AUSTRALIAN CAPITAL TERRITORY

BUILDING AND SERVICES ORDINANCE 1968

EXPLANATORY MEMORANDUM

No. 12 of 1968

Pursuant to the existing legislation operating in the Australian Capital Territory, the Commonwealth has no power of entry onto freehold land for the purpose of constructing and maintaining works for the supply of water or the provision of sewerage services. There is some doubt also whether such a right of entry exists even in relation to leasehold land.

2. In order to facilitate the right of entry onto land by the Commonwealth relating to the water supply and sewerage services, it is proposed to amend the Building and Services Ordinance 1924-1966 to provide that the Minister may authorise persons to make surveys, construct pipes, take earth and so on for the purpose of the construction of such works.

3. Should damage be caused to property as a result of the construction or maintenance of the water or sewerage installations, compensation is to be paid under the Ordinance to the owners of the land affected. In the event of a failure to reach agreement between the Commonwealth and the owner as to the amount of damages, the owner is entitled to ask for a determination from the Courts of the Territory.

4. A provision has also been included in the proposed Ordinance which will vest all the works associated with these services in the Commonwealth.

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Minister's Initials

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au