



CUMBERLAND
CITY COUNCIL

Cumberland Council Aquatic Centres

Terms and Conditions of Entry

By entering this Aquatic Facility, you agree to the following T&C's of entry, are responsible for your actions and enter at your own risk:

Membership, Casual Visits and Entry Fees

- (1) An entry fee to access the Facility must be paid in accordance with the fee schedule.
- (2) The entry fee enables entry to the facility once only.
- (3) For casual visitors, "pass out" passes may be issued at the discretion of staff to enable visitors to leave the Facility for a maximum period of ten minutes. Visitors will be required to pay the applicable entry fee if they do not re-enter the Facility within this timeframe.
- (4) Membership and casual visitor passes must be swiped to gain entry into the Facility. Entry will not be permitted without a visitor card.
- (5) Lost cards must be reported to reception for replacement. A fee will be charged for replacement cards.

Re-entry into Premises

- (1) Any person who fails to comply with any of these T&Cs may have their membership or visitor pass revoked or cancelled without refund. In addition, Management may, either temporarily or permanently prevent future entry by that person from any of the Facility, or other Council recreational facilities.
- (2) Any person who attempts to remain in the Facility or re-enter after being asked to leave will be immediately reported to the police.

Identity Verification

- (1) All non-members (**Visitors**) are subject to the Visitor Management System (**VMS**) sign in process and are required to scan photo identification (for example, current driver's licence, passport, or government identification) *for each visit* and must comply with these T&Cs.
- (2) Memberships and visitor passes are not transferable.
 - (a) This means that a photo of every person who enters the Facility will be taken for safety and security reasons and placed on the member's verified profile on our point-of-sale system.
 - (b) If you decline to have your photo taken for identification purposes, you will be required to scan your driver's licence or government issued identification each time you wish to enter the Facility.
 - (c) If you decline to scan your driver's licence or government issued identification, you will be required to have a staff member physically sight a form of photo identification each time you wish to enter the Facility.

- (3) We will respect cultural differences and medical conditions in verifying a person's identity, but we reserve the right to either refuse entry or remove anyone whose identity cannot be established.
- (4) All information is recorded and used in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW) (**PPIP Act**).

Data Retention & Privacy

- (1) Any personal information collected, stored, used, and destroyed using the VMS is in accordance with the PPIP Act (which includes the Australian Privacy Principles), and is safely stored locally within a highly secured cloud-based server for a period of 60 days in line with Council's CCTV in Public Places Program (except where an incident has occurred, and further investigation is required).
- (2) The intended recipients of the personal information are:
 - (a) officers within the Council;
 - (b) data service providers engaged by the Council from time to time; and
 - (c) any other agent of the Council.
- (3) The supply of the information by a person is voluntary but may impact upon whether they are granted entry to the Facility. If a person cannot provide or do not wish to provide the information sought, the Council may be unable to permit access to the Facility.
- (4) Once collected by Council, the information can be accessed and may also be available to third parties in accordance with Council's Access to Information Policy and Privacy Management Plan.
- (5) Council collects personal information to keep records of Members attending Council's facilities and to help to maintain the safety of Members and Visitors at the facilities.
- (6) An application for access or amendment to information held by Council may be made.
- (7) A person may also request that Council suppress their personal information from a Public Register. Council will consider any such application in accordance with the PPIP Act.
- (8) Council is to be regarded as the agency that holds the information.
- (9) Enquiries concerning this matter can be addressed to the Privacy Contact Officer on (02) 8757 9816.

Children at the Facility

- (1) Children 15 years or under are not permitted entry to this Facility unless accompanied by a parent or legal guardian.
 - (a) A maximum of four children may be signed in on arrival *per visit*.
 - (b) The parent or legal guardian is responsible for the conduct and behaviour of all the children that they have signed in.
- (2) Children aged 0-5 years of age must be accompanied in the water, within arms' reach of an adult aged 18 years+ at all times in accordance with the Royal Life Saving's Keep Watch Policy.
 - (a) The relevant adult may permit a guardian aged 16 years+ to accompany a child in accordance with this rule.
 - (b) *A supervision ratio of 1:2 applies.*
- (3) An adult aged 18+ must actively supervise and maintain constant visual contact of children aged 6-15 years of age.

- (a) The relevant adult may permit a guardian aged 16 years+ to supervise a child in accordance with this rule.
- (b) *A supervision ratio of 1:4 applies for supervising children aged 6-10 years.*
- (4) A supervision ratio of 1:4 will also apply to the scenario of 1 x Child aged 0 - 5 years and 3 x Children aged 6 - 15 years.
 - (a) An adult must actively supervise in accordance with the Royal Life Saving's Keep Watch Policy.
 - (b) The relevant adult may permit a guardian aged 16+ years to accompany a child in accordance with this rule.
- (5) Members and Visitors are asked to "toilet" all children 5 years and under who are in their care prior to allowing them to enter the pools.
- (6) Non-toilet trained swimmers must wear Facility approved "swim nappies" whilst in the water at all times.

Child Protection

- (1) The operation of Council's Facility is intended to promote and safeguard the safety, welfare and wellbeing of children and young people. All members and Visitors are expected to behave accordingly.
- (2) Council reserves the right to contact parents or carers of any child under 16 years for whom there are welfare or safety concerns, or to notify the appropriate agency.
- (3) Staff should immediately be notified if a person has any concerns about the welfare or safety of a child or young person as per the NSW Office of Children's Guardian Child Safe standards.

Weak Swimmers and Non-swimmers

- (1) You should be aware of your swimming ability and swim within areas suitable to your capabilities.
- (2) If you are a weak swimmer or non-swimmer (high-risk patron) you must identify yourself to staff before you enter the Facility.
- (3) Weak swimmers and non-swimmers must be actively supervised at all times by an accompanying Adult.

Security

- (1) To ensure the safety of all members, Visitors, and staff, CCTV cameras are recording throughout the internal and external areas of the Facility except within changing rooms.
- (2) Any person entering the Facility consents to and authorises Council to record or photograph them and to distribute video and images when required by an authorised officer or by law.
- (3) Images captured on CCTV are used for the purposes of crime prevention and may be used by the NSW Police Force for investigation.
- (4) Data captured using CCTV is safely stored locally within a highly secured cloud-based server for a period of 60 days in line with Council's CCTV in Public Places program (except where an incident has occurred, and further investigation is required).
- (5) The operation of the CCTV system is subject to the PPIP Act.
- (6) The CCTV system is owned and operated by Council.
- (7) All records are the sole property of Council.

Mobile Phones & Cameras

- (1) The use of cameras and mobile phones for the purpose of taking photos and videos are not permitted in change rooms.
- (2) Any use of commercial photography, audio or video equipment must be authorised by management.
- (3) Members and Visitors are asked to respect the privacy of others when videoing or photographing their family members or friends.
- (4) Members and Visitors are not permitted to take photographs of other Members or Visitors without their consent.

Personal Responsibilities

- (1) Members and Visitors are responsible for their own personal belongings.
- (2) Lockers are available for use.
- (3) Appropriate swimwear must be worn at all times. Refer to swimwear signage at the Facility.
- (4) Showering is recommended before entering the water.
- (5) Anyone with an infectious or contagious disease or skin complaint must not enter the water or change rooms.

Food & Alcohol

- (1) Commercially prepared food and all food delivery services are not permitted within the Facility unless previously approved by management.
- (2) Alcohol must not be brought onto the Facility unless it is to be sold or served by an approved catering supplier and has been approved by Council as part of a formal booking arrangement.
- (3) The consumption of food and refreshments are permitted at the Facility provided that Members and Visitors dispose of their rubbish in the designated bins and respect others around them.
- (4) Members may bring homemade food items to the Facility provided it is packed and disposed of appropriately.
- (5) Any cooking and warming appliances or equipment used for the preparation of food are not permitted at the Facility.

Conduct Rules

- (1) Smoking prohibited within the Facility and within 10m of the entrance.
- (2) No eating is permitted in or around pool edge.
- (3) The following may *not* be brought into the Facility: alcohol, drugs, glass and other breakables, knives, any substance likely to cause damage to property, animals (other than guide dogs for the visually impaired); bicycles, scooters, roller blades or skateboards.
- (4) People affected by drugs or alcohol will be denied entry.
- (5) No abusive, offensive behaviour, bad language or spitting.
- (6) No sitting on or touching lane ropes.
- (7) Pushing, running, jumping, back flips, bombing, ball games or rough play are prohibited.
- (8) No water pistols, boogie boards, recreational surfboards or "large inflatable's" are allowed.
- (9) At all times when using swim lanes Members and Visitors must keep to the left side of the lane. When overtaking other swimmers within the lane, Members and Visitors must ensure that there is no risk of collision from oncoming swimmers.

- (10) Lane space will be allocated and managed according to demand. Staff will monitor and may adjust the lane space at any time at their discretion.
- (11) Members and Visitors must not damage pool property or Facility equipment. In addition to any penalty that may be imposed for such damage, the member or Visitor concerned may be liable to pay the full repair or replacement costs of the damaged property.
- (12) Do not litter. Please be respectful of others and use the bins provided.
- (13) Banned items will be confiscated by staff and returned only upon exit from the Facility.
- (14) Topless sunbathing, nudity and changing in public spaces is not permitted.
- (15) Staff must be notified of any faecal incident. In the event of contamination, the pools may be evacuated and closed in accordance with the relevant NSW Guidelines for Public Swimming Pools and Spa Pools.
- (16) Staff reserve the right to close any pool to additional members and Visitors when it reaches capacity as per the Royal Life Saving Guidelines.

Removal of Persons & Refusal of Entry

- (1) Council reserves the right to refuse entry or remove members and Visitors that:
 - (a) appear to be under the influence of alcohol or drugs;
 - (b) attempt to gain entry to the Facility without completing the require entry process.
 - (c) displaying abusive, disruptive, or offensive behaviour or language towards other members, Visitors, or staff;
 - (d) are deemed to be conducting illegal activity;
 - (e) do not follow the instructions of staff;
 - (f) conduct commercial activities without prior approval of management;
 - (g) wear, display, or otherwise distribute inappropriate, offensive images, logos or materials;
or
 - (h) attempt to enter the Facility with any item that has the potential to cause injury or public nuisance (e.g., sharp objects, glass, large inflatable floatation devices, banners, shopping trolleys, oversized bags, etc.).
- (2) Offenders may be subject to a "Ban Notice" for a period determined by Council if found to have breached any of these Terms & Conditions.
- (3) Any illegal acts in the Facility will be immediately reported to the police.

Professional Coaching

- (1) No professional coaching or training is permitted.
- (2) Lane hire is available - please see management.

Hours of Operations

Members and visitors are required to exit the water 15 minutes prior to the Facility's closure and leave the premises by the Facility's advertised closing time. For full details regarding the operating hours for each Council managed Swim Centre, please click [here](#).

Emergency Evacuation

- (1) In the event of an emergency, Members and Visitors must follow the instruction of staff and emergency signage provided.

- (2) Please move safely to the assigned exit using the emergency exit signage and remain in the Emergency Assembly Area until advised by staff it is safe to leave.

Indemnity & Release

- (1) Members and Visitors will indemnify and keep the Council indemnified for and against all damages, action, suits, claims, costs, and demands, which may be made or recovered against the Council by any person whatsoever in respect of any loss, injury (including death) or damage sustained whilst in or upon the Council's premises except to the extent that such loss, injury or damage is caused by the negligence of Council, its servants and agents.
- (2) A person enters the Facility at their own risk and accept that management, its employees, contractors, agents, and Council, will not be liable for any injuries (including death) or damage sustained while in or upon Council's premises except to the extent that such loss, injury or damage is caused by the negligence of Council's servants and agents.

FAILURE TO COMPLY WITH ANY OF THE ABOVE WILL RESULT IN THE PERSON OR GROUP BEING EVICTED FROM THE PREMISES WITHOUT REFUND AND MAY FACE POTENTIAL BANNING FROM ALL CUMBERLAND COUNCIL AQUATIC CENTRES. ANY PERSON WHO ATTEMPTS TO REMAIN IN THE FACILITY OR RE-ENTER AFTER BEING ASKED TO LEAVE THE PREMISES WILL BE IMMEDIATELY REPORTED TO THE POLICE.

Legal Notice

This notice is made under s632 of the *Local Government Act 1993*(NSW). It is an offence:

- not to comply with the terms of this notice. Penalties may apply to any non-compliance; and
- for any person to wilfully obstruct, an employee of a council in the exercise of that person's functions under the *Local Government Act 1993* (s660). Penalties may apply to any non-compliance.

Council reserves all rights to alter these terms and conditions at any time at its sole discretion.