NORTHERN TERRITORY OF AUSTRALIA

SWIMMING POOL SAFETY REGULATIONS 2004

As in force at 13 September2025

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 13 September 2025

SWIMMING POOL SAFETY REGULATIONS 2004

Regulations under the *Swimming Pool Safety Act 2004*

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Swimming Pool Safety Regulations 2004*.

2 Commencement

These Regulations come into operation on the commencement of the *Swimming Pool Safety Act 2004*.

3 Definitions

In these Regulations:

adjoining premises, in relation to a dividing barrier, means the premises separated by the dividing barrier from the premises at which a swimming pool is to be constructed or is situated.

Australian Standards means Australian Standard AS 1926.1-1993 "Swimming pool safety Part 1: Fencing for swimming pools" and Australian Standard AS 1926.2–1995 "Swimming pool safety Part 2: Location of fencing for private swimming pools".

certificate means an interim compliance certificate, compliance certificate or provisional compliance certificate.

dividing barrier notice means the notice referred to in regulation 7.

Guidelines means the Community Safety Standard Guidelines referred to in regulation 6.

4 Exemption of certain swimming pools

For section 6(2)(d) of the Act, a structure having the characteristics described in section 6(1) of the Act is exempt from the application of the Act if the structure is situated at any of the following premises:

(a) premises at which there is a hotel or motel;

(b) premises (other than a house) at which accommodation is provided for a fee, or under a short term lease, for holiday accommodation;

(c) premises at which there is a house in which the owner of the premises does not normally reside and at which accommodation is provided for a fee, or under a short term lease, for holiday accommodation;

(d) premises at which there is a complex of buildings that are principally used for non-residential purposes.

Part 2 Safety standards

5 Safety standards for modified Australian Standard

(1) The standards referred to in section 10(1)(a)(iii) of the Act are the Australian Standards as modified by this regulation.

(2) The Australian Standards are modified by omitting Clause 2.3.2 of AS 1926.1–1993 and substituting the following:

"**2.3.2 Chainmesh** A fence that uses chainmesh with apertures not greater than 13 mm must include a strainer wire or a rail at the top and the bottom of the fence and must have an effective fencing height of not less than 1.2 m.

A fence that uses chainmesh with apertures greater than 13 mm but less than 100 mm must include a strainer wire or a rail at the top and the bottom of the fence and must have an effective fencing height of not less than 1.7 m.".

(3) A provision of the Australian Standards that refers to a measurement on the outside of a swimming pool barrier is modified, when applied to a dividing barrier, so that it refers to a measurement on the inside of the dividing barrier.

(4) The Australian Standards are modified to the extent necessary to provide that no action is required to be taken on adjoining premises by any person to ensure a dividing barrier complies with the modified Australian Standard.

(5) If there is an inconsistency between the Australian Standards and the Act or these Regulations, the Australian Standards are modified to the extent necessary to achieve consistency.

(6) In subregulation (3):

inside means the side facing the pool area.

6 Guidelines for assessment of Community Safety Standard

The guidelines referred to in section 11(3) of the Act are the Community Safety Standard Guidelines specified in Schedule 2.

7 Dividing barrier notice

(2) A dividing barrier notice under section 10(1)(b), 11(1)(b) or 12(1)(b)(iii) of the Act must include the following information:

(a) the name and address of the owner of the premises on which the swimming pool is to be constructed or is situated;

(b) the address of the premises at which the swimming pool is to be constructed or is situated;

(c) there is to be a swimming pool constructed at those premises or there is a swimming pool situated at those premises;

(d) the owner of those premises intends to apply to the Authority for a an interim compliance certificate, compliance certificate or acknowledgment notice (as applicable) in respect of the swimming pool;

(e) the dividing barrier will be used or is being used as a swimming pool barrier for the swimming pool;

(f) there may be a risk to a child if an object is placed against or close to the dividing barrier on the adjoining premises that might assist a child to climb over the barrier;

(g) if the owner is not the occupier of the adjoining premises, the owner should notify the occupier about the information in the dividing barrier notice;

(h) the owner or occupier of the adjoining premises may request the advice of a pool safety adviser in relation to the dividing barrier notice.

(3) The dividing barrier notice must be given to the owner of the adjoining premises in accordance with section 52(2) of the Act.

Part 3 Certification and acknowledgment of swimming pools

Division 1 Applications relating to certificates

8 Applications for interim compliance certificates

An application for an interim compliance certificate must contain the following information:

(a) the name and address of the owner of the small premises at which the swimming pool is to be constructed;

(b) the address of the premises at which the swimming pool is to be constructed;

(c) whether the swimming pool will comply with the modified Australian Standard or non-standard safety provision;

(d) if the swimming pool is to be constructed in accordance with the non-standard safety provision – all particulars of the proposed enclosure of the swimming pool;

(e) if there is to be a dividing barrier – confirmation that the owner of the small premises has given a dividing barrier notice to the owner of the adjoining premises;

(f) whether the owner of the small premises has received the advice of a pool safety adviser.

9 Applications for compliance certificates after construction of new swimming pools

An application under section 16 of the Act for a compliance certificate must contain the following information:

(a) the identification number of the interim compliance certificate in force in respect of the swimming pool;

(b) the date of completion of construction of the swimming pool and swimming pool barrier;

(c) any further information the Authority considers necessary.

10 Applications for compliance certificates generally

An application under section 17 of the Act for a compliance certificate must contain the following information:

(a) the name and address of the owner of the premises at which the swimming pool is situated;

(b) the address of the premises at which the swimming pool is situated;

(c) whether those premises are small premises or large premises and whether the swimming pool is a new swimming pool or an existing swimming pool;

(d) whether the swimming pool complies with the modified Australian Standard or non-standard safety provision;

(e) if the swimming pool complies with the non-standard safety provision – all particulars of the enclosure of the swimming pool;

(f) if there is a dividing barrier – confirmation that the owner of the premises at which the swimming pool is situated has given a dividing barrier notice to the owner of the adjoining premises;

(g) whether the owner of the premises at which the swimming pool is situated has received the advice of a pool safety adviser.

11 Applications for provisional compliance certificates

An application for a provisional compliance certificate must contain the following information:

(a) the name and address of the purchaser of the small premises;

(b) the address of the small premises being purchased;

(c) the proposed date of completion of the contract of sale;

(d) there is at those premises an existing swimming pool that is not certified or notified and the purchaser proposes to upgrade the swimming pool;

(e) whether the purchaser proposes to upgrade the swimming pool to comply with the modified Australian Standard or non-standard safety provision;

(f) the measures the purchaser proposes to take to ensure compliance with the applicable safety standard;

(g) the estimated time, not exceeding 3 months after the purchase of the premises, in which the upgrade of the swimming pool will be completed;

(h) whether the purchaser has received the advice of a pool safety adviser.

12 Applications for variation or revocation of certificates

(1) The holder of a certificate must apply to the Authority for a variation of the certificate if the following circumstances apply:

(a) the name of the holder specified in the certificate is to change due to the sale of the premises specified in the certificate;

(b) there is change to any other particular specified in the certificate;

(c) the holder wishes the Authority to vary any condition specified in the certificate.

(2) The holder of a certificate must apply to the Authority in the approved form for the revocation of the certificate if the swimming pool to which the certificate relates is no longer being constructed or is no longer situated at the premises specified in the certificate.

(3) A application for the variation or revocation of a certificate must contain the following information:

(a) the name and address of the holder of the certificate;

(b) the address of the premises specified in the certificate;

(c) whether the application is for a variation or revocation of the certificate and the reasons for making the application;

(d) any other information the Authority considers necessary.

Division 2 Particulars, variation and revocation of certificates

13 Particulars of certificates

(1) An interim compliance certificate must include the following particulars:

(a) the name of the person to whom the interim compliance certificate is issued;

(b) the address of the small premises at which the swimming pool is to be constructed;

(c) whether the swimming pool is to be constructed to comply with the modified Australian Standard or non-standard safety provision;

(d) any conditions imposed by the Authority;

(e) a brief statement of the requirements of sections 15 and 16 of the Act;

(f) the interim compliance certificate will be revoked by virtue of regulation 15(1) immediately after the Authority issues a compliance certificate in respect of the swimming pool;

(g) any other particulars the Authority considers should be included.

(2) A compliance certificate must include the following particulars:

(a) the name of the person to whom the compliance certificate is issued;

(b) the address of the premises at which the swimming pool is situated and whether they are small premises or large premises;

(c) whether the swimming pool is a new swimming pool or existing swimming pool and whether it is certified as complying with the modified Australian Standard or non-standard safety provision;

(d) any conditions imposed by the Authority;

(e) a brief statement of the relevant obligations under the Act;

(f) any other particulars the Authority considers should be included.

(3) A provisional compliance certificate must include the following particulars:

(a) the name of the person to whom the provisional compliance certificate is issued;

(b) the address of the small premises at which the existing swimming pool to be upgraded is situated;

(c) whether the existing swimming pool is to be upgraded to the modified Australian Standard or non-standard safety provision;

(d) any conditions imposed by the Authority;

(e) the particulars relevant to extensions of time for upgrading the existing swimming pool as specified in regulation 20;

(f) any other particulars the Authority considers should be included.

14 Variation of certificates

(1) The Authority may vary a certificate on its own initiative only if:

(a) the Authority has given notice to the holder of the certificate specifying the proposed variation and the reasons for it;

(b) the notice specifies that the holder of the certificate may, within 14 days after the notice is given, make submissions to the Authority about why the certificate ought not be varied; and

(c) the Authority takes into account any submissions made in accordance with paragraph (b).

(2) If the Authority varies a certificate, the Authority must:

(a) request the holder of the certificate to return it to the Authority;

(b) vary the certificate; and

(c) issue to the owner of the premises at which the swimming pool is being constructed or is situated a certificate in substitution for the varied certificate.

(3) A person who is requested to return a certificate to the Authority for variation must, within 30 days after the request:

(a) return the certificate to the Authority; or

(b) if the certificate has been lost or destroyed – declare that fact in writing to the Authority.

Maximum penalty: 5 penalty units.

15 Revocation of certificates

(1) An interim compliance certificate is revoked immediately after the Authority issues a compliance certificate in respect of the swimming pool to which the interim compliance certificate relates.

(2) The Authority may revoke a certificate if:

(a) the Authority is satisfied the swimming pool in respect of which the certificate was issued is no longer at the premises specified in the certificate; or

(b) the owner of the premises specified in the certificate is failing to comply with section 31 of the Act or an order issued under section 37 of the Act.

(3) The Authority may revoke a certificate on its own initiative only if:

(a) the Authority has given notice to the holder of the certificate of the proposed revocation and the reasons for it;

(b) the notice specifies that the holder of the certificate may, within 14 days after the notice is given, make submissions to the Authority about why the certificate ought not be revoked; and

(c) the Authority takes into account any submissions made in accordance with paragraph (b).

(4) If the Authority revokes a certificate, the Authority must request the holder of the certificate to return it to the Authority.

(5) A person who is requested to return a certificate following revocation must, within 30 days after the request:

(a) return the certificate to the Authority; or

(b) if the certificate has been lost or destroyed – declare that fact in writing to the Authority.

Maximum penalty: 5 penalty units.

Division 3 Declarations, applications and acknowledgments relating to existing swimming pools

16 Declarations of compliance

A declaration of compliance must contain the following information:

(a) the name and address of the owner of the premises at which the existing swimming pool is situated;

(b) the address of the premises at which the existing swimming pool is situated;

(c) the existing swimming pool complies with the Community Safety Standard;

(d) the owner has applied the Guidelines in assessing the compliance of the swimming pool with the Community Safety Standard;

(e) a brief description of the swimming pool barrier;

(f) if there is a dividing barrier – confirmation that the owner has given a dividing barrier notice to the owner of the adjoining premises;

(g) whether the owner has received the advice of a pool safety adviser.

17 Declarations of proposed compliance

A declaration of proposed compliance must contain the following information:

(a) the name and address of the purchaser of the small premises;

(b) the address of the small premises being purchased;

(c) the proposed date of completion of the contract of sale;

(d) there is at those premises an existing swimming pool that is not certified or notified and the purchaser proposes to upgrade the swimming pool to comply with the Community Safety Standard;

(e) the purchaser has read and understands the Guidelines;

(f) the measures the purchaser proposes to take to ensure compliance with the Community Safety Standard;

(g) the estimated time, not exceeding 3 months after the purchase of the premises, in which the upgrade of the swimming pool will be completed;

(h) whether the purchaser has received the advice of a pool safety adviser.

18 Applications for temporary acknowledgment notices

An application for a temporary acknowledgment notice must contain the following information:

(a) the name and address of the person to whom the prescribed small premises are to be transferred;

(b) the type of prescribed small premises to be transferred;

(c) the address of the prescribed small premises;

(d) there is at the prescribed small premises an existing swimming pool that is not certified or notified;

(e) any further information the Authority considers necessary.

19 Acknowledgment of swimming pools

(1) An acknowledgment notice must specify the following particulars:

(a) the name of the owner of the premises at which the swimming pool is situated;

(b) the address of the premises at which the swimming pool is situated and whether they are small premises or large premises;

(c) the owner has declared that the swimming pool complies with the Community Safety Standard and that the owner has applied the Guidelines in assessing compliance with that Standard;

(d) a brief description of the relevant obligations under the Act;

(e) any other particulars the Authority considers should be included.

(2) A provisional acknowledgment notice must specify the following particulars:

(a) the name and address of the purchaser to whom the provisional acknowledgment notice is issued;

(b) the address of the small premises at which the existing swimming pool to be upgraded is situated;

(c) the purchaser has declared that the existing swimming pool is to be upgraded to comply with the Community Safety Standard and that the purchaser has read and understands the Guidelines;

(d) the particulars relevant to extensions of time for upgrading the existing swimming pool as specified in regulation 20;

(e) any other particulars the Authority considers should be included.

(3) A temporary acknowledgment notice must specify the following particulars:

(a) the name of the person to whom the prescribed small premises are to be transferred;

(b) the type of prescribed small premises to be transferred;

(c) the address of the prescribed small premises;

(d) there is at the prescribed small premises an existing swimming pool that is not certified or notified;

(e) the temporary acknowledgment notice will be revoked by virtue of section 28(5) of the Act immediately after the transfer of the fee simple interest in the prescribed small premises;

(f) any other particulars the Authority considers should be included.

Part 4 Miscellaneous

20 Extension of time for upgrading swimming pool following purchase

(1) For sections 26(5)(a) and 27(5)(a) of the Act, the purchaser must:

(a) begin upgrading the swimming pool as soon as practicable after the transfer to the purchaser of the fee simple interest in the premises specified in the provisional compliance certificate or provisional acknowledgment notice; and

(b) subject to subregulation (2), complete the upgrade not later than 3 months after that transfer.

(2) On application in writing by the holder of a provisional compliance certificate or provisional acknowledgment notice, the Authority may extend the time in which the swimming pool must be upgraded.

(3) The extension of time must be in writing and may impose conditions on the extension.

Schedule 2 Community Safety Standard Guidelines

regulation 6

1. Interpretation

(1) In these Guidelines:

inside, in relation to a swimming pool barrier, means the side of the barrier that faces the pool area.

outside, in relation to a swimming pool barrier, means the side of the barrier that faces away from the pool area.

(2) A reference in these guidelines to a measurement on the outside of a swimming pool barrier is, in relation to a dividing barrier, a reference to a measurement on the inside of the dividing barrier.

(3) These guidelines do not require any action to be taken by any person on adjoining premises to ensure a dividing barrier complies with the Community Safety Standard.

2. Swimming pool barrier

(1) The swimming pool barrier should be a permanent structure.

(2) The swimming pool barrier should have the effect of isolating the swimming pool from the main entrance to the premises at which the swimming pool is situated and from any other means of access to the premises.

(3) Driveway gates should not be used as part of the swimming pool barrier.

(4) The swimming pool barrier must be high enough to prevent a child from gaining unsupervised access to the swimming pool (unless subclause (5) applies – approximately 1.2 m at all points measured vertically from the outside of the barrier).

(5) If the swimming pool barrier is made of chainmesh, the height of the swimming pool barrier should be approximately 1.7 m at all points measured vertically from the outside of the swimming pool barrier.

(6) All horizontal rails should be a suitable distance apart (a minimum of approximately 900 mm) or have some means of preventing a child from gaining unsupervised access to the swimming pool.

(7) Apertures in the swimming pool barrier should not be greater than approximately 100 mm.

3. Use of part of perimeter boundary as swimming pool barrier

Although section 11(2) of the Act precludes the whole of a perimeter boundary from being used as a swimming pool barrier, it does not prevent any part of the perimeter boundary that forms a dividing barrier from being used as a swimming pool barrier.

4. Gates in swimming pool barriers

(1) Any gate that forms part of the swimming pool barrier should open away from the swimming pool and should automatically self-close and self-latch (including when at rest on the latching mechanism).

(2) The latching release mechanism should be a minimum of approximately 1.5 m from the ground, and a minimum of approximately 1.4 m from the highest point of the lower horizontal part of the swimming pool barrier, measured vertically on the outside of the swimming pool barrier.

(3) Double gates are not suitable to form part of the swimming pool barrier.

(4) At no time should any gate forming part of the swimming pool barrier be propped open.

5. Doors in swimming pool barriers

(1) Any door that forms part of the swimming pool barrier should automatically self-close and self-latch (including when at rest on the latching mechanism).

(2) The release for the latching device, or the bottom of the door handle, should be a minimum of approximately 1.5 m measured vertically above the ground level.

(3) Double doors are not suitable to form part of the swimming pool barrier.

6. Windows in swimming pool barriers

Any window that forms part of the swimming pool barrier should not have an unscreened gap of more than approximately 100 mm that is accessible by a child.

7. General safety matters

(1) Vegetation within the premises at which the swimming pool is situated that could assist a child to gain unsupervised access to the swimming pool should be cleared to a distance of approximately 1.2 m.

(2) Objects that might assist a child to climb over the swimming pool barrier to gain unsupervised access to the swimming pool should not be placed against or close to the swimming pool barrier.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Swimming Pool Safety Regulations* (SL No. 5, 2004)**

Notified	16 March 2004
Commenced	15 March 2004 (r 2, s 2 *Swimming Pool Safety Act 2004* (Act No. 13, 2004) and *Gaz* S7, 16 March 2004)

***Penalties Amendment (Miscellaneous) Act 2013* (Act No. 23, 2013)**

Assent date	12 July 2013
Commenced	28 August 2013 (*Gaz* G35, 28 August 2013, p 2)

***Lands, Planning and Environment Legislation Amendment Act 2025* (Act No. 25, 2025)**

Assent date	12 September 2025
Commenced	pt 6: nc; rem: 13 September 2025 (s 2(1))

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: r 1 and sch 1.

4 LIST OF AMENDMENTS

r 3	amd Act No. 25, 2025, s 57
rr 7 – 8	amd Act No. 25, 2025, s 57
rr 10 – 11	amd Act No. 25, 2025, s 57
rr 14 – 15	amd Act No. 28, 2008, s 3; Act No. 23, 2013, s 12
rr 16 – 17	amd Act No. 25, 2025, s 57
r 21	rep Act No. 25, 2025, s 55
sch 1	amd Act No. 23, 2013, s 12
	rep Act No. 25, 2025, s 56