



Australian Capital Territory

Common Boundaries Regulation 2024

Subordinate Law SL2024-29

The Australian Capital Territory Executive makes the following regulation under the *Common Boundaries Act 1981*.

Dated 11 September 2024.

ANDREW BARR
Chief Minister

SHANE RATTENBURY
Minister



Australian Capital Territory

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made under the

[Common Boundaries Act 1981](#)

Contents

	Page
1 Name of regulation	1
2 Commencement	1
3 Matters to be taken into account by ACAT—dividing fences a safety barrier for regulated swimming pool—Act, s 13A (2)	1

1 Name of regulation

This regulation is the *Common Boundaries Regulation 2024*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Matters to be taken into account by ACAT—dividing fences a safety barrier for regulated swimming pool—Act, s 13A (2)

- (1) The ACAT must take into account the following matters in making a determination under the [Act](#), division 2.1 (Fences requested by occupiers):
 - (a) whether 1 or more parties to the application for the determination must comply with all or part of the requirements under the [Building Act 2004](#), part 5A (Regulated swimming pools) (the *swimming pool safety requirements*);
 - (b) whether the cost of erecting, repairing or replacing a fence that will be a compliant fence is different to the cost of erecting, repairing or replacing a fence that will not be a compliant fence;
 - (c) if the cost of the compliant fence is more than the cost of a fence that is not a compliant fence—
 - (i) for a determination mentioned in the [Act](#), section 10 (2) (d)—whether the amount that should be contributed to the cost by the party who is not the party responsible for erecting the fence should be adjusted because 1 party must comply with all or part of the swimming pool safety requirements to a greater extent than the other party; or

- (ii) for a determination mentioned in the [Act](#), section 11 (3) (e) or section 12 (3) (a)—whether 1 party should bear a greater proportion of the cost of repairing or replacing the fence because that party must comply with all or part of the swimming pool safety requirements to a greater extent than the other party; or
- (iii) for a determination mentioned in the [Act](#), section 12 (2) or section 13 (2)—whether it is reasonable that the party who is not the applicant is required to contribute to the cost of the applicant erecting, repairing or replacing the fence because the applicant must comply with all or part of the swimming pool safety requirements to a greater extent than the other party; or
- (iv) for a determination mentioned in the [Act](#), section 13 (3) (a), if the circumstance mentioned in the [Act](#), section 13 (4) (b), applies—whether it is reasonable for the amount to be adjusted because the applicant must comply with all or part of the swimming pool safety requirements to a greater extent than the other party.

Examples—party with a greater extent of compliance

- 1 the party who must maintain a safety barrier for a regulated swimming pool on their parcel of land, if the other party does not have a regulated swimming pool on their parcel of land
- 2 the party who must maintain a safety barrier for a regulated swimming pool on their parcel of land, if the other party has been granted a Ministerial exemption in relation to a regulated swimming pool on their parcel of land or a standing exemption applies to the pool on their parcel of land

- (2) In this section:

compliant fence means a fence that complies with all the swimming pool safety requirements each party to the application for a determination must comply with.

Ministerial exemption, in relation to a regulated swimming pool—see the [Building Act 2004](#), section 83 (1).

regulated swimming pool—see the [Building Act 2004](#), section 83B (1).

safety barrier, for a regulated swimming pool—see the [Building Act 2004](#), section 83 (1).

standing exemption, for a regulated swimming pool—see the [Building Act 2004](#), section 83 (1).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 12 September 2024.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
