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**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

SWIMMING POOL SAFETY REFORMS - DOCUMENTATION REVIEW REPORT

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DOCUMENTATION REVIEW REPORT

SWIMMING POOL SAFETY REFORMS

Project summary link	
Project background	On 18 March 2025, the Legislative Assembly resolved that the government would undertake certain actions in relation to regulatory burden on the construction industry. One of the actions from the resolution is for government to table a ministerial statement on a review of the documentation for the new pool fencing standards to improve understanding of the new regulatory framework including the use of authorised persons and licensed building surveyors to issue compliance certificates for pool fencing by the end of the year. This report will address this action and outcomes will be used to inform the ministerial statement. This work will also form part of a broader construction productivity agenda that seeks to reduce regulatory burden, speed up building and planning approval processes, and support work flexibility and innovation in the construction sector.
Review period	15/07/2025 – 22/08/2025
Review purpose	The purpose of this review is to examine the current documentation relating to the new swimming pool fencing standards. The aim is to ensure that the documentation accurately reflects legislative obligations, is clear and accessible, and effectively supports certifiers, builders, and property owners. This will help improve compliance, operational clarity, and inform government responses aligned with the broader construction productivity agenda within the ACT.

Key insights

- While there is comprehensive guidance available, current materials could benefit from improvements in readability, including simplified language and use of visual aids to enhance homeowner understanding and practical use.
- Stakeholders reported experiencing confusion regarding obligations for maintaining compliant pool barriers during the transition period. This highlights a need for clearer, consistent messaging on enforcement and owner responsibilities.
- Developing targeted educational resources that clearly explain where to find information and how to submit evidence of compliance would support more effective stakeholder engagement.

- **Current guidance lacks consideration of the reader’s journey, suggesting a need to tailor content and navigation to different user needs and experiences for improved accessibility and comprehension.**

Methodology

The methodology for this review was designed to ensure a comprehensive, systematic, and evidence-based assessment of all relevant non-technical documentation related to the home swimming pool safety reforms.

The process involved a desktop review of key documents that outline obligations, expectations, and interpretative guidance associated with the reforms. This analysis focused on evaluating the clarity, completeness, and ease of understanding of each document in relation to stakeholder obligations.

A gap analysis was conducted to identify ambiguities, overlaps, or areas where guidance was insufficient or unclear. A total of 10 publicly accessible documents were analysed, alongside related content from the Planning website.

Stakeholder feedback from certifiers and authorised persons was also incorporated to evaluate the practical usability and clarity of the documentation, along with key stakeholders in the swimming pool industry. The goal was to improve the effectiveness of communication and facilitate compliance.

Additionally, data regarding the issuance of compliance certificates and web traffic related to the swimming pool reforms was collected to assess engagement levels and identify potential gaps in public awareness and access to information.

List of Documents Reviewed:

1. [Authorised Persons Factsheet](#)
2. [Building \(Ministerial Exemption for Regulated Swimming Pools\) Guidelines 2024](#)
3. [Building \(Obligations on Owners of Premises with a Regulated Swimming Pool\) Guidance Material 2024](#)
4. [Disclosure Obligations for a Property with a Regulated Swimming Pool During the Transition Period – Factsheet](#)
5. [Home Swimming Pool Safety Reforms FAQs – City and Environment Directorate – Planning](#)
6. [Home Swimming Pool Safety Reforms Web Content – City and Environment Directorate -Planning](#)
7. [Ministerial Exemption for Regulated Swimming Pool Application Form](#)
8. [Pool Safety Reforms – Detailed Overview of the Scheme](#)
9. [Pool Safety Reforms – Obligations for Pools Built Before 1 May 2013](#)
10. [Pool Safety Reforms – Obligations for Pools Built Between 1 May 2013 and 30 April 2023](#)
11. [Pool Safety Reforms – Obligations for Pools Built On or After 1 May 2023](#)
12. [Pool Safety Reforms – Summary of the Scheme](#)

Discussion

The ACT Government is dedicated to preventing drownings and serious injuries associated with home swimming pools and spas. To achieve this, significant reforms to pool safety barriers were introduced in May 2023, with full implementation scheduled by May 2028 after a comprehensive transition period.

The primary goal of these new requirements is to enhance public safety by ensuring that all pools and spas in the ACT are properly fenced, maintained, and operated according to current safety standards. While there is no formal obligation for pool owners to demonstrate compliance during the transition period, they are still legally required to maintain their pool barriers in a safe and compliant condition.

Pool owners are encouraged to engage authorised persons or certifiers to inspect their pools and receive guidance on necessary upgrades to meet the new standards. Early advice can help owners manage any unforeseen financial or logistical challenges and ensure their pools remain safe throughout the transition.

The ACT Government has created several publicly accessible documents to help pool owners, authorised persons, certifiers, real estate agents, conveyancers, and the broader community navigate the new safety barrier requirements. To ensure these documents effectively achieve their intended purpose, a review was conducted to identify any gaps or areas where additional information or support may be needed. This assessment will help to determine whether the information dissemination has been sufficient and if the desired safety outcomes for residential pools across the ACT are being realised.

The review considered two main areas: *Clarity and Communication of Obligations*, and *Accessibility and Use of the Guidance Materials*.

Clarity and Communication of Obligations

Stakeholders generally acknowledge that the official guidance documents and resources do provide important foundational information regarding the new pool safety reforms. Specifically, these materials outline legislative obligations, compliance deadlines, and procedural steps, which some stakeholders appreciate as a useful starting point. They recognise that the resources make technical standards somewhat more accessible and that they aim to inform owners about their legal responsibilities.

However, despite these strengths, concerns have been raised regarding the clarity and practical utility of the current guidance. Many report that while the documents do a reasonable job of outlining what is required at a legislative level, they fall short of translating these requirements into clear, straightforward, and actionable steps for homeowners. Feedback gathered during the review suggests the guidance is often perceived as overly complex, laden with technical language, and inconsistent in terminology across different documents, which hampers understanding, especially among non-experts or homeowners unfamiliar with legal or technical jargon.

Feedback from authorised persons highlights confusion about the transitional period. They question whether this period constitutes a discretionary grace window or a more enforced, albeit soft, compliance timeline. This ambiguity influences how they approach enforcement; some feel uncertain whether they can issue rectification orders during this time or if enforcement is relaxed. Pool owners, in turn, are reportedly interpreting the transition as a 'free pass' to delay rectification, which raises concerns about legal liability and accountability if incidents occur during this period.

Additionally, there is a general lack of clarity around ongoing owner responsibilities, such as the need for continued maintenance of barriers once compliance is initially achieved. Many owners remain unaware that maintaining a compliant barrier is a continuous obligation and not a one-time requirement.

Accessibility and Use of the Guidance Materials

The current guidance materials provide a comprehensive overview of the new pool safety reforms, effectively outlining legislative requirements, safety standards, exemption processes, and compliance procedures, forming a solid information base for those needing to understand their obligations.

While some stakeholders appreciate their detail and efforts to make technical standards more accessible through official terminology, feedback indicates these resources could be more user-friendly and practical for the average homeowner. Many find the documents dense, heavily reliant on technical language, and inconsistent in terminology, which can cause confusion about what is required and how to achieve compliance. Stakeholders emphasise that the guidance often lacks visual aids such as diagrams, flowcharts, or checklists that could clarify key concepts and simplify decision-making, particularly during time-sensitive processes like preparing for inspections.

Recent website traffic data shows a decline in engagement with pool-focused resources following a peak during a targeted social media awareness campaign. The initial surge demonstrates the effectiveness of outreach efforts, but the subsequent drop in visits and low download rates suggest that many stakeholders are not consistently accessing or utilising these materials. Additionally, there is no digital options for lodging compliance certificates or applying to become an authorised person, adding unnecessary administrative burdens. There is also limited guidance on how pool owners, authorised persons, real estate agents, or conveyancers can access further support or information, making navigation more difficult.

To address these issues, stakeholders recommend developing engaging, interactive tools, such as decision trees, that guide users through questions to clearly identify obligations and options. Examples like the renter calculator or the "Make Your Next Choice" electric plan demonstrate how such resources enhance accessibility and support compliance.

Furthermore, structuring website content around user journey experiences, tailored to specific audiences like, pool owners, real estate agents and fence contractors, would greatly improve clarity. Designing clear, logical pathways based on how users seek information will enable owners and professionals to interpret obligations accurately, promoting safety and compliance.

Industry Capacity

The review also looked at the current capacity of authorised persons and certifiers to undertake inspections and issue compliance certificates.

Industry stakeholders indicate that, at present, there appears to be a sufficient pool of qualified personnel to handle the inspection and certification of pool fences under the safety reforms. Specifically, in the ACT, there are currently 16 authorised persons and 94 licensed building certifiers. Data shows that the majority of compliance certificates lodged to date have been issued by authorised persons, which suggests that homeowners are engaging with this pathway for certification. However, Access Canberra have only received certificates from a small subset of authorised persons so far, raising the possibility that not all authorised persons are actively involved in inspections at this stage, or that some homeowners may not be submitting certificates promptly upon receipt.

Looking ahead, stakeholders recommend that continued planning and early engagement efforts could help support certification workflows, especially as the 1 May 2028 compliance deadline nears. Enhancing community engagement campaigns, exploring digital lodgement systems, and maintaining ongoing monitoring might contribute to managing the anticipated increase in activity. Ongoing communication with industry stakeholders could be valuable to ensure awareness of upcoming requirements, while contingency planning may help mitigate potential bottlenecks as demand grows.

Conclusion and Opportunities

In summary, while the current guidance resources effectively detail legislative obligations and standard requirements, there is a significant opportunity to improve their accessibility, usability, and clarity. Prioritising clearer language, visual aids, and scenario-based guidance will help homeowners and stakeholders better understand their responsibilities, particularly during the transition period.

Although the review confirms the availability of comprehensive documentation to support the swimming pool reforms, there remains scope for further enhancement. Opportunities for improvement include:

- Simplification of documents by using clearer language, visual aids, and scenario examples to improve understanding and clearly emphasise that maintaining compliant barriers is an ongoing responsibility. To enhance the documentation's clarity and effectiveness, the following specific improvements will be implemented:
 - **Simplify Language:** Replace complex jargon and technical terms with plain, straightforward language to make the content more accessible and easier to understand.

- **Create simple checklists:** for different customers to quickly and easily understand the steps required and obligations (e.g. homeowners, body corporates, real estate agents).
- **Add Visual Aids:** Incorporate diagrams, flowcharts, and infographics that visually explain key concepts. Include visual checklists to clearly outline ongoing responsibilities related to barrier maintenance.
- **Include Practical Examples:** Embed real-life or hypothetical scenarios demonstrating proper barrier maintenance practices and illustrating the importance of ongoing compliance.
- **Emphasise Key Points:** Use bullet points, callout boxes, and bold text to highlight critical concepts, obligations, and ongoing responsibilities throughout the documents.
- **Enhance Document Structure:** Improve headings, sub-headings, and numbered lists to ensure logical flow and ease of navigation within the material.
- **Increase Accessibility:** Consider embedding the updated content directly onto the website, providing users with easier access and improved readability.
- Restructure online content to reflect user journeys for stakeholders, exploring website functionality. To improve engagement and ensure the online content effectively guides stakeholders through their various user journeys, the following actions will be undertaken:
 - **Restructure Online Content:** The Planning website's swimming pool safety reforms page will be restructured to align with all swimming pool compliance requirements in the ACT, providing clear and accessible information.
 - **Explore Website Functionality and User-Focused Website Improvements:** Explore additional website functionality to support user journeys for the key audience/s, allowing stakeholders to quickly find relevant information and resources based on their roles.
 - **Utilise Targeted Engagement Actions:** Continue to implement targeted communications activity focused on key stakeholder groups, such as pool owners, real estate agents, conveyancers, and authorised persons, to promote engagement and awareness.
- We will regularly monitor website analytics to continuously assess and understand users' experiences and evolving needs. This ongoing analysis will help identify the most valuable resources and inform efforts to enhance accessibility, relevance, and overall user engagement.
- Align this review with the broader construction productivity agenda by embedding continuous improvement principles into future guidance updates and policy adjustments.

Other Observations and Recommendations

While this review has focused on specific areas, there are several important opportunities to enhance our services and stakeholder engagement that extend beyond its immediate scope. These initiatives aim to foster greater efficiency, collaboration, and industry participation, supporting our overall goal of delivering better outcomes for users and the community. Key areas for potential improvement include expanding digital platforms, strengthening communication channels among teams, and increasing ongoing engagement with industry stakeholders.

One significant observation is that current processes for submitting applications, such as becoming an authorised person, applying for a ministerial exemption, or submitting a compliance certificate, are managed primarily via email. Many pool owners and authorised persons find this confusing and frustrating because it's often unclear which email or team handles these submissions and where questions should be directed.

Potential improvements:

- **Enhance Digital Services:** Expand and refine digital platforms to streamline lodgements and applications. Developing a user-friendly online portal, such as a SmartForms system, for submitting applications, exemptions, and compliance certificates would reduce confusion, save time, and improve convenience for users in meeting their legal obligations. Providing clear instructions and ongoing support during this transition period would ensure authorised persons and pool owners can access assistance efficiently.

- **Update Contact and Advice Channels:** Publish the dedicated, central inbox for inquiries and advice, replacing individual email addresses. This approach will streamline communication, ensure consistent responses, and facilitate easier access for stakeholders seeking guidance and updates.
- **Review Submission Fees:** The fee associated with submitting compliance certificates is perceived by some pool owners as an overreach and an unnecessary barrier, discouraging timely submissions. Although intended to recover costs, it may be an impediment to the Registrar's ability to obtain vital compliance information. Considering the approach to the charging of this fee during the transition period could promote more prompt submissions, strengthening enforcement and oversight.
- **Strengthen Industry Engagement:** Implement routine channels such as forums or feedback sessions to maintain ongoing connections with authorised persons. These platforms will support the gathering of insights, prompt resolution of challenges, and ongoing industry learning, thereby fostering a proactive and collaborative environment during the transition.

Although these matters fall outside the immediate scope of this review, they represent important opportunities for improvement that can significantly enhance our services, stakeholder engagement, and overall industry performance.