

Land and Property Acquisition Procedure

1. Purpose

The Property Acquisition Procedure (the Procedure) is mandatory pursuant to the *Land and Property Management Policy*. The Procedure has been developed to set the process for Health Service Providers in relation to land and property acquisition.

2. Requirements

2.1 Alignment with WA Health Strategic Asset Plan

All property acquired by the WA health system entities should align with the principles of:

- the WA Health Strategic Asset Plan (available from the Department of Health's Infrastructure Unit); or
- the relevant Health Service Provider Strategic Asset Plan (approved by the Department of Health)

2.2 Consult with Department of Health on Acquisition

Health Service Providers are required to seek the assistance of the Department of Health's Infrastructure Unit as part of the process to acquire land.

For the purpose of this Procedure, there are two (2) types of land and property acquisition:

1. Certificates of Title - Freehold (refer 3.3)
2. Crown Reserves and Conditional Land Tenures (refer 3.4)

Evidence of the relevant Health Service Provider approval to acquire a property is required to be provided to the [Department of Health's Infrastructure Unit](#) so that it can undertake the following:

- A search of the Land Title for the property to be acquired to confirm ownership and to check if there are any encumbrances (eg: Caveats) lodged against the title that may hinder a purchase/transfer;
- Confirm whether the property being acquired is a Certificate of Title or Crown Reserve property; and
- Add the property to the WA health system's online [Land and Property Information System \(LAPIS\)](#) once settled. LAPIS is accessible to all approved staff within the Health Service Providers.

If the land being acquired accommodates improvements (ie: buildings and other infrastructure), it is highly recommended that the Health Service Provider engage a qualified Building Consultant to undertake a building inspection to ensure the property is structurally sound and to assess any levels of maintenance liability. Such inspection should ensure that the property meets relevant Building Codes and Standards suitable for the provision of health services.

A Health Service Provider should also make enquiries regarding statutory zoning of the property with the Local Government Authority and/or the WA Planning Commission to ensure that the proposed use of the property conforms to current local zoning requirements.

2.3 Certificate of Title Properties (Freehold)

2.3.1 Market Valuation

Health Service Providers are to source a current market valuation of the property from Landgate Valuation Services (LVS) or a private valuer.

2.3.2 Offer and Acceptance

Health Service Providers are responsible for all negotiations and the Offer and Acceptance (O&A) to purchase. The O&A process does not apply to properties that are bequeathed to Health Service Providers.

The relevant Health Service Provider officer is to execute the O&A in accordance with the Health Service Provider Authorisation and Delegation Instrument.

The purchase price should be equal to or lower than the official valuation, however, the purchase price may be permitted to be slightly higher than valuation in some circumstances. (Seek the assistance of the Department of Health's Infrastructure Unit in these instances).

2.3.3 Transfer of Land and Settlement

Health Service Providers must request that the State Solicitor's Office (or private settlement agent) act on its behalf at settlement and prepare the Transfer of Land for execution.

The Purchaser (Transferee) should be stated as the relevant Health Service Provider legal entity (eg: North Metropolitan Health Service) and the Transfer of Land document should be executed in accordance with the relevant Health Service Provider Authorisation and Delegation Instrument.

Health Service Providers are to undertake any associated financial administration for a property purchase including arranging the cheque or direct credit for the purchase price to the settlement agency with a signed Transfer of Land document.

The State Solicitor's Office (or private settlement agent) provides confirmation of settlement to the Health Service Provider.

The Health Service Provider must ensure its insurance responsibilities are addressed for the new property once settlement has occurred. The WA Government's insurer is RiskCover and the Health Service Provider should advise RiskCover directly to add the property to its insurance register.

The Health Service Provider must inform the Department of Health's Infrastructure Unit once the property has settled so that the new property information can be added to the LAPIS which is accessible to approved staff within Health Service Providers.

The provision of information regarding a property acquisition to the Department of Health's Infrastructure Unit is mandatory to ensure the integrity, accuracy and currency of all WA health system land and property statewide on LAPIS, which is the central source of its property information.

2.3.4 Advise Health Support Services (Fixed Asset Register)

All Health Service Providers (excluding WACHS) are to advise Health Support Services (HSS) of the acquisition/purchase cost (if any), Certificate of Title and any other relevant details of the new property asset so that it can be added to the respective Health Service Provider Fixed Asset Register.

WACHS has direct responsibility for its Fixed Asset Register and accordingly, does not need to advise HSS of newly acquired property assets.

2.4 Crown Reserve Properties and Conditional Land Tenures

2.4.1 Initiating Acquisition

The Department of Health's Infrastructure Unit will facilitate Crown Land acquisitions on behalf of the Health Service Providers, as central agency liaison is required by the Department of Planning, Lands and Heritage.

The Health Service Provider is required to provide the Department's Infrastructure Unit with an approved Briefing Note from the Board Chair and/or Chief Executive or other relevant officer in accordance with the Health Service Provider Authorisation and Delegation Schedule to progress a Crown Land acquisition.

If the site is Unallocated Crown Land, Native Title and Aboriginal Heritage issues need to be explored in conjunction with the [Department of Planning, Lands & Heritage](#) and the [Department of Aboriginal Affairs](#). The Department of Health's Infrastructure Unit will assist Health Service Providers in this regard.

2.4.2 Acquisition Administration

Management Orders for Crown Reserves or Titles for Conditional Land Tenure property will be in favour of the respective Health Service Provider.

The Department of Health's Infrastructure Unit will advise the Health Service Provider of finalisation of acquisition so that it can action its insurance responsibilities for the new property. The WA Government's insurer is [RiskCover](#) and the Health Service Provider is required to liaise directly with RiskCover to add the property to its insurance register.

The new property information will be added to the LAPIS by the Department of Health's Infrastructure Unit.

2.4.3 Advise Health Support Services

All Health Service Providers (excluding WACHS) are to advise HSS of the acquisition/purchase cost (if any), Crown Land Title and Crown Reserve Number and any other relevant details so that the new property asset can be added to the respective Health Service Provider Fixed Asset Register.

WACHS has direct responsibility for its Fixed Asset Register and accordingly, does not need to advise HSS of newly acquired property assets.

3. Definitions

Acquisition	For the purpose of these procedures, acquisition means purchase or transfer of a property to a WA Health legal entity (eg: Health Service Provider).
Certificate of Title	Landgate issued paper document or electronic document that identifies the owner of real property. Evidences the right of ownership.
Conditional Land Tenures	Under the <i>Land Administration Act 1997</i> the Minister for Lands may dispose of Crown land in fee simple (Certificate of Title) subject to conditions relating to it's permitted use. The land may be disposed of for nominal consideration or discounted price. The State retains equity in the land to the extent of the discount. The Act provides for the enforcement of conditions and the retrieval of the State's equity. This form of tenure replaces Crown Grants in Trust under the previous legislation.
Crown Land (Crown Reserves)	Crown (State of WA) land allocated for a specified purpose, usually "Health (Hospital and Allied Purposes) for WA Health Crown Reserves. Such Reserves are allocated to an agency for an undefined period of time until the purpose changes and the land is reallocated to an alternative agency.
Fixed Asset Register	The WA Health System Financial reporting tool for which it is a mandatory requirement under the Financial Management Policy that Health Service Providers keep updated.
Management Order	Defined as the "order by which the care, control and management of a reserve are placed under section 46(1) or 59(4)" of the Land Administration Act 1997.

Property Acquisition Process

Property acquisition must align with principles of the WA Health Strategic Asset Plan (SAP) or the Health Service Provider's SAP approved by the Department of Health

Health Service Provider advises the Department of Health's Infrastructure Unit of the proposed property acquisition. Title Search of property required. *If the site is Unallocated Crown Land Native Title and Aboriginal Heritage issues need to be explored in conjunction with the Department of Planning, Lands & Heritage and the Department of Aboriginal Affairs.*

If improvements are on the land, a Formal Building Inspection is recommended to assess level of maintenance liability and to determine whether the property is compliant with relevant Building Codes and Standards suitable for the proposed Health purpose.

Health Service Provider needs to check with the relevant Local Government Authority to ensure proposed use of the property conforms with current zoning requirements.

CERTIFICATE OF TITLE – FREEHOLD (including bequeathed properties)

Health Service Provider to source a Current Market Valuation from [Landgate Valuation Services \(LVS\)](#) or Private Valuer. Health Service Provider negotiate and enter into an Offer & Acceptance to purchase.
(Not required for bequeathed properties)

Purchase price = valuation or lower, however can be negotiated up to 10% over valuation.

Transfer of Land document is prepared by SSO (or private settlement agent) for execution by relevant Health Service Provider Authorised Officer as Purchaser (Transferee).

The cheque to purchase the property is arranged by Health Service Provider and sent to the SSO (or private settlement agent) with signed Transfer of Land document.

SSO (or private Settlement Agent) provides confirmation of settlement.
Health Service Provider must ensure its insurance responsibilities are addressed for the new property and informs IU of the settlement date. Property is added to the WA Health online Land and Property Information System (LAPIS) by the Department's Infrastructure Unit.

CROWN RESERVE / CONDITIONAL LAND TENURES (CLTs)

The Department's Infrastructure will facilitate Crown Land acquisition on behalf of Health Service Providers as Department of Planning Lands & Heritage requires central agency liaison.

Health Service Provider arrange approved Briefing Note from relevant Authorised officer in accordance with Health Service Provider Authority Schedules to acquire a property which needs to be forwarded to the Departments Infrastructure Unit

Management Orders for acquired Crown Reserves or Titles for CLTs will be in favour of the respective Health Service Provider.

The Department's Infrastructure Unit provides Health Service Provider with advice on finalisation of Crown land acquisition. Property is added to the WA Health online Land and Property Information System (LAPIS)

Health Service Provider provides [Health Support Services \(HSS\)](#) with information on details of the new property so that it can be added to the respective Fixed Asset Register
EXCEPTION – WA Country Health Service manages its own FAR and will add acquired property