

NORTHERN TERRITORY OF AUSTRALIA

SWIMMING POOL FENCING REGULATIONS

As in force at 28 February 2003

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 28 February 2003

SWIMMING POOL FENCING REGULATIONS

Regulations under the *Swimming Pool Fencing Act*

1 Citation

These Regulations may be cited as the *Swimming Pool Fencing Regulations*.

2 Commencement

These Regulations come into operation on 1 January 2003.

3 Modification of appropriate Australian Standard

For the purposes of section 5(1)(a) of the Act, Australian Standard AS1926.1-1993 is modified by omitting Clause 2.3.2 and substituting the following:

"2.3.2 Chainmesh A fence that uses chainmesh with apertures not greater than 13 mm is to include a strainer wire or a rail at the top and the bottom of the fence and is to 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 is to include a strainer wire or a rail at the top and the bottom of the fence and is to have an effective fencing height of not less than 1.8 m."

4 Certificate of registration

For the purpose of section 23(1) of the Act, the certificate of registration is to be in accordance with Form 1 in Schedule 1.

5 Identity cards

For the purpose of:

- (a) section 44(1) of the Act – the identity card in relation to the Authority is to be in accordance with Schedule 2, Part A; and

-
- (b) section 44(2) of the Act – the identity card in relation to an inspector is to be in accordance with Schedule 2, Part B.

6 Exclusion of certain swimming pools

A structure that is within paragraphs (a) and (b) of the definition of **swimming pool** in section 4(1) of the Act, or is a spa pool, is not a swimming pool for the purposes of the Act if it is situated:

- (a) at premises at which a hotel or motel is situated;
- (b) at premises (other than a house) at which accommodation is provided for a fee, or under a short term lease, for the purposes of holiday accommodation;
- (c) at premises at which is situated a house at which accommodation is provided for a fee, or under a short term lease, for the purposes of holiday accommodation, unless the owner of the premises resides in the house; or
- (d) at premises at which is situated a building that forms part of a complex of buildings that are principally used for non-residential purposes.

Schedule 1

regulation 4

FORM 1

section 23(1)

Registration Number

(LIAS key & user number)

CERTIFICATE OF REGISTRATION

DETAILS OF PREMISES

Name:

Street address:

Suburb / Town / City:

Parcel No:

Unit No:

Town of:

- | | |
|---|---|
| <input type="checkbox"/> Large premises | <input type="checkbox"/> Existing Swimming Pool (installed before 1/1/2003) |
| <input type="checkbox"/> Small premises | <input type="checkbox"/> New Swimming Pool (installed after 1/1/2003) |

TYPE OF REGISTRATION

The swimming pool located on the property is registered as:

- satisfying the requirements of a clause in Schedule 2 of the *Swimming Pool Fencing Act* in accordance with section 12 of the Act.
- being enclosed in accordance with the appropriate Australian Standard in accordance with section 13 or 17 of the *Swimming Pool Fencing Act*.
- being enclosed with a non-standard enclosure under section 19 of the *Swimming Pool Fencing Act* in accordance with section 14 or 18 of the Act.
- being authorised under section 15 of the *Swimming Pool Fencing Act* without enclosure.

CONDITIONS OF REGISTRATION

- No conditions are imposed on the registration of the swimming pool.
- The following conditions are imposed on the registration of the swimming pool:

NOTE: The Authority may vary or revoke this certificate of registration if the location or type of the swimming pool barrier at the premises is varied or changed or the conditions imposed on the registration of the swimming pool are not complied with.

.....

Signature of person acting on behalf of the

SWIMMING POOL FENCING AUTHORITY

[NT Government / Departmental logo]

Schedule 2

regulation 5

PART A

section 44(1)

Swimming Pool Fencing Act

IDENTITY CARD

..... [Name of Authority]

is appointed an Authority under section 41 of the Act. [Photo]

Date of issue:

.....
Swimming Pool Fencing Authority's signature

.....
Minister's signature or
signature of delegate

[NT Government / Department logo]

See conditions on reverse.

The following conditions are to be placed on the reverse of the card:

The holder of this identity card may, under the *Swimming Pool Fencing Act*, enter any premises in or on which he or she suspects that a swimming pool is situated and examine the premises and, in particular, any swimming pool (and any barrier or other means of restricting access to any swimming pool) situated on the premises.

PART B

section 44(2)

Swimming Pool Fencing Act

IDENTITY CARD

..... [Name of inspector]

is appointed an inspector under section 43 of the Act. [Photo]

Date of issue:

.....
Inspector's signature

.....
Swimming Pool Fencing Authority's signature

[NT Government / Department logo]

See conditions on reverse.

The following conditions are to be placed on the reverse of the card:

The holder of this identity card may, under the *Swimming Pool Fencing Act*, enter any premises in or on which he or she suspects that a swimming pool is situated and examine the premises and, in particular, any swimming pool (and any barrier or other means of restricting access to any swimming pool) situated on the premises.

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 Fencing Regulations (SL No. 62, 2002)

Notified	18 December 2002
Commenced	1 January 2003 (r 2)

Amendment of Swimming Pool Fencing Regulations (SL No. 12, 2003)

Notified	28 February 2003
Commenced	28 February 2003

3 LIST OF AMENDMENTS

r 6 ins No. 12, 2003