

# STATUTORY RIGHTS IN BUILDINGS

## WHAT IS THE MEASURE?

The Family and Community Services Act (Cth) provides for statutory rights in Works Areas which have government funded buildings. The stated purpose is to protect the investment of any government.

The government will have statutory rights to occupy, use, construct, maintain and repair any building or infrastructure in a Construction Area which is:

- funded by the government or partly funded by the government where the Minister determines statutory rights apply
- is not covered by a lease (including the 5 year leases), and
- has been consented to by the land council.

If statutory rights apply, the government and the land council must negotiate in good faith for a lease over the Construction Area. If a lease is in place, the statutory rights no longer apply.

## WHAT IS A CONSTRUCTION AREA?

A Construction Area is an area determined by the Minister which covers:

- the construction of any building or infrastructure including water, electricity, gas, sewerage and telecommunications, or
- any upgrade of any building or infrastructure over \$50,000.

## WHERE DOES IT APPLY?

Statutory rights can apply on any Aboriginal land granted under Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) including outstations.

## WHEN DOES IT START?

18 August 2007

## WHAT ARE THE POSSIBLE PROBLEMS?

When \$50,000 is spent on a building by a government, ownership of the building will pass from the land trust to the government funding the upgrade.

The land trust cannot negotiate a lease with another party over any building where a government still holds statutory rights.

## WHERE CAN I FIND OUT MORE?

Family and Community Services Act 2007 Schedule 3