

Australian Capital Territory

Water Rates Ordinance 1969

Explanatory Memorandum

No. 23 of 1969

During the debate in the Senate on the motion for the disallowance of the Sewerage Rates Ordinance 1968 criticism was levelled at section 23 of the Water Rates Ordinance 1959-1967, which provides that the Minister may determine special rates in circumstances that he considers unusual or warrant special treatment, and section 28, which empowers the Minister to exempt any parcel of land from water rates. It was suggested that the provisions should be repealed on the basis that they bestow discretionary powers on the Minister which are not examinable by the Courts or Parliament.

The provisions have been examined in the light of the comments made in the Senate and it has been decided that no substantial reasons exist for their retention. It is considered that section 29 of the Ordinance, which empowers the Minister to refund or remit rates where he considers such action to be just and equitable, confers adequate power on him to cover cases of hardship. The amending Ordinance, therefore, will repeal sections 23 and 28 of the existing Ordinance.

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Minister's Initials