

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 14 December 1982

PUBLIC WORKS AMENDMENT BILL

Proposed Amendment

Hon. A. P. FRIEDLANDER, in Committee, to move the following amendment:

New clause 1A: To insert, after *clause 1*, the following new clause:

1A. Disposal to former owner of land not required for public work—Section 40 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) Except as provided in subsection (4) of this section, the Commissioner of Works or local authority, unless—

“(a) He or it considers that it would be impracticable, unreasonable, or unfair to do so; or

“(b) There has been a significant change in the character of the land for the purposes of, or in connection with, the public work for which it was acquired or is held—

shall offer to sell the land by private contract to the person from whom it was acquired or to the successor of that person—

“(c) At the current market value of the land as determined by a valuation carried out by a registered valuer; or

“(d) If the Commissioner of Works or local authority considers it reasonable to do so, at any lesser price.

“(2A) If the Commissioner of Works or local authority and the offeree are unable to agree on a price following an offer made under subsection (2) of this section, the parties may agree that the price be determined by the Land Valuation Tribunal.”

EXPLANATORY NOTE

New clause 1A: The new clause amends section 40 of the principal Act by providing that it shall not be necessary to offer surplus land back to its former owner if there has been a significant change in the character of the land for the purposes of, or in connection with, the public work for which it was acquired.

In addition, it is now provided that the sale may be at a price below current market value if the Commissioner of Works or local authority considers it reasonable to sell the land back at a lesser price. If, following an offer, the parties are unable to agree on a price, they may agree that the price be determined by the Land Valuation Tribunal.