

Policy Number	Policy Title
CP43	Disposal of Property

OBJECTIVE

This policy is to provide a consistent process and outline the principles applied for the disposal of property including assets.

POLICY

Disposal of land or building assets

The disposal of land and/or building assets is required to be in accordance with Section 3.58 of the *Local Government Act 1995*.

The disposition of land may be exempt under Regulation 30 of the *Local Government (Function and General) Regulations 1996*, which includes, but is not limited to, land with a value less than \$5,000.

Disposal of property (other than land)

Property (other than land) is to be disposed of in accordance with Section 3.58 of the *Local Government Act 1995*.

The disposition of property (other than land) may be exempt under Regulation 30 of the *Local Government (Function and General) Regulations 1996*, which includes, but is not limited to, property (other than land) with a market value less than \$20,000.

Minor property

Where minor property that is surplus to the Shire's needs, that has been identified for disposal, and is exempt under r.30, the CEO is to determine the most efficient method of disposal, taking into consideration the cost of disposal.

Unsaleable items

When all efforts fail to dispose of property in accordance with this policy and legislative requirements and it is determined to have no commercial value, the Shire may offer the property to employees at no cost or authorise its disposal by environmentally considerate methods.

Disposal of confiscated or uncollected goods (including animals)

Confiscated or uncollected goods are to be disposed of in accordance with Section 3.47 of the *Local Government Act 1995*.

Principles

Notwithstanding the provisions of the Act or the Regulations:

- Disposal of asset's is limited to matters specified in the Annual Budget. In any other case a Council resolution is required.
- Have regard to the commercial value of land being disposed as determined by a qualified valuer and/or the Valuer Generals Office.
- Compliance with Delegation – CEO119 Disposal of Property and Council Policy.
- Where the market value of the property is determined as being under \$20,000 (F&G r.30), disposal may be undertaken without reference to Council for resolution and is required to ensure the best value return is achieved.
- Where applicable and/or appropriate, involve and consult with relevant business units and the community before disposal.

Council Policy - Leadership

- Items of historical or cultural significance are to be considered before disposal.
- The Officer responsible for the disposal of any Shire Asset must ensure that no conflict of interest occurs in or as a result of the asset disposal process, and is required to disclose any actual or perceived conflict of interest that may arise in the performance of their duties.

Council's Regional Price Preference *does not* apply to any disposal of property and to the value of items traded in.

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Date of Review:	28/07/2020	Review Frequency:	biennial
Responsible Directorate:	Chief Executive Officer		
Legislation:	Local Government Act 1995 Local Government (Function and General) Regulations 1996		
Related Policies and/or Procedure:	Council delegation CEO119 – Disposal of Property		