

GLP - PMC - PMC Procedure 1: Control/Ownership Dispute Resolution

GLP/2004/1473 – Version 1

Endorsed 01/01/2000
by PMC, Property Management Committee, Queensland Government

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Version history

Version	Date	Comment
1	01/01/2000	Endorsed
1.1	06/07/2005	Conversion Project - New WORD/XML template
1.2	13/06/2007	Update PMC Secretariat Contact Details
1.3	04/02/2008	Edit policy title
1.4	12/04/2010	Correct Department Name

Procedure

1. In the first instance, resolution of property control issues should be actively sought by the agencies involved.
2. To assist in achieving resolution the following guiding principles have been developed:
 - The resolution of disputes over property control is to be based on fairness, equity and practicability
 - Whilst all relevant information must be taken into account in determining control, formal agreements between State agencies over the use of properties and past Government directions, for example, Cabinet Decisions, Ministerial Portfolio changes, must be given substantial weight
 - In the absence of any contrary agreement or Government direction, occupation of a property by a State agency is often sufficient evidence to deem the occupier to be in control of the property. This approach does not apply to the occupier of a Government office building or other accommodation type facility where occupation is by way of agreement with another State agency on a tenant/landlord basis or like arrangement
 - Control of jointly occupied properties will usually, in the absence of any contrary agreement or Government direction, be divided between the occupiers in line with the use being made by each agency provided this is physically, legally and economically appropriate
 - Where a division of a jointly occupied property is not practical the major occupier will usually be deemed to be the landholder. If this occurs, the landholder would be required to record on the Government Land Register (GLR) the other occupier's interest in the property. These may include the right to continue in occupation, ownership of improvements, future rights to share in disposal proceeds should the property become surplus to requirements
 - Technical control, for example, trusteeship of a reserve, registered proprietorship of a freehold property, will not in itself alter a decision on control based on the above principles.
3. In the event that resolution cannot be achieved either party may refer the matter to the PMC for arbitration through the PMC Secretariat, Strategic Projects Planning Group, Department of Infrastructure and Planning.
4. Following receipt of a referral, each party will be invited to make a submission identifying the factual information which supports the position of an agency (supporting documentation should be provided where possible) and any other matters which warrant consideration. The submissions should address each of the principles set out above with the relevance of each principle identified.
5. Following receipt of submissions, a report for the PMC with a recommended course of action will be prepared by the Secretariat.
6. Prior to presentation to the PMC the report will be forwarded to each agency to ensure that no factual errors have occurred and to allow final comment by each agency.
7. Unless otherwise agreed with the Secretariat, if an initial submission or final comments on the draft report are not made in line with timeframes set down by the Secretariat for each case, it will be assumed that the agency does not wish to make a submission or to make further comment on the draft report.
8. The report will then be submitted to the PMC together with final comments from each agency.
9. The PMC will, in accordance with the Government Land Policy charter, make a decision on the issue. In extreme cases where this is not possible, the matter will be forwarded to Cabinet for resolution.

Following resolution of control issues by agreement or if necessary, by a decision of the PMC, the relevant State agencies should co-operate fully to put any necessary new control arrangements in place as expeditiously as possible.