Pool Manager or Attendant to indecently or insufficiently clad the Pool Manager or Attendant shall direct that person forthwith to resume his or her ordinary clothing and such person shall forthwith comply with that direction.

14. It shall be the duty of the Pool Manager or Attendant who is hereby so empowered and directed, to refuse admission to or remove or cause to be removed from the Pool Premises any person who in the opinion of the Pool Manager or Attendant—

- (a) Is a child under the age of six (6) years and is unaccompanied by a responsible person over the age of fourteen (14) years; or
- (b) Is guilty of a breach of any of the provisions of these By-laws; or
- (c) Is by his past or present conduct undesirable; or
- (d) Is under or apparently under the influence of alcoholic liquor or drugs; or
- (e) Is apparently suffering from any contagious, infection, offensive disease or skin complaint.

and any such person shall upon the request of the Pool Manager or Attendant to withdraw from the Pool Premises quietly and peaceably do so immediately.

15. Any person who has been refused admission to the Pool Premises or has been requested to leave the Pool Premises and who feels aggrieved by the action of the Pool Manager or an attendant may appeal to the Council by letter addressed to the Shire Clerk against such action. The Council shall consider the objection and give such direction in the matter as it thinks fit. The right of appeal given by this By-law shall not imply any right of action for damage or other remedy against the Council or Pool Manager or an Attendant arising out of such refusal or admission or direction to leave the Pool Premises.

16. No person shall for profit teach, coach or train any person in the Pool Premises unless with the prior written consent of the Council.

17. The Council may grant such consent subject to such conditions as it thinks fit and may at any time withdraw such consent.

18. (1) No person, club, association or organisation shall conduct a carnival at the Pool Premises unless with prior consent of the Council.

(2) The Council may grant such consent subject to such conditions as it thinks fit and may at any time withdraw such consent.

(3) A person, club, association or organisation conducting any carnival at the Pool Premises shall be responsible for the conduct of the competitors and spectators during the carnival and shall prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the Pool Premises and that these by-laws are observed by all competitors, officials and spectators attending the carnival.

(4) The person, club, association or organisation conducting any carnival held at the Pool Premises shall pay to the Council such charges as shall from time to time be determined by the Council by these by-laws and amendment thereof.

19. Every person finding within the Pool Premises any article which may have been left or lost therein shall immediately deliver it to the Pool Manager or Attendant 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 the article who satisfied the Pool Manager or Attendant that he is the lawful owner of the article shall upon payment of a charge of ten cents (10c) and upon signing a receipt for it have the article returned to him.

20. All articles left in the Pool Premises and not claimed within a period of three (3) calendar months shall be disposed of by the Council by first offering the article to the finder and if he shall refuse it, the Council shall then dispose of the article in any manner it thinks proper.

21. (1) No person shall enter any portion of the Pool Premises set apart exclusively for the opposite sex. Nor shall any person without the consent of the occupier enter or attempt to enter any bathroom or dressing box or other compartment which is already occupied.

(2) No person upon the Pool Premises shall in any way interfere with any other person therein or with any other person's use thereof nor throw or push or attempt to throw or push any person into the swimming pool or throw any stones, sticks or any other matter or thing to the annoyance of any person using the Pool Premises.

(3) No person or group of persons shall play ball games or take any action whatsoever which shall in any way limit the enjoyment of the users of the Pool Premises, provided that nothing therein contained apply to the playing of any game or aquatic sports organised and conducted on the Pool Premises by any club, association or organisation or other person at such time and in such manner as shall be approved by the Council.

(4) No person being the owner of or person in charge of any dog or other animal shall cause or allow such dog or animal to enter or remain in or about the Pool Premises.

22. No person shall—

- (a) Not being an officer or employee of the Council in the course of his duties, or a pensioner on production of his pension card, should Council grant this privilege, enter the Pool Premises without having first paid to the Pool Manager or an Attendant the proper charge for admission;
- (b) obstruct the Pool Manager or Attendant in carrying out his duties;
- (c) enter or depart from any part of the Pool Premises except by means of the respective entrances or exits set apart for that purpose;
- (d) dress or undress or remove any part of his or her bathing costume except in a dressing enclosure provided for that purpose;
- (e) appear in public unless properly attired in a costume of such a nature as to prevent indecent exposure of the person;
- (f) enter or be in the Pool Premises while in an intoxicated condition induced by liquor or drugs;
- (g) take into the Pool Premises or have in his possession therein any intoxicating liquor or drugs;
- (h) use any soap in any part of the Pool Premises other than in the dressing rooms or shower recess.
- (i) in any part of the Pool Premises behave in an unseemly, improper, disorderly, riotous or indecent manner, swear or use indecent, obscene, offensive, or abusive language or gamble or misconduct himself or herself;
- (j) climb up to or upon any roof, fence, wall or partition on the Pool Premises;
- (k) deposit any filth or rubbish in any part of the Pool Premises except in places set aside for that purpose;
- (l) except in the specified areas consume any food or drink;
- (m) wastefully use the water or leave any taps dripping in the dressing rooms or elsewhere in the Pool Premises;
- (n) spit or expectorate in the swimming pool or on any part of the Pool Premises or in any way commit any nuisance on or in any part of such premises;
- (o) use any substance or preparation whereby the water of the swimming pool may become discoloured or rendered turbid or otherwise unfit for the proper use of bathers;
- (p) foul or pollute water in any shower, bath or in the swimming pool, or soil, damage, injure, destroy, use improperly, disfigure, or write in or upon any dressing room, closet or compartment, or other part of the Pool Premises or any furniture or other article of equipment therein;
- (q) damage, improperly use or interfere with any tap, valve, locker or other fitting or appliance in or about the Pool Premises or discharge litter of any description on, in or about the Pool Premises or bring or deposit any filth or rubbish onto or in the Pool Premises;

- (r) smoke, unless permitted by the Pool Manager, in any buildings, dressing room or other compartment in the Pool Premises;
- (s) whilst suffering from any contagious, infections or cutaneous disease, or whilst in an unclean condition, enter or use or attempt to enter to use the swimming pool or the Pool Premises or any part thereof;
- (t) soil or defile or damage any towel or bathing costume;
- (u) enter the swimming Pool unless wearing approved bathing costume.

23. A person shall not pay nor shall any Pool Manager or Attendant or officer or servant of the Council receive any fee for admission to or for the use of any facility in the Pool Premises except upon such person being permitted to pass through a turnstile which automatically registers such admission or except in exchange for a printed ticket bearing the name of the Council or in exchange for a ticket issued from a cash register of the Council.

24. Every person shall when leaving the Pool Premises, if requested to do so, produce his or her bathing costume or towel for inspection by the Pool Manager or Attendant.

25. No ticket, token, license or receipt issued as provided by these by-laws shall be transferable and no person other than the person whom it was originally issued shall enjoy and benefit therefrom or any privileges thereunder.

26. Neither the Council nor the Pool Manager or Attendant or officer or employee of the Council shall in any way be responsible for any article or money lost by or stolen from any person whilst in the Pool Premises or for any articles damaged or destroyed whilst in or about the Pool Premises.

27. (1) A person who infringes any of the provisions of these by-laws or shall attempt any breach thereof, may be summarily removed from the Pool Premises or any part thereof by the Pool Manager or an attendant, and if committing a breach of the Act or these by-laws may be given into the custody of the Police by the Pool Manager or Attendant. The Pool Manager or Attendant may refuse to admit to the Pool Premises any person who shall have been convicted of a breach of any of the provisions of these by-laws until such time as the Council may decide that such person shall be admitted.

(2) The Council may issue a written direction to the Pool Manager that any person named in such direction shall not be admitted to the Pool Premises, and whilst such direction remains in force, the Pool Manager or an Attendant shall not admit such person to the Pool Premises or permit him to be therein, and such person shall not with the knowledge that such direction is in force, enter or attempt to enter the Pool Premises.

28. Any person who shall commit a breach of these by-laws shall be liable to a maximum penalty of \$100.

Dated this 13th day of April, 1978.

The Common Seal of this Shire of Manjimup
was affixed hereto in the presence of:—

[L.S.]

A. R. N. GANDY,
President.

M. DUNN,
Shire Clerk.

Recommended:—

E. C. RUSHTON,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 24th day of May, 1978.

R. D. DAVIES,
Clerk of the Council.