

NOTICE OF INTENTION TO SELL LAND FOR OVERDUE RATES OR CHARGES

s.140 of the Local Government Regulation 2012

1. This is a Notice of Intention to Sell land for overdue rates or charges given by the McKinlay Shire Council (the "Council") pursuant to section 140(3) of the *Local Government Regulation 2012*.
2. The Council has resolved to sell the land described in paragraph 4 below because some of the overdue rates or charges for the land have been overdue for at least three years.
3. The resolution was made on 14 December 2021, and the terms of the resolution is as follows:

"Resolution No. 146/2122

That Council resolve to:

a) sell the land described as Lot 208 on JC5571 for overdue rates or charges pursuant to section 140(2) of the Local Government Regulation 2012; and

b) delegate to the Chief Executive Officer its power to:

i. give a Notice of Intention to Sell to all interested parties for the land under section 140(3) of the Local Government Regulation 2012; and

ii. take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the Local Government Regulation 2012 to effect the sale of the land."

4. The description of the location and size of the land as shown in the Council's land record is as follows:

Registered Owner	Property/Assessment Number	Property Description	Property Address	Size
Darrel William Inwood	00068-00000-000	Lot 208 on JC5571	37 Goldring Street, Julia Creek Qld 4823	1,012m ²

5. Details of the overdue rates and charges for the land, as at the date of this Notice, including details of the period for which the rates and charges have been unpaid are set out in **Attachment 1** to this Notice.
6. Details of the interest that is owing on the overdue rates and charges, as at the date of this Notice, are set out in **Attachment 1** to this Notice. Interest is calculated from the day after the due date for payment of each rate notice. For the period prior to 1 July 2019, interest accrued on all overdue rates and charges at a rate of 11% per annum, calculated on daily rests as compound interest. For the period from 1 July 2019 to 30 June 2020, interest accrued on all overdue rates and charges at a rate of 11% per annum, calculated on daily rests as compound interest. For the period from 1 July 2020 to 30 June 2021, interest accrued on all overdue rates and charges at a rate of 8.5% per annum, calculated on daily rests as compound interest. For the period from 1 July 2021 onwards, interest accrued

on all overdue rates and charges at a rate of 8% per annum, calculated on daily rests as compound interest.

7. The total amount of overdue rates and charges and interest as at the date of this Notice is **\$15,694.05**.
8. If full payment of the overdue rates and charges and interest calculated up until the date of payment is not received within three months after the date this Notice is given to all interested parties for the land, the Council will commence procedures for the sale of the land under section 142 of the *Local Government Regulation 2012*. All expenses the Council incurs in attempting to sell the land will also be payable.
9. A copy of sections 141 to 144 of the *Local Government Regulation 2012* is contained within **Attachment 2** to this Notice.

Signed on 31/01/2022 by the Chief Executive Officer of McKinlay Shire Council.



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Trevor Williams
Chief Executive Officer
McKinlay Shire Council

Attachment 1

Schedule of Overdue Rates and Charges

PROPERTY ADDRESS 37 GOLDRING
STREET, JULIA
CREEK QLD 4823

Assessment No.: 00068-00000-000

	Amount	Issue Date of Notice	Due Date
Period 01/01/2014 to 30/06/2014		12/02/2014	30/06/2014
General Rates	\$ 204.08		
First Pedestal	\$ 203.80		
Garbage	\$ 73.51		
Water	\$ 282.00		
Refuse Management	\$ 58.64		
State Emergency Levy	\$ 36.08		
	<u>\$ 858.11</u>		
Government Pensioner Subsidy	\$ -100.00		
Council Pensioner Subsidy	\$ -452.11		
	<u>\$ 306.00</u>		
Period 01/07/2014 to 31/12/2014		01/10/2021	01/11/2021
General Rates	\$ 244.89		
First Pedestal	\$ 209.10		
Garbage	\$ 75.42		
Water	\$ 289.40		
Refuse Management	\$ 60.16		
State Emergency Levy	\$ 46.60		
	<u>\$ 925.57</u>		
Interest charged with respect to previous period 01/01/2014 to 30/06/2014	\$ 55.04		
Period 01/01/2015 to 30/06/2015		01/10/2021	01/11/2021
General Rates	\$ 244.89		
First Pedestal	\$ 209.10		
Garbage	\$ 75.42		
Water	\$ 289.40		
Refuse Management	\$ 60.16		
State Emergency Levy	\$ 46.60		
	<u>\$ 925.57</u>		
Period 1/07/2015 to 31/12/2015		01/10/2021	01/11/2021
General Waste	\$ 250.29		
First Pedestal	\$ 213.70		
Garbage	\$ 77.08		
Water Access Charge	\$ 103.53		
Refuse Management	\$ 61.48		
Water Consumption Charge	\$ 192.27		
State Emergency Levy	\$ 48.20		
	<u>\$ 946.55</u>		
Period 01/01/2016 to 30/06/2016		01/10/2021	01/11/2021
General Rates	\$ 250.29		
First Pedestal	\$ 48.20		
Garbage	\$ 77.08		
Water Access Charge	\$ 103.53		
Refuse Management	\$ 61.48		
Water Consumption Charge	\$ 192.27		
State Emergency Levy	\$ 48.20		
	<u>\$ 946.55</u>		

Period 01/07/2016 to 3/12/2016		01/10/2021	01/11/2021
General Rates	\$ 255.06		
First Pedestal	\$ 217.76		
Waste Collection	\$ 78.54		
Water Access Charge	\$ 105.50		
Refuse Management	\$ 62.65		
Water Consumption Charge	\$ 195.91		
State Emergency Levy	\$ 49.80		
	<u>\$ 965.22</u>		
Period 01/01/2017 to 30/06/2017		01/10/2021	01/11/2021
General Rates	\$ 255.06		
First Pedestal	\$ 217.76		
Garbage	\$ 78.54		
Water Access Charge	\$ 105.50		
Refuse Management	\$ 62.65		
Water Consumption Charge	\$ 195.91		
State Emergency Levy	\$ 49.80		
	<u>\$ 965.22</u>		
Period 01/07/2017 to 31/12/2017		01/10/2021	01/11/2021
General Rates	\$ 262.71		
First Pedestal	\$ 224.29		
Waste Collection	\$ 80.90		
Water Access Charge	\$ 108.67		
Refuse Management	\$ 64.53		
Water Consumption Charge	\$ 197.99		
State Emergency Levy	\$ 51.50		
	<u>\$ 990.59</u>		
Period 1/01/2018 to 30/06/2018		01/10/2021	01/11/2021
General Rates	\$ 262.71		
First Pedestal	\$ 224.29		
Garbage	\$ 80.90		
Water Access Charge	\$ 108.67		
Refuse Management	\$ 64.53		
Water Consumption Charge	\$ 197.99		
State Emergency Levy	\$ 51.50		
	<u>\$ 990.59</u>		
Period 1/07/2018 to 31/12/2018		01/10/2021	01/11/2021
General Rates	\$ 270.63		
First Pedestal	\$ 231.02		
Waste Collection	\$ 83.33		
Water Access Charge	\$ 111.93		
Refuse Management	\$ 66.47		
Water Consumption Charge	\$ 207.87		
State Emergency Levy	\$ 53.30		
	<u>\$ 1,024.55</u>		
Period 1/01/2019 to 30/06/2019		01/10/2021	01/11/2021
General Rates	\$ 270.63		
First Pedestal	\$ 231.02		
Garbage	\$ 83.33		
Water Access Charge	\$ 111.93		
Refuse Management	\$ 66.47		
Water Consumption Charge	\$ 207.87		
State Emergency Levy	\$ 53.30		
	<u>\$ 1,024.55</u>		
Period 1/07/2019 to 31/12/2019		01/10/2021	01/11/2021
General Rates	\$ 276.30		

First Pedestal	\$	235.64
Waste Collection	\$	85.00
Water Access Charge	\$	114.97
Refuse Management	\$	67.80
Water Consumption Charge	\$	212.03
State Emergency Levy	\$	54.40
	\$	<u>1,046.14</u>

Period 1/01/2020 to 30/06/2020		01/10/2021	01/11/2021
General Rates	\$	276.30	
First Pedestal	\$	235.64	
Garbage	\$	85.00	
Water Access Charge	\$	114.97	
Refuse Management	\$	67.80	
Water Consumption Charge	\$	212.03	
State Emergency Levy	\$	54.40	
	\$	<u>1,046.14</u>	

Period 1/07/2020 to 31/12/2020		01/10/2021	01/11/2021
General Rates	\$	279.00	
First Pedestal	\$	241.53	
Waste Collection	\$	87.13	
Water Access Charge	\$	117.84	
Refuse Management	\$	69.50	
Water Consumption Charge	\$	217.36	
State Emergency Levy	\$	55.30	
	\$	<u>1,067.66</u>	

Period 01/01/2021 to 30/06/2021		01/10/2021	01/11/2021
General Rates	\$	279.00	
First Pedestal	\$	241.53	
Waste Collection	\$	87.13	
Water Access Charge	\$	117.84	
Refuse Management	\$	69.50	
Water Consumption Charge	\$	217.36	
State emergency levy	\$	55.30	
	\$	<u>1,067.66</u>	

Period 01/07/2021 to 31/12/2021		01/10/2021	01/11/2021
General Rates	\$	286.02	
First Pedestal	\$	247.57	
Waste Collection	\$	89.30	
Water Access Charge	\$	120.79	
Refuse Management	\$	71.23	
Water Consumption Charge	\$	222.82	
State emergency levy	\$	56.20	
	\$	<u>1,093.93</u>	

Interest charged with respect to period 02/11/2021 to 31/01/2022 \$306.52

Overdue Rates and Charges \$ 15,332.49

Interest Charges \$ 361.56

Total Overdue Rates and Charges \$ 15,694.05

Attachment 2

Local Government Regulation 2012
Chapter 4 Rates and charges

[s 141]

- (f) details of the interest that is owing on the overdue rates or charges, as at the date of the notice, including—
 - (i) details of the rate at which interest is payable on the rates or charges; and
 - (ii) a description of the way the interest is calculated; and
- (g) the total amount of overdue rates or charges and the interest, as at the date of the notice; and
- (h) a copy, or a general outline, of sections 141 to 144.

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

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- (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.

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- (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.

145 Procedures after sale of land

- (1) This section applies if land is sold under this subdivision.
- (2) The local government must give the registrar of titles an appropriate form stating—
 - (a) that the land has been sold under this subdivision; and
 - (b) the full description of the land; and
 - (c) the full name and address of the purchaser of the land; and
 - (d) the purchase price of the land.
- (3) An *appropriate form* is a form approved by the registrar of titles for lodgement in the land registry to record the transfer of land to a purchaser.
- (4) After receiving the appropriate form, the registrar of titles must register the transfer of the interest of the registered owner to the purchaser free of all encumbrances.
- (5) The registrar of titles may register the transfer even though the appropriate form is not accompanied by the instrument of title for the land.
- (6) Also, the registrar of titles—
 - (a) need not inquire whether the local government has complied with this subdivision; and