



NORTHERN TERRITORY OF AUSTRALIA

Act No. 53 of 2003

AN ACT

to amend the *Swimming Pool Fencing Act*

[Assented to 18 September 2003]

[Second reading 13 August 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Swimming Pool Fencing Amendment Act 2003*.

2. Interpretation

Section 4 of the *Swimming Pool Fencing Act* is amended by omitting from the definition of "small premises" in subsection (1) "2 hectares" and substituting "1.8 hectares".

3. When non-standard enclosure permitted

Section 19 of the *Swimming Pool Fencing Act* is amended by omitting subsection (1) and substituting the following:

"(1) The Authority may register an existing swimming pool, or a new swimming pool, under section 14 or 18 –

(a) if satisfied that –

(i) because of the physical characteristics of the land on the premises at which the swimming pool is situated or the

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nature of the design and construction of the swimming pool –

- (A) it is impracticable for the swimming pool to be enclosed in accordance with the appropriate Australian Standard; or
 - (B) it is unreasonable to require it to be enclosed in accordance with the appropriate Australian Standard; or
- (ii) the swimming pool meets the preconditions for non-standard enclosure specified in a subsection in section 20; and
- (b) if satisfied that –
- (i) the access to the swimming pool does not represent, in all the circumstances, an unacceptable risk to a child; and
 - (ii) the owner of the premises is aware of the risks posed to a child by the swimming pool."
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