



Australian Capital Territory

# **Common Boundaries Regulation 2024**

**SL2024-29**

made under the

**Common Boundaries Act 1981**

**Republication No 1**

**Effective: 13 September 2024**

Republication date: 13 September 2024

Regulation not amended

## About this republication

### The republished law

This is a republication of the *Common Boundaries Regulation 2024*, made under the *Common Boundaries Act 1981* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 13 September 2024. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



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## Contents

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

## Endnotes

1 About the endnotes	5
2 Abbreviation key	5
3 Legislation history	6
4 Amendment history	6

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13/09/24

Common Boundaries Regulation 2024  
Effective: 13/09/24

contents 1





Australian Capital Territory

# Common Boundaries Regulation 2024

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made under the

**Common Boundaries Act 1981**

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**1 Name of regulation**

This regulation is the *Common Boundaries Regulation 2024*.

**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 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

**Endnotes**

3      Legislation history

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**3      Legislation history**

**Common Boundaries Regulation 2024 SL2024-29**  
notified LR 12 September 2024  
s 1, s 2 commenced 12 September 2024 (LA s 75 (1))  
remainder commenced 13 September 2024 (s 2)

**4      Amendment history**

**Commencement**  
s 2                      om LA s 89 (4)

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