



## **OPERATIONAL POLICY AND PROCEDURES**

### **PROPERTY DISPOSAL POLICY**

**Date of Last Revision:** 13 August 2012

**POLICY:** The National Trust of Australia (WA) will dispose of real property, in accordance with this policy, assessed on a case by case basis.

Under the National Trust of Australia (WA) Act 1964 the Trust is provided with the power to acquire, hold and dispose of real and personal property and may specifically “sell, lease, exchange or otherwise dispose of any real or personal property of the Trust”.

The Trust in Western Australia acquired its first property in 1964 and over a period of the next four and a half decades acquired properties on a case by case basis.

As the National Trust of Australia (WA) is both a Trust for the Community and Government, it must be both proactive and reactive to various needs of these bodies as well as its own strategic plan.

#### **PROCEDURES:**

When presenting real property for disposal to the Council of the National Trust, the following summary shall be provided as background material and values assigned accordingly:

• Heritage significance	20%
• Economic sustainability	20%
• Conservation status (physical condition of fabric/landscape, etc)	15%
• Education, interpretation and learning values (actual and potential)	25%
• Social values (visitation, community support, public need/expectation)	20%
<b>Total</b>	<b>100%</b>

A general background paper will be prepared for each property including the above matrix which will refer to relevant policies and provide an overview of how the disposal of the property affects the overall portfolio (strategic plan).

The background paper should include an examination of the title details and form of control that the Trust has over the property, a review of the acquisition of the property and any conditions attached to that transfer, consultation with relevant stakeholders including donors, a property valuation and a plan for disposal including assessment of potential buyers and mechanism of sale.

Any assessment will be provided to the Minister for Heritage, prior to consideration by Council.

## **COMPLIANCE:**

The property considered will be reviewed by both the Finance and Audit Committee and the Trust Executive before the presentation to the Trust Council.

## **RELATED POLICIES:**

The Council adopted the *Property Review of 2011* which includes the following (in no order of priority):

- The Burra Charter
- The Australian Natural Heritage Charter
- The Australian Historic Themes Framework
- The Conservation Plan
- WA Treasury Business Case Guidelines
- Sharing Our Stories Document
- The National Trust Management Model, including the heritage place management categories
- Collections Policy

## **TRUST ACT**

Section 20 of the National Trust of Australia (WA) Act 1964

Sale or disposal of certain property

1. Where The Trust adjudges any real or personal property that is vested in it, to be unfit or not required for the objects of The Trust it may, with the consent of the Governor, notwithstanding the terms of any trust affecting that property or of any arrangement or condition made or agreed to by it at the time of the acquisition of the property by The Trust –
  - a. Sell the property or exchange it for any other property; or
  - b. Dispose of it without consideration or, in the case of personal property, destroy the property, if The Trust adjudges it to be of no saleable value,

and the proceeds of any sale made pursuant to paragraph (a) of this subsection shall, after deduction the costs of and incidental to the sale from the proceeds, be held for the objects of The Trust.

2. Any property sold or disposed of by The Trust, pursuant to subsection (1) of this section, shall vest in the person acquiring the property by virtue of the sale or disposition freed and discharged from any trust, arrangement or condition relating to any sale or disposition of the property or to the use of the property, to which it was subject in the hands of The Trust.
3. A person acquiring any property from the Trust purporting to exercise any of the powers conferred on it by subsection (1) of this section shall not be concerned to inquire where a case has arisen to authorize the sale or other disposition of the property or whether the power was otherwise duly exercised or to see to the application of any purchase money paid to the Trust.

## **RELATED PRINCIPLES**

In all cases of property disposal the Trust will ensure State heritage listing or a heritage agreement are in place (subject to heritage qualification) and that profits are re-invested into the conservation and interpretation of heritage assets.

## **PUBLICATION OF POLICY**

The Property Disposal Policy of the National Trust (as amended from time to time) shall be published on the Trust's Web Page.

**APPROVED BY COUNCIL:** 13 August 2012

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Thomas E Perrigo  
**Chief Executive Officer**  
**National Trust of Australia (WA)**

### **CONTROL AND REVIEW SCHEDULE**

First Approved	12 March 2012
Periodic Review	Every Three Years or at Council's discretion
Next Review Date	9 March 2015
RecFind File No:	
RecFind EDOC No:	