



# Land and Property Management Policy

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## 1. Purpose

The purpose of the *Land and Property Management Policy* (the policy) is to set the minimum requirements for the management of WA health system's land and property.

These minimum requirements relate to:

- acquisition and disposal of interests in land
- the making of decisions or provision of advice regarding land and property
- documentation
- risk management
- communication and governance
- reporting
- strategic alignment and
- due-diligence and assurance measures.

This policy is in alignment with the internationally recognized standard ISO 55000 for asset management. WA health entities must undertake land and property management to the highest standards of integrity, probity and accountability. Adherence to this policy will ensure consistent approaches are applied, integrity is maintained, service delivery and government objectives are achieved, and risks are identified and are appropriately managed.

This policy is to be read in conjunction with [MP 0023/16 \*Obtaining Legal Advice\*](#); [MP 0161/21 \*Procurement and Contract Management Policy\*](#); *Countering Foreign Interference Framework For WA Government*, and *Health Services (s37 Exemption Order) 2023* both available via email at [DoHInfrastructure@health.wa.gov.au](mailto:DoHInfrastructure@health.wa.gov.au).

This policy is a mandatory requirement for Health Service Providers under the *Infrastructure (Asset Management) Policy Framework* pursuant to section 26(2)(d) and section 26(2) (ka) of the *Health Services Act 2016*.

This policy is a mandatory requirement for the Department of Health pursuant to section 29 of the *Public Sector Management Act 1994*.

## 2. Applicability

This policy is applicable to WA health entities.

The requirements contained within this policy are applicable to the services purchased from contracted health entities where it is explicitly stated in the contract between the contracted health entity and the State of Western Australia or Health Service Provider. The State of Western Australia or Health Service Provider contract manager is responsible for ensuring that any obligation to comply with this policy by the contracted health entity is accurately reflected in the relevant contract and managed accordingly.

### 3. Policy Requirements

#### 3.1 Strategic intent

WA health entities must ensure land and property acquisitions, disposals, and land-use decisions align with systemwide priorities, where uncertain seek advice from Health Infrastructure via email at [DoHInfrastructure@health.wa.gov.au](mailto:DoHInfrastructure@health.wa.gov.au).

#### 3.2 Integrity

WA health entities must:

- ensure where applicable that contracts, or memorandums of understanding licences, user agreements and similar are in place as relevant to the circumstance for land and property managed by the entity.

Health Service Providers (HSPs) must:

- ensure all Health Property managed by HSPs is reflected in Schedule 1 of the Joint Arrangement in relation to Health Property between the Health Ministerial Body and the relevant HSP.
- notify the Health Infrastructure Directorate promptly of changes to HSP land holdings and request any amendments be made where required to agreements or instruments such as joint arrangements or Orders.
- promptly and diligently co-ordinate HSP execution of Land and Property agreements between the HSP and another HSP.

#### 3.3. Governance

WA health entities must ensure delegations and authorisations are established, and are reviewed at least annually that provide for efficient, effective, and appropriately authorised land and property management related decisions.

#### 3.4. Risk management

WA health entities must:

- identify and record land and property risk in the entities respective risk register.
- report high risks and mitigation strategies to the Executive Director Health Infrastructure for noting, via email at [DoHInfrastructure@health.wa.gov.au](mailto:DoHInfrastructure@health.wa.gov.au).

#### 3.5. Foreign interference

WA health entities must:

- promptly report suspicions of foreign interference concerning infrastructure, land and property to the Executive Director Health Infrastructure for escalation to the System Manager.
- declare and manage all conflicts of interest and/or risks of a foreign interference nature which may include (not exhaustive) an affiliation, a relationship and/or a financial interest.
- ensure all persons employed in infrastructure roles at manager level and above complete mandatory training '[Introduction to Countering Foreign Interference](#)' on an annual basis.

#### 3.6. Communication

On land and property matters WA health entities must ensure the Executive Director, Health Infrastructure is:

- informed of communication with the Minister and/or of requests for complex legal advice concerning high risk issues with system wide impact via email at [DoHInfrastructure@health.wa.gov.au](mailto:DoHInfrastructure@health.wa.gov.au)
- informed of communications with Landgate, other than in relation to valuations, and or with Department of Planning, Lands and Heritage that result in amendment of land records via email at [landandproperty@health.wa.gov.au](mailto:landandproperty@health.wa.gov.au)

### 3.7. Due-diligence

For land and property transactions and dealings, WA health entities must apply appropriate due-diligence including:

- verification of ownership
- confirmation that intended use complies with State zoning restrictions
- verify land and property proposed 'use' occurs in a manner that is consistent with the 'use' stipulated in Landgate records, lease contracts and statutory approvals
- identify the correct parties to the transaction
- identify and manage risks
- comply with legal requirements for execution
- assess or determine if the land and property is 'fit for purpose' for the proposed 'use'
- undertake an environmental assessment where circumstances require, seek advice from Health Infrastructure via email at [DoHInfrastructure@health.wa.gov.au](mailto:DoHInfrastructure@health.wa.gov.au) if direction on circumstances is required.
- if risks from an environmental assessment are identified, escalate the risk and seek approval to proceed with the transaction through internal delegation authorities and processes
- ensure that contracts, memorandums of understanding, joint arrangements and/or other applicable deeds are in place for all land and property arrangements of benefit to/ or where divested by the HSP, other than land or property owned and retained by the HSP
- market valuations must be obtained from Landgate Valuation Services (Government Valuer) prior to entering into contracts that involve acquisitions or disposals
- a conflict-of-interest declaration must be obtained from the valuer/s.

### 3.8. Parties to agreements and document execution

For land and property dealings, WA health entities must:

- obtain legal advice as per [MP 0023/16 Obtaining Legal Advice](#).
- comply with approved execution requirements including the [LLS Guidelines Sign Off clauses for legal arrangements](#), unless departure is supported by the [Department of Health's Legal and Legislative Services unit](#).

### 3.9. Contract management

WA health entities must judiciously manage all land and property contracts impacting the HSP by ensuring that:

- contract reviews, renewals and valuations are initiated on a timely basis.
- records of decision processes and approvals that defensibly justify entry into a contract that is significantly less or more (20%) than the rate identified in a market rental evaluation is recorded in an approved electronic record management system.
- maintain a contract management register for all land and property contracts

required to be recorded in adherence to [MP 0161/21 Procurement and Contract Management Policy](#) such as in Procurement Development and Management System (PDMS).

- ensure effective management of contract terms involving land and property include:
  - current, active contracts are in place and are current
  - fees are collected
  - rent/fees are reviewed and actioned efficiently
  - interests are registered (for example leases are registered on Certificates of Title, as applicable)
  - options to renew contracts are reviewed and if required actioned within contract specified timeframes to ensure effective management of contract terms involving land and property
  - contracts are in place and are current
  - options are reviewed and if required are executed within the specified timeframe.

### **3.10. Database management**

WA health entities must:

- validate and maintain the accuracy of land and property databases including the WA Health Land and Property Information System ([LaPIS](#)).

### **3.11. Budget**

WA health entities must ensure:

- the Executive Director Health Infrastructure is informed promptly of any budgetary issues in relation to funded land and property matters, together with the mitigation strategies put in place via email at [DoHInfrastructure@health.wa.gov.au](mailto:DoHInfrastructure@health.wa.gov.au)

### **3.12. Reporting**

WA health entities must report to Health Infrastructure:

- changes to land holdings with impact on land and property records by way of direct amendment to the LaPIS or alternatively, for larger volumes of transactions, a text delimited electronic file to be submitted to the Health Infrastructure Directorate on a six monthly basis for upload to LaPIS via email at [landandproperty@health.wa.gov.au](mailto:landandproperty@health.wa.gov.au)
- where inconsistencies are found for the potential or actual land use, inconsistencies between HSP land use objectives and intentions and Landgate recorded use restrictions.

### **3.13. Local policies**

HSPs must have local policies in place to support this policy.

### **3.14. Taxation**

A written agreement is required to use the Margin Tax Scheme before a property is settled. Prior to undertaking steps to dispose of property, WA health entities must:

- contact the HSS Corporate Tax Unit via email at [corporatetax@health.wa.gov.au](mailto:corporatetax@health.wa.gov.au) and request for HSS Corporate Tax to perform an eligibility assessment, and to calculate the amount of GST that can be remitted and advise on the process for remittance.

## 4. Compliance Monitoring

The Health Infrastructure Directorate, on behalf of the System Manager, will:

- oversee the implementation of this policy and undertake annual compliance checks.
- conduct audits of policies and processes relating to specific system-wide land and property management risks, as required, and
- monitor and evaluate the effectiveness of this policy and progress amendments and recommendations for improvement, as appropriate.

The Health Infrastructure Directorate may request additional information on policies and processes relating to specific system-wide land and property management risks to ensure alignment with policy requirements.

## 5. Related Documents

The following documents are mandatory pursuant to this policy:

- N/A

## 6. Supporting Information

The following information is not mandatory but informs and/or supports the implementation of this policy:

- [Delegations and Authorisations in relation to land and property](#)
- Authorisation Schedules (General) for each HSP
  - PathWest
  - Health Support Services
  - [East Metropolitan Health Service](#)
  - [South Metropolitan Health Service](#)
  - [North Metropolitan Health Service](#)
  - [Child & Adolescent Health Service](#)
  - [WA Country Health Service](#)

## 7. Definitions

The following definition(s) are relevant to this policy.

Term	Definition
Health Property	As defined in the <i>Health Services Act 2016</i> s6. means — (a) a health reserve; or (b) property vested in, or held by, the Minister or Ministerial body;
Health Services (s37 Exemption Order) 2023	The Order made by the Minister under the <i>Health Services Act 2016</i> s37 in June 2023 that permits a HSP to dispose of land of low value without Minister approval.
Land and Property Information System ( <a href="#">LAPIS</a> )	An online database accessible to Health Service Providers of all WA health system land and property controlled by the Department and HHSPs (both leased and owned) and includes any replacement system.

Legal advice	Advice provided by a person authorised to provide legal advice under MP 0023/16 Obtaining Legal Advice Policy.
Margin Tax Scheme	Is an alternative method of calculating GST owed when selling, it has specified calculation criteria and may result in potential savings.
Orders	In this context means the Orders made by the Minister in including but not limited to as was made under the <i>Health Services Act 2016</i> Part 4 and Part 16.
Promptly	As soon as is practically possible, at a minimum within a month of the transaction.
Property	As defined in s6 <i>Health Services Act 2016</i> means property of every kind, whether real or personal, tangible or intangible, corporeal or incorporeal, and any interest in property.
Property acquisition	As defined for 'acquire' in s36(1) <i>Health Services Act 2016</i> . This includes taking on lease or license or in any other manner in which an interest in property may be acquired.
System Manager	Is the Department CEO in carrying out the System Manager role as defined in s 19(1A) <i>Health Services Act 2016</i> .
Valuations	Are independent assessments of a property's value to support decision making, it is obtained from a qualified, registered valuer.
WA health entity	WA health entities include: <ul style="list-style-type: none"> <li>(i) Health Service Providers as established by an order made under Section 32 (1)(b) of the <i>Health Services Act 2016</i>.</li> <li>(ii) Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the <i>Public Sector Management Act 1994</i>.</li> </ul>
WA health system	The WA health system is comprised of: <ul style="list-style-type: none"> <li>(i) the Department;</li> <li>(ii) Health Service Providers (North Metropolitan Health Service, South Metropolitan Health Service, Child and Adolescent Health Service, WA Country Health Service, East Metropolitan Health Service, PathWest Laboratory Medicine WA, Quadriplegic Centre and Health Support Services); and</li> <li>(iii) contracted health entities, to the extent they provide health services to the State.</li> </ul>

## 8. Policy Contact

Enquiries relating to this policy may be directed to:

Title: Director, Health Infrastructure  
Directorate: Health Infrastructure  
Email: [DoHInfrastructure@health.wa.gov.au](mailto:DoHInfrastructure@health.wa.gov.au)

## 9. Document Control

Version	Published date	Review date	Amendment(s)
MP 0092/18 v.1.0	20 September 2018	4 September 2019	Original version
MP 0092/18 v.1.1	29 May 2019	August 2019	Minor amendment – fixed broken links
MP 0092/18 v.1.2	14 August 2019	August 2020	Minor amendments detailed below.
<ul style="list-style-type: none"><li>• Related document: 'Leasing-Out Procedure' updated to provide greater clarity regarding market rental valuation, and short term or temporary occupation.</li></ul>			
MP 0092/18 v.2.0	17 December 2024	December 2027	Policy review and amendments listed below.
<ul style="list-style-type: none"><li>• Purpose section updated and refined for clarity.</li><li>• Applicability section updated from HSP only to WA health entities and inclusion of the contracted health entities statement.</li><li>• Policy requirements updated for relevance and contemporary land and property management practice.</li><li>• Related documents: removal of the following: Land and Property Acquisition Procedure, Land and Property Disposal Procedure, Leasing-In Procedure and Leasing-Out Procedure.</li><li>• Supporting Information: removal of WA Aboriginal Health and Wellbeing Framework 2015-2030 and Implementation Guide for the WA Aboriginal Health and Wellbeing Framework 2015-2030.</li><li>• Definitions section: Inclusion of definitions for WA health entity, Health Property, Legal Advice, Health Services (s37 Exemption Order) 2023, Orders, Promptly, Property, Property acquisition, System Manager, Valuations, and WA Health System.</li><li>• Removal of definitions for leasing in, leasing out, WA Health Strategic Asset Plan, HSP Strategic Asset Plan.</li><li>• Policy contact section updated to reflect updated policy owner unit.</li></ul>			

Note: Mandatory policies that exceed the scheduled review date will continue to remain in effect.

## 10. Approval

Approval by	Dr David Russell-Weisz, Director General, Department of Health
Approval date	4 September 2018

**This document can be made available in alternative formats on request for a person with a disability.**

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