



# Private Works Policy

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<b>Responsible Officer:</b>	Director Engineering Services
<b>Strategic Plan Reference:</b>	1.1 A Council that engages with and enables its community

### 1. POLICY STATEMENTS

- 1.1 This policy provides a framework for Council performing private works on behalf of individuals, organisations and businesses, including State Government Departments and service authorities.

### 2. DEFINITIONS

- 2.1 **“Council”** means Kingborough Council (the organisation).
- 2.2 **“Private works”** means the supply of Council’s labour, materials, plant, services, and any other resources where the provision of those services are beyond the role and responsibility of Council.
- 2.3 **“Major private works”** means any private works valued above \$50,000 (excl GST).
- 2.4 **“Minor private works”** means any private works valued at or below \$50,000 (excl GST).

### 3. OBJECTIVE

The purpose of this Policy is to:

- 3.1 Provide transparent and consistent guidelines for any circumstance where Council performs private works.
- 3.2 Ensure that all private works undertaken by Council are undertaken at market prices, ensuring an acceptable profit margin and full cost recovery to Kingborough Council that is consistent with the no advantage requirements of the *Local Government Act 1993* and anti-competitive requirements.

### 4. SCOPE

This policy applies to:

- 4.1 Private works undertaken by Council on behalf of individuals, private organisations and businesses. Works may include the supply of labour, materials, plant, services, and other resources.
- 4.2 Works undertaken by Council on behalf of State Government Departments and service authorities.

### 5. PROCEDURE (POLICY DETAIL)

- 5.1 Priority for use of Council’s plant, equipment, labour and other resources is to be given to Council’s own work program at all times, before entering into any private works arrangement.
- 5.2 It is Council’s preference that all private works be undertaken by private contractors in the first instance.
- 5.3 Requests for private works must be made in writing to the General Manager.
- 5.4 Council reserves the right to refuse a request for private works, specifically if it is deemed to be outside of Council’s capabilities or resource availability and with consideration to section 6.6.

### 6. GUIDELINES

#### **State Government and service authorities**

- 6.1 Council occasionally undertakes works on behalf of State Government Departments or service authorities. Requests for these works will be evaluated on merit with consideration to community benefit and Council’s capability and resource availability to undertake the works requested.
- 6.2 Works undertaken on behalf of State Government Departments and service authorities must include full cost recovery to Council.
- 6.3 Works undertaken on behalf of State Government and service authorities will require the consent of the General Manager.

### **Other private works**

- 6.4 Other minor private works (valued at or below \$50,000) will require the consent of the General Manager or relevant Department Manager.
- 6.5 Other major private works (valued above \$50,000) will require the consent of Council by resolution.
- 6.6 Major private works will only be considered in the following circumstances:
  - 6.6.1 There is no private contractor available to undertake the work; and
  - 6.6.2 The project would be of strategic economic, social or environmental benefit to the community; and
  - 6.6.3 The Staff and Council have the capacity to undertake the project; and
  - 6.6.4 It may provide a valuable training opportunity for the Staff.

### **Plant hire**

- 6.7 Council will not hire out plant without an approved Council operator and in accordance with this Policy.
- 6.8 Council is responsible for the payment of Council operators engaged on private works. No other payment arrangements are permissible.

### **Works agreement**

- 6.9 Council will only undertake private works following the execution of a works agreement for either a fixed price or a schedule of rates, with detailed scope of works, bill of quantities and terms of trade included.
- 6.10 For Major Private Works detailed design drawings, specifications and all required permits are to be provided to Council prior to commencement of works.
- 6.11 All private works will be authorised and costed according to Council's standard procedures and in strict alignment with this policy.
- 6.12 All private works are to be undertaken in accordance with Council's standard operating procedures and employee agreements and in compliance with Council's risk management and work health and safety procedures.

### **Conflict of interest**

- 6.13 Council employees, elected members, volunteers, consultants and contractors must not gain any advantage when any private works are undertaken by Council and all provisions contained in this policy and Council's Employee Code of Conduct policy and Council's Conflicts of Interest policy apply.

## **7. COMMUNICATION**

- 7.1 This Policy will be published on Council's internet and intranet sites.

## **8. LEGISLATION**

- 8.1 *Local Government Act 1993.*
- 8.2 *Competition and Consumer Act 2010.*

## **9. RELATED DOCUMENTS**

- 9.1 Kingborough Code for Tenders and Contracts Policy 3.12
- 9.2 Kingborough Risk Management Policy 3.10
- 9.3 Kingborough Work Health and Safety Policy 9.8

9.4 Kingborough Employee Code of Conduct Administrative Policy 9.14

9.5 Kingborough Conflicts of Interest Administrative Policy 1.13

### **10. AUDIENCE**

10.1 This Policy is intended for Councillors, Council staff, and all external parties.