



POLICY

Private Works Policy

MINUTE NUMBER	38/2008
DATE APPROVED	21 February 2008
EFFECTIVE	21 February 2008
AUTHORITY	General Manager
CONTACT OFFICER	Director Engineering

1 OBJECTIVE

- 1.1 To ensure the private works administrative process is transparent, objective and consistent.
- 1.2 Ensure clear understanding of the responsibilities of Council officers in entering into private works activities.
- 1.3 Protect public funds and the integrity, security and reputation of the Council and its staff.
- 1.4 To outline Council's requirements for the undertaking of private works (projects and plant hire).

2 POLICY

Private work includes any work, undertaken upon agreement with a landowner, on private lands and/or public lands which lie outside the responsibility of Council, for which a quotation has been provided and written consent obtained.

2.1 Private Works/Plant Hire

- 2.1.1 Priority for the use of Council's work plant and equipment is to be given to Council's own works in all cases except an emergency.
- 2.1.2 Financial reporting is carried out in accordance with part 3 – Financial Management of the Local Government Act 1993 and Part 9 – Management and Accountability of the Local Government (General) Regulation 2005.
- 2.1.3 Generally, Council does not aim to compete with locally owned or operated private contractors or companies.
- 2.1.4 All requests for work outside the Shire must be approved by the General Manager. Note: if a ratepayer owns land adjoining the Shire but just out of the Shire, that property is to be considered as if it was in the Shire.
- 2.1.5 Plant hire rates are to be charged from the time the item of plant leaves Council's work site and that any plant shifting subsidy be discontinued as this provides Council with a commercial advantage over the competing local businesses.
- 2.1.6 Council does not provide engineering supervisory functions in normal plant hire operations. In these circumstances it is the responsibility of the hirer to organise, supervise and explain all proposed works to the plant operator so that the requested works can be completed in an efficient and expeditious manner.
- 2.1.7 Council will not be held responsible for any loss or damage incurred by recall or withdrawal of plant or staff from any works.
- 2.1.8 Plant is to be operated by Council employees. Under special circumstances plant may be operated by other experienced persons as approved by Manager Engineering/Director Engineering.
- 2.1.9 Rates charged for hiring plant are as fixed by Council in the Annual Management Plan incorporating the Revenue Policy and Fees and Charges. Items not listed in the Annual Management Plan are to be charged at cost + GST + 20%.

- 2.1.10 All private works for plant hire requested will be at Council's convenience or as directed by Council's Director Engineering i.e. Council programmed works receive first priority over any private hire activities.
- 2.1.11 Works will be completed with all care and efficiency, but no responsibility will be taken for the effectiveness or quality of the completed works.

3 ADMINISTRATION PROCESS

- 3.1. Any request for private works is to be transferred to the delegated staff member. This request may be from the customer or staff member on behalf of the customer.
- 3.2. The following details must be recorded in the private works book:
 - i. Date;
 - ii. Name;
 - iii. Address;
 - iv. Phone number;
 - v. Short description of works requested; and
 - vi. Name of Council staff performing task.
- 3.3. A copy of this information is then given to the appropriate staff member to prepare a quote. This quote is prepared on the basis that the quotation is valid for only three (3) months. This quote will be stated as the GST inclusive amount.
- 3.4. The amount of the quotation is then entered into the private works book.
- 3.5. Three copies are then made of the estimate and distributed accordingly:
 - i. Applicant copy;
 - ii. Scanning copy; and
 - iii. Finance Support Officer copy.
- 3.6. Where works are of a minor nature (e.g. 1 or 2 hours grader hire at normal hire rates) and the works have been requested whilst plant is in the vicinity, the appropriate Engineering Staff may authorise the works and provide the details to the Engineering Department by completing the Field Private Works Duplicate Book with a copy to be submitted with timesheets. These details will be required for billing purposes. The authorising Engineering staff must also obtain signed confirmation from the ratepayer/resident/property owner requesting the private works agreeing to the quoted work. Signed confirmation will be through the signing of the Private Works Duplicate Book.

4 PAYMENT REQUIREMENTS

- 4.1. Before any work is to commence the applicant is required to make full payment, unless credit is approved by the General Manager/Director Corporate Services. Payment is to be in the form of cash, card, cheque or unconditional bank guarantee. The client must sign and agree to the terms and conditions, as well as the price contained in the **fixed quote**. The receipt number is then given to the Engineering Department to be entered in the private works book.

5 RESPONSIBILITIES

The following responsibilities apply:

5.1. Director Engineering Services

- i. Ensure all complying fixed quotations are documented within the private works triplicate book or the field private works duplicate books and as soon as practical this duplicate copy is provided to the Finance Support Officer for checking and raising of the appropriate invoice (unless full payment is required Refer 4.1);
- ii. Ensure any contracts for the provision of private works are cost effective for both parties;
- iii. Ensure all private works contracts are entered into with the understanding of receiving a prepayment for the work unless otherwise authorised in accordance with the conditions outlined in this procedure; and
- iv. Ensuring the allocation of the appropriate resources to complete the works within contract agreed timeframes.

5.2. Director Corporate Services

- i. Ensure all private works accounts are reconciled on a timely basis from receipt of the duplicate private works order; and
- ii. Receipt and full record keeping for all private works income received.

6 ADMINISTRATION AND IMPLEMENTATION

6.1. Compliance

- 6.1.1. Any agreements entered into by Council with another party for the purpose of providing services at commercial rates must ensure compliance with Council's *Code of Conduct* and be managed by transparent and accountable means.
- 6.1.2. The Directors or their nominee will be the primary investigation officer of allegations of any misconduct.
- 6.1.3. Misuse or unauthorised use of Council resources may constitute an offence under the *Commonwealth Crimes Act 1913* as amended and/or other pieces of State or Commonwealth legislation. Nothing in this Policy or the associated rules relating to the use of Council resources may be taken as in any way diminishing or removing a person's obligations to comply with the law, or their liability to prosecution and punishment under law.

7 VARIATION

Council reserves the right to vary or revoke this Policy.

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
V1	18/011/2004	Director Engineering Services	General Manager	18/11/2006
V2	21/02/2008	Director Corporate Services	General Manager	21/02/2010
V3	-	-	-	-

Change History

Version	Change Details
V1	Initial Policy
V2	Amended Policy
V3	Rebranded style of document with no change to content

Related Documents

Title

Conditions of Tendering Policy

Purchasing and Procurement Policy