

Local Government Amendment (Independent Valuation) Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* to prevent local councils from entering into certain transactions with councillors (or persons with whom councillors are associated) unless the consideration received by the council is equal to, or exceeds, the current market value of the subject of the transaction.

Outline of provisions

Schedule 1 inserts Division 1A into Part 3 of Chapter 6 of the *Local Government Act 1993* to deal with certain dispositions of public land to a councillor or to a person with whom the councillor is associated.

Proposed section 55A sets out the transactions to which Division 1A applies and the situations when a councillor is taken to be associated with a person. The Division applies to the sale or other disposition of public land (otherwise than by means of a public auction or public tender) and to grants of certain leases, licences or other estates in or over public land.

Proposed section 55B provides that a council may not enter into certain transactions unless the consideration received by the council under the transaction is equal to, or exceeds, the current market value of the land, lease, licence or other estate the subject of the transaction. The section also provides a definition of **current market value**.

Proposed section 55C gives any person the power to bring proceedings in the Land and Environment Court to set aside a transaction entered into in contravention of section 55B.