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LOCAL GOVERNMENT ACT 1960.

UNIFORM PRIVATE SWIMMING POOL BY-LAWS.

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LOCAL GOVERNMENT ACT 1960.

**UNIFORM PRIVATE SWIMMING
POOL BY-LAWS.**

1. These by-laws may be cited as the Uniform Private Swimming Pool By-laws.

2. In these by laws—

“private swimming pool” means any place or premises provided for the purpose of swimming, wading or like activities which the public are not entitled to use.

3. Subject to by-law 7 of these by-laws, these by-laws apply to and in relation to every private swimming pool other than a private swimming pool that—

Amended by
G.G. 24/5/74,
p. 1657;
G.G. 19/12/75,
p. 4603.

- (a) does not exceed 4.7 square metres in area;
- (b) cannot be filled with water to a depth exceeding 300 millimetres; and
- (c) is of a portable nature.

3A. (1) Where there is a private swimming pool on any premises immediately before the date on which this by-law comes into force in the district or part of a district in which those premises are situated the owner or occupier of those premises shall, within thirty days of that date, apply to the council for the registration of that private swimming pool.

Inserted by
G.G. 19/12/75,
p. 4603.
Erratum
G.G. 24/12/75,
p. 4661.

(2) Where a private swimming pool is installed or constructed on any premises at any time after this by-law comes into force, the owner or occupier of the premises shall, within fourteen days of the installation or completion of that private swimming pool, as the case may be, apply to the council for the registration of that private swimming pool.

(3) An application under sub-by-law (1) or (2) of this by-law shall be made in writing and shall be accompanied by a registration fee of one dollar.

(4) Where application is made to the council under sub-by-law (1) or (2) of this by-law for the registration of a private swimming pool, and the fee prescribed by sub-by-law (3) of this by-law is paid, the council shall register that private swimming pool and issue a certificate of registration to the person by whom the application is made.

(5) Where neither the owner nor the occupier of premises complies with the requirements of sub-by-law (1) or (2), whichever is applicable, each of them commits an offence.

Penalty: Fifty dollars.

4. (1) Subject to by-law 5 of these by-laws, the owner or occupier of any premises on which there is a private swimming pool shall cause that private swimming pool to be enclosed by a fence, wall or building or any combination thereof, in accordance with the provisions of this by-law.

Amended by
G.G. 21/9/73,
p. 3547;
G.G. 24/5/74,
p. 1657;
G.G. 12/7/74,
p. 2632.

Penalty: One hundred dollars and in addition a daily penalty of ten dollars for each day on which the offence continues.

(2) Every portion of a fence, wall or building used to enclose a private swimming pool shall—

- (a) be at least 1.22 metres in height; and

(b) be of such a construction as—

- (i) to prevent a child from gaining access to the private swimming pool by passing beneath or through the fence, wall or building; and
- (ii) not to afford foot or hand holds to any child attempting to enter the private swimming pool by scaling the fence, wall or building.

(3) Any gate or other device, that is incorporated with a fence, wall or building enclosing a private swimming pool for the purpose of enabling persons to enter the enclosed area of the private swimming pool, shall be fitted with—

- (a) an efficient self-closing mechanism;
- (b) a positive self-latching mechanism, attached to the inside of the gate or other device, and situated not less than 150 millimetres below the top of the gate or other device; and
- (c) a mechanism which enables the gate or device to be permanently locked.

5. The provisions of by-law 4 of these by-laws do not apply to a private swimming pool if the private swimming pool is situated in the rear portion of any premises, and the rear portion of those premises is itself completely enclosed by a fence, wall or building complying with all the requirements of that by-law.

Inserted by
G.G. 17/3/72,
p. 660.
Amended by
G.G. 19/12/75,
p. 4603.

6. The provisions of by-laws 4 and 5 of these by-laws do not apply to a private swimming pool where the owner or occupier, or any previous owner or occupier, has been given written permission by the Minister to instal some other safety device as an alternative to the measures set out in those by-laws.

Inserted by
G.G. 19/12/75,
p. 4603.

7. (1) The Minister may by notice in writing given to the owner or occupier of any premises on which there is a private swimming pool exempt the owner and the occupier, and all subsequent owners and occupiers, of those premises from the provisions of by-laws 4, 5 and 6 of these by-laws.

(2) An exemption under sub-by-law (1) of this by-law—

- (a) may be granted subject to such conditions (if any) as are specified in the notice;
- (b) may be revoked by the Minister at any time by notice in writing given to a person who is, for the time being, the occupier or owner of the premises to which the exemption relates.