

ADOPTED		REFERENCE	1.1
COUNCIL MEETING MIN NO	25//24	REVIEW DATE	AUGUST 2027
DATE:	21 FEBRUARY 2024	FILE NUMBER	PLA500014, ROA100072

## Objective

The purpose of this policy is to:

1. Create a framework for performing private works that is transparent, objective and consistent;
2. Ensure a clear understanding of the roles and responsibilities of each party entering into private works agreement; and
3. To undertake private works at market prices and return a profit to Mid-Western Regional Council.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

## Legislative requirements

Local Government Act 1993

Commonwealth crimes Act 1914

## Related policies and plans

- Credit Policy
- Statement of Business Ethics
- Conflict of Interest Policy
- WHS Policy
- Code of Conduct

## Scope

This policy applies to any work, undertaken by Council upon agreement with a landowner, on private lands and or public lands outside the responsibility of Council. This policy specifically excludes work performed on Council owned or controlled assets and State Roads.

## Policy

Priority for the use of Council's plant, equipment, labour and other resources is to be given to Council's own work program at all times.

No private works job shall be undertaken until the prescribed Private Works Application form is fully completed by the person requesting such private works (the applicant).

In requesting and authorising Mid-Western Regional Council to carry out private works, the applicant shall indemnify Mid-Western Regional Council against any claim, action or process for damage or injury which might arise during the progress of such works and shall keep indemnified Mid-Western Regional Council against any claim, action or process for damage and/or injury which might arise from the existence of such works unless such damage and/or injury is due to or contributed to by an act or omission of Mid-Western Regional Council, its employees or agents.

A project estimate shall be provided to the applicant, in writing, outlining the cost, the timeframe, clearly state that this is an “estimate only” and shall include provision for recouping additional funds should the cost of the project exceed the provided estimate.

Firm quotations may be provided to applicants upon request; however provision of such quotations is at the discretion of the General Manager or relevant Group Manager.

All project estimates and quotes will include a provision for administrative costs and a profit margin. All project estimates and quotes provided are GST-exclusive.

The provision of private works services generally requires payment in advance. Any other arrangement must be in accordance with Council’s Credit Policy.

All requests for private works on land outside the Mid-Western Region council area must be approved by the General Manager.

Only approved Council employees shall operate Council plant engaged on private works.

Council is responsible for the payment of Council staff and any of its own sub-contractors engaged on private works. No other payment arrangements are permissible.

All private works jobs will be costed independently to the applicant, where it is acknowledged the applicant may be a Council employee or Councillor.

Where Council employees hire plant, such plant will be on the condition that no third party is involved in the agreement. Private use by staff of Council equipment is prohibited unless authorised by the General Manager.

Small plant are not available for hire.

A timeframe shall be provided to the applicant as to when the works can be undertaken. No Private Works shall take priority over the completion of Council’s works program.

Misuse or unauthorised use of Council resources may constitute an offence under the *Commonwealth Crimes Act 1914* as amended, and or other relevant legislation.

Council reserves the right to refuse any applicant for private works.

## Variation

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.