

BUILDING AND SERVICES

No. 12 of 1968

An Ordinance to amend the *Building and Services Ordinance* 1924-1966.

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Building and Services Ordinance* 1968.*

(2.) The *Building and Services Ordinance* 1924-1966,† as amended by this Ordinance, may be cited as the *Building and Services Ordinance* 1924-1968.

2. After section 3 of the *Building and Services Ordinance* 1924-1966 the following sections are inserted—

Construction
of works.

“3A. Without limiting the application of section 2 of this Ordinance, the Minister may cause to be constructed such works as are necessary for, or are incidental to, the supply of water to, or the provision of a sewerage system for, residents of the Territory.

Entry on land.

“3B.—(1.) In this section, ‘works’ means works that the Minister is authorized by the last preceding sub-section to cause to be constructed.

(2.) For the purpose of the construction of any works or of the making of an examination or test of any land in order to ascertain whether that land is suitable for the construction of any works, the Minister may—

- (a) make surveys, take levels, sink bores, dig pits and examine the soil of any land; and
- (b) enter upon land for the purpose of inspecting the land or of carrying out any work that he is authorized by the last preceding paragraph to carry out.

(3.) For the purpose of the construction of any works, the Minister may—

- (a) enter upon and occupy any land;
- (b) on or from land so occupied—
 - (i) construct, lay, place, clean, maintain, repair or alter any pipes, conduits, tubes, sewers, cables or shafts on, under or over land;
 - (ii) blast rock, remove trees, erect sheds and other buildings of a temporary character, manufacture and work materials and construct plant and equipment;

* Made on 26 June 1968; notified in the *Commonwealth Gazette* and commenced on 27 June 1968.
 † Ordinance No. 9, 1924, as amended by No. 12, 1924; No. 9, 1925; No. 17, 1928; No. 5, 1930; No. 24, 1934; No. 35, 1938; Nos. 2 and 16, 1942; and No. 19, 1966.

- (iii) take sand, clay, stone, earth, gravel, timber, wood or other materials or things;
 - (iv) make cuttings or excavations;
 - (v) deposit sand, clay, stone, earth, gravel, timber, wood or other materials or things; and
 - (vi) carry out such other operations and do such other things as are necessary for, or incidental to, the construction, extension or maintenance of any works; and
- (c) demolish, destroy or remove, on or from land so occupied, any sheds, buildings, plant, materials, equipment, goods, pipes, conduits, tubes, sewers, cables or shafts.

“ (4.) The powers conferred by the last two preceding sub-sections are in addition to and not in substitution for or in diminution of the powers conferred by the last preceding section.

“ (5.) In the exercise of his powers under the last preceding section, including his powers under sub-section (2.) or (3.) of this section, the Minister and any persons authorized by the Minister under the next succeeding sub-section shall cause as little inconvenience and do as little damage as possible.

“ (6.) The Minister may, by writing under his hand, authorize—

(a) a person specified by him; or

(b) persons included in a class of persons specified by him, to exercise all or any of the powers conferred on the Minister by sub-section (2.) or (3.) of this section, and that person or the persons included in that class of persons, as the case may be, may exercise those powers accordingly.

“ 3C. A reference in either of the last two preceding sections to the construction of any works shall be read as including a reference to the extension of any works and to the maintenance of any works.

References to construction.

“ 3D. All works constructed in pursuance of the powers conferred by section 3A or 3B of this Ordinance, including all pipes, conduits, tubes, sewers, cables, shafts and other things that form part of those works, vest in the Commonwealth.

Works to vest in the Commonwealth.

“ 3E. Where the owner of an interest in land suffers loss or damage by reason of the exercise, in relation to the land, of the powers conferred by section 3A or 3B of this Ordinance, the Commonwealth is liable to pay to him such compensation as is determined by agreement between the owner and the Minister or, in the absence of agreement, by action by the owner against the Commonwealth in the Supreme Court or, if the amount of compensation claimed does not exceed the amount up to which the Court of Petty Sessions has jurisdiction to determine actions for the recovery of debts, in the Court of Petty Sessions.”

Compensation.