

## **141 When procedures for selling land must start and end**

- (1) This section applies if—
  - (a) a local government decides to sell land under this subdivision for overdue rates and charges and gives the registered owner of the land a notice of intention to sell the land; and
  - (b) the overdue rates or charges are not paid in full within—
    - (i) generally—3 months after the local government gives the notice of intention to sell the land; or
    - (ii) if the rates or charges were levied on a mining claim—1 month after the local government gives the notice of intention to sell the land.
- (2) The local government must start the procedures mentioned in section 142(4) for selling the land within 6 months after the local government gives the notice of intention to sell the land to the registered owner of the land.
- (3) The local government must end the procedures at the earliest of the following—
  - (a) the local government is paid—
    - (i) the amount of the overdue rates or charges; and
    - (ii) all expenses that the local government incurs in attempting to sell the land;
  - (b) the land is sold;
  - (c) 1 year after the notice of intention to sell is given to the registered owner.
- (4) If the local government ends the procedures under subsection (3)(c), nothing in this section prevents the local government from deciding to sell the land again under section 140(2).

## **142 Procedures for selling land**

- (1) This section sets out the procedures that a local government must follow when selling land for overdue rates or charges.

- 
- (2) The local government must first offer the land for sale by auction.
  - (3) The local government must prepare an auction notice.
  - (4) At least 14 days, but not more than 35 days, before the day of the auction, the local government must—
    - (a) give a copy of the auction notice to everyone who was given a notice of intention to sell the land; and
    - (b) publish the auction notice on the local government’s website; and
    - (c) display the auction notice in a conspicuous place in the local government’s public office, until the day of the auction; and
    - (d) display the auction notice in a conspicuous place on the land unless it is not reasonably practicable to do so because the land is in a remote location or difficult to access; and
    - (e) take all reasonable steps to publish the auction notice in another way to notify the public about the sale of the land.

*Examples of other ways to publish the auction notice—*

publish the auction notice in a newspaper that is circulating generally in the local government area or on a real estate trading website

- (5) However, if—
  - (a) the land is a building unit; and
  - (b) it is not practicable to display the auction notice in a conspicuous place on the land;the notice may be displayed in a conspicuous part of the common property for the building units.

- (6) In this section—

***auction notice***, for a sale of land by auction, means a written notice stating—

  - (a) the day, time and place of the auction; and

- (b) a full description of the land.

### **143 Conduct of auction**

- (1) The local government must set a reserve price for the land at the auction that is at least—
  - (a) the market value of the land; or
  - (b) the higher of the following—
    - (i) the amount of overdue rates or charges on the land;
    - (ii) the value of the land.
- (2) If the reserve price for the land is not reached at the auction, the local government may enter into negotiations with any bidder who attended the auction to sell the land by agreement.
- (3) However, the price for the land under the agreement must not be less than the reserve price for the land.

### **144 Procedures for selling land by another auction or negotiation**

- (1) The local government may, after the day of the auction, decide to continue to offer the land for sale by another auction, or sale by negotiation, under this section.
- (2) The local government must end any negotiations entered into under section 143(2) when it makes a decision under subsection (1).
- (3) Sections 142(3) to (5) and 143 apply to the preparation and conduct of any subsequent sale by auction under this section.
- (4) The local government must prepare a sales notice if it decides to offer the land for sale by negotiation under this section.
- (5) The local government must—
  - (a) give a copy of the sales notice to each interested party who was given a notice of intention to sell the land; and
  - (b) publish the sales notice on the local government's website; and

- (c) display the sales notice in a conspicuous place in the local government's public office; and
- (d) display the sales notice in a conspicuous place on the land unless it is not reasonably practicable to do so because the land is in a remote location or difficult to access; and
- (e) take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.

*Examples of other ways to publish the sales notice—*

publish the sales notice in a newspaper that is circulating generally in the local government area or on a real estate trading website

- (6) However, if—
  - (a) the land is a building unit; and
  - (b) it is not practicable to display the sales notice in a conspicuous place on the land;the notice may be displayed in a conspicuous part of the common property for the building units.
- (7) The local government must ensure that the price for land offered for sale by negotiation under this section is at least—
  - (a) the market value of the land; or
  - (b) the higher of the following—
    - (i) the amount of overdue rates or charges on the land;
    - (ii) the value of the land.
- (8) In this section—

***sales notice***, for a sale of land by negotiation, means a written notice stating—

  - (a) the land is for sale by negotiation; and
  - (b) a full description of the land.