



PRIVATE WORKS POLICY

TITLE	PRIVATE WORKS POLICY
RESPONSIBLE PERSON	GENERAL MANAGER
APPROVED BY COUNCIL	19 NOVEMBER 2024
RESOLUTION NO	166/2024
AMENDED ON	
RESOLUTION NO	
REVIEW DATE	19 JULY 2028

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1. POLICY STATEMENT

This policy relates to private works to do with Council, not works undertaken by a contractor of the Council; it provides a framework for Council performing private works on behalf of individuals, organisations and businesses; including State Government Departments and service authorities.

2. DEFINITIONS

Term	Meaning
Council	Means Sorell Council (the organisation).
Private works	Means the supply of Council's labour, materials, plant, services and / or any other resources where the provision of those services are beyond the role and responsibility of Council.
Major private works	Means any private works valued above \$50,000 (excl GST)
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 completed at market prices, ensuring an acceptable profit margin and full cost recovery to Sorell Council – consistent with the *no-advantage* requirements of the *Local Government Act 1993* and applicable 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 (but are not limited to): 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. POLICY DETAIL (PROCEDURE)

- 5.1 Priority for use of Council's plant, equipment, labour and other resources is to be given to Council's own Works Program at all times, prior to 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

6. GUIDELINES

State Government and service authorities

- 6.1 Council may undertake 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 Work 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 prior consent of the General Manager.

Other private works

- 6.4 Other minor private works (valued at or below \$50,000) will require the prior consent of the General Manager.
- 6.5 Other major private works (valued above \$50,000) will require the consent of Council, by resolution.
- 6.6 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 The work 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 Only 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 in the agreement.
- 6.10 For 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, Council's Employee Code of Conduct policy and Council's External Activities and Conflict of Interest policy apply.

7. COMMUNICATION

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

8. LINKS TO OTHER LEGISLATION

Local Government Act 1993 (Tas)
Competition and Consumer Act 2010 (Cth)

9. RELATED DOCUMENTS

Sorell Council - Code for Tenders & Contracts
Sorell Council - Risk Management Policy
Sorell Council – Work Health and Safety Policy
Sorell Council – Employee Code of Conduct Policy
Sorell Council – External Activities and Conflicts of Interest Policy

Robert Higgins

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GENERAL MANAGER