

15. DISPOSAL OF PROPERTY

DELEGATED BY: Local Government

POWER TO DELEGATE: **Section 5.42 Local Government Act 1995** – a local government may delegate to the CEO the exercise of any of its powers or any of its duties as specified in s.5.42.

Section 5.43(d) Local Government Act 1995 – a local government cannot delegate to the CEO the power to dispose of any property exceeding an amount determined by a local government for the purpose of s.5.43(d).

DELEGATED TO: Chief Executive Officer

POWER/AUTHORITY DELEGATED: **Section 3.58 Local Government Act 1995**
Regulation 30 Local Government (Functions and General) Regulations 1996

Disposal of Property other than an interest in Land:

1. Authority to dispose of property other than an interest in land where the individual market value of the property to be disposed of is less than \$50,000.00 (excluding GST).

2. Authority to dispose of property other than an interest in land where the ~~entire property is disposed of as part of the~~ consideration ~~received for other property that by~~ the local government ~~for the disposition~~ is ~~used to purchase other property, and where the~~ ~~acquiring for a total~~ consideration ~~for, the other property~~ ~~total value of which~~ is not more (or worth more) than \$~~400~~75,000.00 (excluding GST).

3. Authority to determine tender selection criteria if disposing of property (other than an interest in Land) under Authorities 1 and 2 above using a public tender process.

4. Authority to gift or donate property (that is not money or an interest in land) with a maximum value of \$500.00 (excluding GST).

Disposal of an interest in Land:

5. Authority to dispose of an interest in Land by way of commercial/community lease or licence where the total value of the disposition over the entire lease or licence term is less than \$50,000.00 (excluding GST).

6. Authority to determine tender selection criteria if disposing of Land under Authority 5 above using a public tender process.

7. Authority to dispose of an interest in Land by way of residential lease with City of Karratha staff or other persons where the rent is less than \$20,000.00 per annum (excluding GST).

CONDITIONS:	In accordance with section 3.58 of the <i>Local Government Act 1995</i> <u>ALL</u> disposals must be by way of public auction, public tender or local public notice <u>UNLESS</u> the disposal is an <u>EXEMPT</u> disposal under Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i> .
REFERENCES:	<i>Section 3.58 Local Government Act 1995</i> <i>Regulation 30 Local Government (Functions and General) Regulations 1996</i>
POWER TO SUB-DELEGATE:	Yes – <i>s.5.44 Local Government Act 1995</i> – a CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the <i>Local Government Act 1995</i> .
SUB-DELEGATED TO:	Director Strategic Projects & Infrastructure; and Director Corporate Services.
CONDITION:	<p>The Director Strategic Projects & Infrastructure is sub-delegated to exercise Authority 1 and Authority 2 above only; and</p> <p>The Director Corporate Services is sub-delegated to exercise Authority 7 above only.</p> <p>In accordance with section 3.58 of the <i>Local Government Act 1995</i> <u>ALL</u> disposals must be by way of public auction, public tender or local public notice <u>UNLESS</u> the disposal is an <u>EXEMPT</u> disposal under Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i>.</p>
RECORD OF USE:	Details of decisions made are to be recorded in writing and retained in the Council record keeping system, along with any evidentiary documents such as leases/sale and purchase agreements. Such records/documents must contain sufficient information to ensure that the requirements of Regulation 19 of the <i>Local Government (Administration) Regulations 1996</i> are met.
DATE ADOPTED:	20/10/2003
LAST REVIEWED:	15/06/2015