



# PRIVATE WORKS POLICY

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<b>Responsible Officer</b>	General Manager
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## 1. OBJECTIVES

To provide a framework for performing private works that apply to everyone and is transparent, objective and consistent.

To undertake private works at market prices, ensuring an acceptable profit margin to Tasman Council (Council) that is consistent with the anti-competitive requirements of the *Trade Practices Act 1974* and the no-advantage requirements of the *Local Government Act 1993*.

## 2. SCOPE

This policy applies to all private works undertaken by the Council on behalf of any applicant. Works may include the supply of labour, materials, plant and services.

## 3. POLICY

Priority for using the Council's plant, equipment, labour and other resources is to be given to the Council's work program at all times before entering into a private works arrangement.

The Council prefers that private contractors undertake all private works in the first instance.

Council reserves the right to refuse a request for private works if it is deemed to be outside of Council's capabilities, resource availability or for any other reason deeming the works unachievable by Council.

### Major Private Works

Major Private Works will only be considered in the following circumstances:

- There is no private contractor available to undertake the work;
- The project would be of strategic economic, social or environmental benefit to the community;
- The Staff and Council can engage in the project; and
- It may provide a valuable training opportunity for the Staff.

Major Private Works valued over \$10,000 (excl GST) will require the Council's consent by resolution.

### Minor Private Works

Minor Private Works valued at or below \$10,000 (excl GST) will require the consent of the relevant Department Manager.

### Plant Hire

- Council will not hire plant without an approved Council operator and by this Policy.
- The council is responsible for paying Council operators engaged in private works. No other payment arrangements are permissible.
- Where the Council agrees to undertake Private Works and the works are not on private property engaged directly by the land owner, the hirer shall have adequate public liability insurance to cover the activities of the hired plant. Evidence of that insurance and permission of the landowner must be provided to the Council before the commencement of the works.

## Scope of Works

- A scope of works is to be included with estimates and quotes for all private works.
- The scope of works for Minor Private Works must be clearly outlined, including the works to be undertaken, permits required, estimated quantities of materials to be used and a timeframe in which the work is to be carried out.
- All scopes of works for Major Private Works must include design drawings, specifications where appropriate, and all permits required to be provided to the Council prior to the commencement of works.

## Costings

- Where a Major Private Works project has been approved, a firm quotation must be provided.
- All quotations must be in writing and accepted by the applicant in writing before the commencement of the works. A quotation shall be valid for 30 days only, after which an updated quotation will be provided upon request.
- Where a Minor Private Works project has been approved, an estimate of costs will be provided.
- All estimates and quotes provided are GST-inclusive.
- Hire rates for the Council plant must comply with the Council's external plant hire rates.
- A minimum charge rate of two (2) hours of plant hire for each machine engaged will apply to private works.
- Hourly Rates for staff must include on-costs for wages.
- Where plant/equipment is hired outside of regular working hours, the applicant will be charged the operator overtime or penalty rates as prescribed in the relevant award and Council's Enterprise Agreement.
- Quotes may include a contingency.
- Variations to scope may incur additional charges to the original quote and must be agreed to in writing before commencing additional works.

## Council Employees, Elected Members, Volunteers, Consultants and Contractors

- Council Employees, Elected Members, Volunteers, Consultants and Contractors must pay the same rates and charges for private works that would apply to anyone else.
- All other rules in this policy also apply to any Council Employees, Elected Members, Volunteers, Consultants and Contractors requesting private works.
- Council Employees, Elected Members, Volunteers, Consultants, and Contractors must not gain an advantage over the general public; for example, they cannot gain an advantage in relation to GST or purchase items on the Council's accounts to gain a corporate discount.
- Council Employees, Elected Members, Volunteers, Consultants and Contractors will not receive favourable payment terms.
- The general manager must approve applications for private works for Council Employees, Elected Members, Volunteers, Consultants, and Contractors.
- Applications for private works for Department Managers or the General Manager require the approval of the Council.

## Payment

- Upon completion, the relevant Department Manager will arrange invoicing for the private works.
- Payment terms are 30 days.
- The applicant must pay the full invoice by the due date.
- A deposit or milestone payment may be required for Major Private Works.

## 4. COMPLAINTS PROCESS

Tasmanian councils are provided with broad competency powers under the *Local Government Act 1993* to provide services to their communities. The Act also includes accountability measures under which councils can be held responsible for their actions and decisions.

The Council has a formal complaints process, which can be used should you wish to complain about the Council's private works process. This process is included in the Council's Customer Service Charter, available on the Council's website, [www.tasman.tas.gov.au](http://www.tasman.tas.gov.au).

## 5. POLICY APPROVAL

This policy was approved at the ordinary council meeting held on 22 May 2024 resolution number 11/05.2024/C.



**Blake Repine**  
**General Manager**

### Disclaimer

That this policy be read in conjunction with any or all other Council and/or Management Policies