

# Real property acquisition and disposal

# Standard

QH-IMP-353-2:2015

## 1. Statement

This standard describes the mandatory steps for the acquisition and disposal of real property on behalf of Department of Health (DoH), in accordance with legislation, whole-of-government policy and the principles of real property ownership and management.

## 2. Scope

Compliance with the requirements in this standard is mandatory.

This standard applies to all employees, contractors and consultants within the DoH divisions and commercialised business units.

This standard can be used by Hospital and Health Services either as is, by re-branding or as a base for a Hospital and Health Service specific policy.

## 3. Principles

Compliance with this standard will ensure all decisions to acquire real property are based on sound business and planning principles, and all properties acquired for the delivery of health services and infrastructure shall:

- support service delivery needs or strategic purposes, including any requirements identified in the Department or Division's Total Asset Management Plan
- be compatible with the planning requirements of state and local governments
- maximise and balance the social, economic and environmental benefits to the state and community.

Compliance with this standard will ensure that all real property disposals achieve:

- protection of ecological processes and natural systems
- optimum financial return to, and economic development of, the state
- enhancements of the cultural, economic, physical and social wellbeing of people and communities.

All undertakings shall seek to achieve value-for-money and be made in accordance with the Queensland Government Accounting Policy Guidelines, relevant Australian Accounting Standards and the Financial Management Practice Policy and Manual.

All DoH staff, individuals and organisations acting as agents for the DoH during real property acquisition transactions, shall be aware of their confidentiality obligations.

## 4. Requirements

The requirements in this standard meet the DoH's obligations under legislation and the whole-of-government Transaction Policy to ensure real property acquisition or disposal is undertaken in accordance with the Department of State Development (DSD) Property Principles.

All transactions, as stipulated by DSD endorsement thresholds, shall be considered by DSD for the transaction's strategic approach.

All acquisition and disposal transactions shall be approved in line with the DoH Real Property Delegations. For further information regarding the process for acquisition or disposal please refer to the Real Property Management Guideline.

### 4.1 Process for real property acquisition - initiation

- 4.1.1 Acquisition of all real property shall be initiated and commenced through a request to Health Infrastructure Branch (HIB), Office of the Director-General.
- 4.1.2 The relevant divisional requesting officer/asset controller shall identify the need for the acquisition of real property. It is best practice to identify the need for real property after the completion of service/master planning.
- 4.1.3 All agreements relating to the acquisition of real property shall be in writing.

### 4.2 Process for real property disposal – initiation

- 4.2.1 The asset controller shall identify the need for disposal of real property after the completion of service/master planning.
- 4.2.2 Properties to be disposed of shall be:
  - surplus to health service delivery requirements
  - not foreseeably required for future service delivery
  - considered unsuitable for redevelopment to support health service delivery or revenue generation.
- 4.2.3 The asset controller shall initiate the disposal process by forwarding a Work Request Form to HIB.
- 4.2.4 All agreements entered into for the disposal of real property shall be in writing.

## 5. Related legislation and documents

### Legislation

Relevant legislation and associated documentation includes, but is not limited to, the following:

- *Acts Interpretation Act 1954* (Qld)
- *Acquisition of Land Act 1967* (Qld)
- *Acquisition of Land Regulation 2003* (Qld)
- *Environmental Protection Act 1994* (Qld)
- *Financial Accountability Act 2009* (Qld)
- *Financial Accountability Regulation 2009* (Qld)
- *Hospital and Health Boards Act 2011* (Qld)
- *Judicial Review Act 1991* (Qld)
- *Land Act 1994* (Qld)
- *Land Regulation 1995* (Qld)
- *Land Protection (Pest and Stock Route Management) Regulation 2003* (Qld)

- Land Sales Regulation 2000 (Qld)
- Land Tax Regulation 1999 (Qld)
- Land Title Regulation 2005 (Qld)
- *Land Valuation Act 2010* (Qld)
- *Local Government Act 2009* (Qld)
- Native Title (Queensland) Regulation 1996 (Qld)
- *Native Title (Queensland) Act 1993* (Qld)
- *Native Title Act 1993* (Cwlth)
- *Native Title (Technical Amendments) Act 2007* (Cwlth)
- *Native Title Amendment Act 2007* (Cwlth)
- *National Trust of Queensland Act 1963* (Qld)
- *Property Law Act 1974* (Qld)
- Queensland Heritage Regulation 2003 (Qld)
- *Queensland Heritage Act 1992* (Qld)
- *State Development and Public Works Organisation Act 1971* (Qld)
- *Statutory Bodies Financial Arrangements Act 1982*
- *Sustainable Planning Act 2009* (Qld)
- Sustainable Planning Regulation 2009 (Qld)
- Torres Strait Islander Land Regulation 1991 (Qld)
- Valuation of Land Regulation 2003 (Qld)
- Workplace Health and Safety Regulation 2008 (Qld)

## Policy

- Capital Funding Policy
- Department of Health Financial Delegations
- Department of Health Corporate Real Property Delegations
- Financial and Performance Management Standard 2009 (Qld)
- Land and Resources Tribunal Rules 2000 (Qld)
- State Planning Policies
- Real Property Leases, Licences and Third Party Agreements Standard
- Native Title and Indigenous Cultural Heritage Standard
- Real Property Asset Naming Guideline

## 6. Definitions

Term	Definition
Acquisition	The process of securing ownership of an asset. The process commences when the need for the asset is identified and concludes when the asset is receipted and registered.
Asset	A resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity.
Asset controller	The entity that is accountable for the compliance and performance of allocated assets. This is usually the officer with direct control over the use, size or need for an asset.
Asset management	Asset management of government buildings is the concept of aligning an organisation's assets with its service delivery needs.
Asset owner	The State of Queensland, represented by the Director-General, Department of Health, and acting through HIB.
Compulsory acquisition	The taking of land (or easement) compulsorily by a Constructing Authority pursuant to the Acquisition of Land Act 1967.
Disposal	Asset disposal is implementing processes and procedures to ensure appropriate asset disposal planning of government buildings which have been identified as surplus to departmental service delivery requirements.
Government Land Register (GLR)	The GLR is a computerised database that contains details of all property (land and improvements, such as buildings) including leasehold and easement interests controlled by government departments, statutory authorities and other agencies constituted under State legislation.
Real property	Real property is defined as land and all that is affixed permanently thereto, including buildings and other immovable property. This policy does not relate to the disposal or removal of buildings only.

## Version Control

Date	Comments	Version No.
4 June 2012	New Acquisitions Protocol	Version 1.0
4 June 2012	New Disposals Protocol	Version 1.0
29 April 2014	Real Property Disposal Protocol updated to reflect current organisational structure	Version 1.1
30 May 2014	Real Property Acquisition Protocol updated to reflect current organisational structure	Version 1.1
15 March 2015	Policy Rationalisation Project Review and consolidation	Version 2.0