

# AUSTRALIAN CAPITAL TERRITORY.

No. 12 of 1956.

## AN ORDINANCE

### Relating to Public Baths and Public Bathing.

**I** THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this fourteenth day of December, 1956.

W. J. SLIM  
Governor-General.

By His Excellency's Command,

ALLEN FAIRHALL  
Minister of State for the Interior.

### PUBLIC BATHS AND PUBLIC BATHING ORDINANCE 1956.

#### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Public Baths and Public Bathing Ordinance 1956*.<sup>\*</sup> Short title.

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*. Commencement.

3. This Ordinance is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1-7).

Part II.—Public Baths, other than Leased Public Baths (Sections 8-15).

Part III.—Public Baths, including Leased Public Baths (Sections 16-22).

Part IV.—Lost Property (Sections 23-27).

Part V.—Public Bathing (Sections 28-35).

Part VI.—Miscellaneous (Sections 36-37).

4.—(1.) The *Public Baths Ordinance 1931*, the *Public Baths Ordinance (No. 2) 1931*, the *Public Baths Ordinance 1936*, the *Public Baths Ordinance 1940* and the *Public Baths Ordinance 1953* are repealed. Repeal and saving.

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<sup>\*</sup> Notified in the *Commonwealth Gazette* on 14th December, 1956.  
6741/56.—PRICE 8D.

(2.) An admission ticket issued in respect of any public baths under an Ordinance repealed by the last preceding sub-section or under a regulation made in pursuance of such an Ordinance, and in force immediately before the commencement of this Ordinance, is, for the purposes of this Ordinance, of the same force and effect as if this Ordinance had been in force on the day on which the ticket was issued and the ticket had been issued under this Ordinance.

**Definitions.**

**5.** In this Ordinance, unless the contrary intention appears—

“inspector” means an inspector appointed by the Minister under this Ordinance and includes a member of the Police Force of the Territory;

“leased public baths” means public baths of which a lease has been granted by the Minister;

“public baths” means any baths or swimming pool declared under sub-section (2.) of section six of this Ordinance to be public baths, and includes all land, buildings and other improvements within the boundary fences and boundary walls enclosing the baths or swimming pool;

“the manager” means—

(a) in relation to any public baths which are not leased public baths—the person for the time being occupying, or performing the duties of, the office of manager of the baths or, if there is no such office, the person who, for the time being, is the senior attendant at the baths; and

(b) in relation to leased public baths—the lessee of the baths.

**Establishment,  
&c., of baths.**

**6.—(1.)** The Minister may establish and maintain such baths and swimming pools for the use of the public as he thinks necessary.

(2.) The Regulations may declare any baths or swimming pool established by the Minister under this Ordinance, or under an Ordinance repealed by this Ordinance, to be public baths.

**Inspectors.**

**7.—(1.)** The Minister may appoint such persons as he thinks fit to be inspectors for the purposes of this Ordinance.

(2.) A person shall not obstruct, hinder or interfere with an inspector in the exercise of his powers under this Ordinance.

**PART II.—PUBLIC BATHS, OTHER THAN LEASED PUBLIC BATHS.**

**Definition.**

**8.** In this Part, “public baths” does not include leased public baths.

**9.**—(1.) Subject to this Ordinance, public baths shall be open to members of the public on such days and between such times as the Minister determines. Admission of public to baths.

(2.) The Minister may cause any public baths to be closed at any time for the purpose of cleansing or repairing the baths or for any other reason which the Minister thinks sufficient.

**10.**—(1.) The Minister shall make provision for and in relation to the issue of tickets entitling persons to admission to public baths. Issue of tickets for admission to public baths.

(2.) Subject to the next succeeding sub-section, a person is not entitled to be admitted to any public baths unless he produces to the manager of, or an attendant at, the baths a ticket entitling him to admission to the baths.

(3.) The last preceding sub-section does not apply to the admission to public baths—

- (a) of a child who has not attained the age of five years;
- (b) of a person whose admission to the baths without charge has been approved by the Minister; or
- (c) of any person at a time when the exclusive use of the baths is reserved for an organization or person under the next succeeding section.

(4.) The manager of, or an attendant at, any public baths or an inspector may remove from the baths a person who, being a person who is not entitled to be admitted to the baths unless he produces to the manager of, or an attendant at, the baths an admission ticket, fails to produce that ticket on demand to the manager of, or an attendant at, the baths or to an inspector.

(5.) The regulations may prescribe the charges to be made for tickets entitling persons to admission to public baths.

**11.**—(1.) A school, swimming club or other organization which, or a person who, desires to hold a swimming carnival, conduct a swimming contest or give instruction in swimming or life-saving methods at any public baths may, at least twenty-one days before the day on which the carnival is to be held, the contest is to be conducted or the instruction is to be given, apply to the Minister, in writing, for the exclusive use of the baths, or a part of the baths, for that purpose. Exclusive use of public baths by schools, &c.

(2.) Upon receipt of an application under the last preceding sub-section, the Minister may, in his discretion and upon payment by the applicant of such charge, if any, as he determines, reserve the baths, or a part of the baths, for the exclusive use of the applicant during the whole or a part of the day on which the carnival is to be held, the contest is to be conducted or the instruction is to be given.

(3.) During a period for which any public baths, or a part of any public baths, has been reserved for the exclusive use of an organization or person under the last preceding sub-section, a member of the public is not entitled to be admitted to, or to be present in, the baths, or the part of the baths, except for a purpose connected with the purpose for which the baths, or the part, was so reserved.

(4.) The manager of, or an attendant at, any public baths or an inspector may remove from the baths, or a part of the baths, a person who is not entitled to be present there by virtue of the last preceding sub-section.

(5.) Where the Minister reserves any public baths, or a part of any public baths, for the exclusive use of an organization or person during the whole or part of a day, he shall, during the period of seven days immediately preceding that day, cause to be continuously exhibited in a conspicuous place at the baths a notice stating that he has so reserved the baths or the part of the baths.

(6.) An organization or person for whose exclusive use any public baths, or a part of any public baths, has been reserved may make such charges for admission to the baths, or the part of the baths, during the period for which the use of the baths, or the part, has been so reserved, as the Minister approves.

Persons not  
entitled to be  
admitted to  
baths.

**12.—**(1.) A person is not entitled to be admitted to any public baths—

- (a) if he has not attained the age of eight years and is not in the care of a responsible person;
- (b) if he is suffering from—
  - (i) a skin disease or infection; or
  - (ii) a disease which is an infectious disease or a notifiable disease for the purposes of the Public Health (Infectious and Notifiable Diseases) Regulations;
- (c) if he is in a state of intoxication;
- (d) if his admission to the baths would have the effect of overcrowding the baths;
- (e) at a time when the baths are overcrowded; or
- (f) during the remainder of any day on which he is removed from the baths under this Ordinance.

(2.) The manager of, or an attendant at, any public baths may refuse to admit to the baths a person who, in the opinion of the manager or attendant, is not entitled to be admitted to the baths by virtue of the last preceding sub-section.

**13.—(1.)** The Minister may, at any public baths, provide such services, including the sale or hire of bathing costumes, towels and other articles, as he thinks fit. Hire of articles, &c.

(2.) The charge for a service provided by the Minister under the last preceding sub-section, and the deposit on an article hired by virtue of such a service, shall be as prescribed.

(3.) A person who, at any public baths, hires an article by virtue of a service provided by the Minister under this section—

(a) shall not wilfully damage or improperly soil the article; and

(b) shall, before leaving the baths, return the article to the manager of, or an attendant at, the baths.

**14.** A person shall not, without the approval of the Minister, sell or hire, or offer for sale or hire, in any public baths, any article. No sale or hire without Minister's approval.

**15.—(1.)** No action lies against the Commonwealth by reason of the loss of, or damage to, property occurring in any public baths. Liability for loss of, or damage to, property.

(2.) No action lies against the manager of, or an attendant at, any public baths by reason of the loss of, or damage to, property occurring in the baths as a result of an act or omission of the manager or the attendant in the course of his employment.

### PART III.—PUBLIC BATHS, INCLUDING LEASED PUBLIC BATHS.

**16.—(1.)** A person shall not appear in any public baths unless he is clad so as to secure the observance of decency. Bathing dress.

(2.) Where a person in any public baths is not clad so as to secure the observance of decency, the manager of, or an attendant at, the baths or an inspector may direct the person to clothe himself so as to secure the observance of decency.

(3.) A person shall comply with a direction given under the last preceding sub-section.

(4.) In this section, "public baths" does not include a dressing enclosure.

**17.** A person shall not—

(a) bring into, or have in his possession in, any public baths any intoxicating liquor; Offences in relation to public baths.

(b) enter or remain in any public baths while in a state of intoxication;

(c) behave in any public baths, to the annoyance of the public, in an unseemly, improper, riotous or offensive manner;

- (d) use profane, indecent or obscene language in any public baths;
- (e) deposit, other than in a receptacle provided for the depositing of rubbish, any broken glass or earthenware in any public baths;
- (f) fail to collect and deposit in a safe place all parts of any article of glass or earthenware broken by him in any public baths;
- (g) break, damage or interfere with any lock, valve, tap, pipework, machinery or apparatus of any kind, furniture, fittings, showers, conveniences or dressing rooms in any public baths;
- (h) damage, disfigure or write upon any part of any public baths;
- (i) bring into, or deposit in, any public baths any filth, rubbish or other offensive matter;
- (j) deposit in a pool (including a foot pool) in any public baths any soap, tobacco, matches or any article or substance that is likely to pollute the water in the pool or make that water unfit for the use for which it is intended;
- (k) without the consent of the manager of the baths, or, in his absence, of an attendant at the baths, bring into, or have in his possession in, a swimming pool of any public baths—
  - (i) an article used as an aid in swimming;
  - (ii) a ball or other article used in playing games;
  - (iii) a toy; or
  - (iv) an article the presence of which would tend to interfere with the use of the pool by another person;
- (l) enter a swimming pool in any public baths—
  - (i) before he has used the shower baths;
  - (ii) while he is in an unclean condition; or
  - (iii) while he has on his person any substance which is likely to make the water in the pool discoloured or otherwise unfit for bathing;
- (m) cause or suffer any animal belonging to him, or under his control, to enter or remain in any public baths;
- (n) expectorate in any public baths except into a receptacle provided for the purpose;
- (o) smoke in any open space in any public baths;

- (p) enter or remain in any public baths while he is suffering from—
- (i) a skin disease or infection; or
  - (ii) a disease which is an infectious disease or a notifiable disease for the purpose of the Public Health (Infectious and Notifiable Diseases) Regulations;
- (q) seek admission, by forcible or other improper means, to a dressing room, shower or convenience in any public baths when that dressing room, shower or convenience is occupied by another person;
- (r) use the seats in a dressing room in any public baths for a purpose other than that for which they are provided;
- (s) compel another person, by forcible or other improper means, to enter a swimming pool in any public baths;
- (t) go upon a spring-board in any public baths while another person is on that spring-board; or
- (u) climb on a part of the framework supporting a spring-board in any public baths other than the ladder provided for the purpose of approaching the spring-board.

**18.** Except for the purpose of giving assistance in the case of emergency, a person who has attained the age of six years shall not, without lawful excuse, enter a part of any public baths which is set apart for the exclusive use of persons of the sex opposite to the sex of that person and bears a notice to that effect.

Segregation of sexes in public baths.

**19.** Except in the course of attempting to save life, a person shall not, without lawful excuse, break, damage or interfere with any life-saving apparatus provided in any public baths for use in saving persons from drowning.

Life-saving apparatus in public baths.

Penalty: Fifty pounds.

**20.** The manager of, or an attendant at, any public baths or an inspector may—

Removal from public baths.

- (a) remove from the baths a person who, in the opinion of the manager, attendant or inspector, has committed in the baths an offence against this Ordinance;
- (b) remove from the baths a child who, in the opinion of the manager, attendant or inspector, has not attained the age of eight years and is not in the care of a responsible person;
- (c) remove from a part of the baths a person found loitering, without reasonable excuse, in that part; or
- (d) remove an animal from the baths.

Obstruction of  
baths staff.

**21.** A person shall not obstruct, hinder or interfere with the manager of, or an attendant at, any public baths in the exercise of his powers under this Ordinance.

Suspected  
person to  
give his name  
and address.

**22.**—(1.) Where the manager of, or an attendant at, any public baths or an inspector has reasonable grounds for suspecting that a person has committed an offence against this Ordinance, he may request the person to furnish to him the name and address of the person.

(2.) A person shall comply with a request made under the last preceding sub-section.

#### PART IV.—LOST PROPERTY.

Manager to  
have possession  
of lost  
property.

**23.**—(1.) A person who finds in any public baths property which he believes to have been lost or abandoned shall forthwith deliver that property to the manager of, or an attendant at, the baths.

(2.) The manager of, or an attendant at, any public baths may take possession of property which is found by, or delivered to, him and is reasonably believed by him to have been lost or abandoned in the baths.

Lost Property  
Register.

**24.** The manager of, or an attendant at, any public baths who takes possession of property under sub-section (2.) of the last preceding section shall enter a description of, and particulars relating to, the property in a register, to be known as the Lost Property Register, to be kept at the baths for the purpose.

Claims for  
lost property.

**25.** A person who satisfies the manager of, or an attendant at, any public baths that he is entitled to possession of property in the possession of the manager or attendant under sub-section (2.) of section twenty-three of this Ordinance may, upon entering his signature and address in the lost property register as evidence of his receipt of the property, be given possession of the property.

Sale or disposal  
of unclaimed  
lost property.

**26.**—(1.) Where, after the expiration of a period of three months from the date on which possession of property was taken by the manager of, or an attendant at, any public baths under sub-section (2.) of section twenty-three of this Ordinance, possession of the property has not been given to a person under the last preceding section, the property may be sold by public auction by an officer authorized by the Minister to conduct such sales, and, for the purpose of that sale, the Commonwealth shall be deemed to be the absolute owner of the property.

(2.) When the officer has fixed a time and place for the holding of the sale, he shall give notice of the sale and of that



time and place by advertisement published at least seven days before the date fixed for the holding of the sale in a newspaper circulating in the Territory.

(3.) If property submitted for sale at an auction sale held pursuant to this section is not sold, it may be disposed of or destroyed in such manner as the Minister directs.

(4.) Moneys received from the sale of property pursuant to this section shall be paid into the Consolidated Revenue Fund.

**27.** No action lies against the Commonwealth, the manager of, or an attendant at, any public baths or any other person by reason of the taking or giving of possession, or the sale, disposal or destruction, of property pursuant to this Part. Protection to Commonwealth, managers and other persons.

#### PART V.—PUBLIC BATHING.

**28.** In this Part, “public bathing convenience” means a dressing enclosure, or any other enclosure or building, provided by the Minister in a public place for the use of persons bathing in waters in the vicinity of the enclosure or building, but does not include an enclosure or building in any public baths. Definition.

**29.** A person shall not—

- (a) loiter in a public bathing convenience unless he has a reasonable excuse for so doing;
- (b) bring into, or deposit in, a public bathing convenience any filth, rubbish or other offensive matter;
- (c) damage, disfigure or write upon a public bathing convenience; or
- (d) seek admission, by forcible or other improper means, to a public bathing convenience, or a part of a public bathing convenience, when that convenience or that part is occupied by another person.

Offences in relation to public bathing conveniences.

**30.** Except for the purpose of giving assistance in case of emergency, a person who has attained the age of six years shall not, without lawful excuse, enter a public bathing convenience, or a part of a public bathing convenience, which is set apart for the exclusive use of persons of the sex opposite to the sex of that person and bears a notice to that effect. Segregation of the sexes in a public bathing convenience.

**31.** Except in the course of attempting to save life, a person shall not, without lawful excuse, break, damage or interfere with any life-saving apparatus provided by the Minister in a public place for use in saving persons from drowning. Life-saving apparatus in a public place.

Penalty: Fifty pounds.

**32.** A person shall not—

- (a) deposit, other than in a receptacle provided for the depositing of rubbish, any broken glass or

Broken glass, &c., in public places.

earthenware in, or in a public place within two hundred yards of the bank of, any river or creek in a public place; or

- (b) fail to collect and deposit in a safe place all parts of any article of glass or earthenware broken by him in, or in a public place within two hundred yards of the bank of, any river or creek in a public place.

Removal of animals from public places.

**33.**—(1.) When, in the opinion of an inspector, inconvenience or danger may be caused to bathers by the entry of an animal into waters in a public place, he may direct a person in charge of the animal to prevent it from entering, or to remove it from, the waters.

(2.) A person shall comply with a direction given to him by an inspector pursuant to the last preceding sub-section.

Prohibited bathing areas.

**34.**—(1.) The Minister, if he thinks it necessary or desirable so to do, may, by a notice exhibited in a prominent place in the vicinity of any waters in a public place, prohibit bathing in those waters.

(2.) A person shall not bathe in waters in which bathing is prohibited under the last preceding sub-section.

Bathing in dangerous waters.

**35.** If, on any day, an inspector is of opinion that it is dangerous to bathe in any waters in a public place, he may warn a person in the vicinity of the waters that it is dangerous to bathe in the waters and a person so warned shall not, after receiving that warning, bathe in those waters on that day.

#### PART VI.—MISCELLANEOUS.

Penalties not otherwise provided.

**36.** Where a person contravenes or fails to comply with a provision of this Ordinance and a penalty for a contravention of or failure to comply with that provision is not expressly provided, the person is guilty of an offence against this Ordinance punishable upon conviction by a fine not exceeding Twenty pounds.

Regulations.

**37.** The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular—

- (a) for regulating bathing in public baths or in a public place;
- (b) for regulating the use of public baths and of public bathing conveniences; and
- (c) for prescribing penalties not exceeding a fine of Five pounds for offences against the regulations.

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.