



muswellbrook shire council

DRAFT Muswellbrook Shire Aquatic and Fitness Centre Policy

MSC062E

Authorisation Details

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Community Strategic Plan Goal	6. Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community		
Community Strategic Plan Strategy	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders		

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1. Policy Objective

The objective of this policy is to:

- set the Centre's guidelines of appropriate behaviour while using the Centres,
- seek to protect the safety and wellbeing of all persons, including staff, attending the Centres,
- set guidelines for staff members to follow in circumstances where patrons are behaving unacceptably, and
- adopt official maximum banning periods for breaches of the Conditions of Entry at the Centres.

2. Risks being addressed

This policy sets clear guidelines for staff and patrons to assist in maintaining the safety of persons at the Centres and sets banning periods (i.e. bans) for a range of unacceptable behaviour displayed at the Centres.

3. Scope

This Policy applies to all patrons and staff at the Muswellbrook Aquatic and Fitness Centre and the Denman Memorial Pool.

For the purpose of this policy, Centre means the Muswellbrook Aquatic and Fitness Centre and the Denman Memorial Pool.

4. Policy Statement

Patrons are expected to follow any instructions given by Council staff and are required as a condition of entry to follow the rules and guidelines as listed on Council's website: <https://pools.muswellbrook.nsw.gov.au/>

- [Pool Rules and Guidelines](#)
- [Fitness Rules and Guidelines](#)
- [Lap Swimming Etiquette](#)

All staff are authorised to request a person to leave the Centre if they do not comply with any part of this policy or the relevant rules and guidelines. After reporting the incident, Council may implement a temporary or permanent prohibition on entry to the Centres.

1.1 Smoking

Under Section 6A of the *Smoke-free Environment Act 2000* (NSW), the Centres are smoke free, and smoking is banned in open areas within the perimeter of the Centres.

The smoke-free laws also apply to the use of e-cigarettes (vaping).

1.2 Children

Council participates in the [Royal Life Saving Keep Watch at Public Pools program](#) and follow the guidelines, which requires parents and guardians to:

- Watch your own child/children.
- Know that lifeguards are there to watch everyone in the pool and cannot watch your child – they are not babysitters.

- Be aware that other adults are not watching your children.
- Remember that they are responsible for the safety of their own child.

Active supervision at public pools consists of four key elements:

1. Be Prepared: Ensure you have everything you need before getting into the water, such as towels and dry clothes.
2. Be Close: Always be within arms' reach of your child.
3. All of Your Attention: Focus all of your attention on your child and get into the pool and talk and play with them.
4. All of the Time: You should never leave your child alone in the water, nor should they be left in the care of an older child or with the assumption that your responsibility diminishes due to the presence of lifeguards.

All Centre patrons should follow the safety rules displayed around the pool area, and follow the directions issued by lifeguards and staff. It is important that anyone visiting a public pool learns how to swim as well as water safety skills.

1.3 Swimming Pool Banning Periods

If Council becomes aware of, or has concerns that, a person has engaged or is engaging in undesirable behaviour, including, but not limited to verbal abuse/intimidation and physical assault towards staff, staff may immediately remove the relevant person(s) from the Centre.

If Council reasonably believes a person to have engaged in undesirable behaviour, Council may, in addition to removing the person from the Centre, issue a banning notice to that person in accordance with this Policy. All bans will be considered on a case-by-case basis and periods can be extended or reduced on investigations by staff. Council is entitled to issue a person with a banning notice if, in its reasonable opinion, it considers a person's behaviour to be undesirable behaviour. The length of the banning period stated in the banning notice will be such period as Council, in its absolute discretion, deems necessary to achieve the aim. However, Council will be guided by the following table:

Conduct/Offence	Maximum banning period	Outcome
Entering pool without paying / Forced entry.	1 Day; or 1 Month (For repeat offenders)	Warning not required and Police notified
Repeated failure to comply with non-smoking or non-vaping rules on Council property, including outdoor pool area and carpark.	1 Day	Warning not required
Repeated failure to comply with conditions of entry and/or direction from Staff.	2 Weeks	Warning not required and Police may be notified
Repeated dangerous actions (pushing, throwing etc.)	2 Weeks	Warning not required
Swearing	2 Weeks	Warning not required
Refusal to leave Centre when - requested 2nd time	1 Month	Police are notified

Fighting	12 Months	Warning not required, Police notified, and an official banning notice is issued
Vandalism	12 Months	Warning not required, Police notified, and an official banning notice is issued
Stealing	12 Months	Warning not required, Police notified, and an official banning notice is issued
Refusal to leave Centre when requested 3rd time and/or police attendance required	12 Months	Police are notified, and an official banning notice is issued
Verbal abuse/intimidation of staff	12 Months	Warning not required, Police notified, and an official banning notice is issued
Physical assault on staff (actual or attempted)	At Council discretion pending an investigation	Warning not required, Police notified, and an official banning notice is issued

Council is not liable whatsoever for any loss or damage sustained or incurred directly or indirectly by an offending person as a result of, or in connection with, the person's removal from the Centre, this issuance of a banning notice, or this Policy.

5. Roles, Responsibilities and Delegations

Role	Responsibility
Centre Staff	Authorised to ask patrons to leave.
Centre Manager / or their delegate	Issue banning notices. Report to General Manager and SafeHold on all banning notices issued.

6. Dispute Resolution

In the event a person ("Offending Person") is issued with a banning notice and the Offending Person disputes the banning notice, the Offending Person must, within 14 days of receipt of the

Banning Notice, give notice in writing to the Centre Manager that it disputes the Banning Notice ("Dispute Notice").

The Dispute Notice must set out the basis on which the Offending Person disputes the Banning Notice, with sufficient detail to enable the Centre Manager to decide as to whether they should affirm, amend, or withdraw the banning notice.

Within 30 days of receiving the Dispute Notice, the Centre Manager will arrange a meeting with the Offending Person, allowing the Offending Person an opportunity to attend with a support person of their choice ("Dispute Meeting").

The Centre Manager will afford the Offending Person an opportunity to explain why the banning notice should be withdrawn, or the banning period reduced, and will have regard to the Offending Person's explanations.

Within 14 days of the Dispute Meeting, the Centre Manager will notify the Offending Person of the decision to either:

- a. affirm the banning notice and take no further action;
- b. require additional time to consider the Offending Person's explanation;
- c. amend the banning notice; or
- d. withdraw the banning notice.

An Offending Person will not be entitled to enter the Centres while the Centre Manager is considering the Dispute Notice.

If an Offending Person remains dissatisfied with the Centre Manager's decision, they may write to the General Manager to review the Centre Manager's decision. The final decision of the General Manager relating to the Dispute Notice will be final and binding on the Offending Person.

7. Related Documents

Legislation and Guidelines

- Public Health Act 2010
- Public Health Regulation 2022
- Local Government Act 1993
- Inclosed Lands Protection Act 1901 (NSW)
- Privacy and Personal Information Protection Act 1998 (the Privacy Act)
- NSW Swimming Pool regulations 2018
- Guidelines for Safe Pool Operations (NSW Royal Life Saving Australia)
- Fitness Australia Guidelines
- AustSwim Industry Guidelines
- Child Safe Standards

Policies and Procedures

- Model Code of Conduct
- Privacy Management Plan
- Smoke Free Workplace Policy

Other Supporting Documents

- <https://pools.muswellbrook.nsw.gov.au/pool-rules-and-guidelines>
- <https://pools.muswellbrook.nsw.gov.au/fitness-rules-and-guidelines>
- <https://pools.muswellbrook.nsw.gov.au/lap-swimming-etiquette>
- Delegations
- Banning Notice Template

8. Version History

This section identifies authors who reviewed the Policy and the date that it became effective.

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	2007		Draft Policy
2	06/06/2024	Aquatic Centre Manager	Policy code updated from C38/10 to MSC062E. Rewrite of policy.