

	<p><b>Private Works Policy</b> Policy No. WKSPOL 01</p>	<b>Version No:</b>	2.0
		<b>Responsible Officer</b>	Works Manager/ Deputy CEO
		<b>Issued:</b>	2 March 2015
		<b>Next Review:</b>	Feb 2023

## 1. Purpose

The purpose of this Policy is to:

1. Create a framework for undertaking private works, including private hire by Council Staff, that is transparent, objective and consistent (Section 8(h) of the *Local Government Act 1999* requires Council to ensure that it uses its resources fairly, effectively and efficiently); and
2. Ensure a clear understanding of the roles and responsibilities of each party entering into private works activities.

## 2. 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.

This policy applies to hire of Council plant and equipment (P&E) by any member of Council Staff.

## 3. Definitions

**Community Works** is where plant and equipment is used by suitably experienced Council Staff outside working hours for the purpose of assisting community not for profit groups on a voluntary basis. This will be at the discretion of the relevant Manager.

**Fairness & Equity** is where employees are entitled to seek private hire of plant & equipment in line with what is current practice for anyone else within the council area.

**Immediate Family** is taken to mean the staff member's spouse or partner, parents (of staff member or spouse), and children of staff member.

**Major Plant** refers to Mobile Plant such as Graders, Loaders, Rollers, Backhoes, Excavators, Vehicles, and Trucks etc. as listed under Costed Plant Schedule.

**Minor Plant & Equipment** refers to chainsaws, hand tools, posthole borers, wackers, vibrating plates, concrete mixers, electrical tools, trailers, utilities and the like as listed as Non-Costed. Minor Plant also includes office equipment that may be available for hire including data projector etc.

**Private Works** is where the plant and equipment is used to undertake requested work (e.g. grading entrance roads to properties etc.) outside of normal Council operations, and the beneficiary of that work pays for the plant & equipment hire costs and also the operator labour costs.

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**Staff Personal Hire** is where an employee hires Council's plant & equipment outside of normal council operating hours - only paying for the hire of the plant & equipment at private hire rates and no operator costs. Personal Use also means the hire of plant & equipment for use on the staff member's own property or the property of immediate family.

#### 4. Policy Objectives

The Council's objective is to have a consistent and transparent approach in the provision of private works and associated costs for the work, for the general public, Council Staff and Community Organisations

#### 5. Policy

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

##### Private Works

No private works of an estimated value over \$2,000 shall be undertaken until a prescribed Use of Plant and Equipment Form (WKS013) is fully completed by the person requesting such private works (the applicant).

In requesting and authorising the District Council of Grant to carry out private works, the applicant shall indemnify the District Council of Grant against any claim, action or process for damage or injury which might arise during the progress of such works and shall keep indemnified the District Council of Grant 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 the District Council of Grant, its employees or agents.


For all private works over \$2,000, a project estimate shall be provided to the applicant, in writing, outlining the costs and the project timeframe. Such estimates shall clearly state "estimate only", and shall include a 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 Works Manager or Works Supervisor.

For private works of a value in excess of \$5,000, Council may require the applicant to make payment in advance or provide appropriate security in the form of a Bank Guarantee prior to commencement of the works

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.

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.

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Council reserves the right to refuse an application for private works.


#### Staff Personal Hire

Permission may be granted by the CEO or relevant Manager for each day of use subject to:

1. The employee having the appropriate licences, training and/or induction in its use and operation of the P&E by a suitably trained employee;
2. The use of the P&E being within the District Council of Grant or City of Mount Gambier area, with the exception of trailers, unless exceptional circumstances are warranted and authorised by the CEO or relevant Manager;
3. Any P&E requiring fuel to operate being returned with a full fuel tank;
4. Any damage or loss due to negligence or misuse by a staff member being the responsibility of the user and reported immediately to the CEO or relevant Manager;
5. Employees must take all reasonable steps to ensure that the appropriate operating procedures are followed in using plant & equipment so to avoid damage or misuse.
6. Council does not take any responsibility for the minor plant or equipment in relation to break downs, faults or mishaps that may occur whilst being borrowed or used.
7. It is the responsibility of the borrower, to ensure that any minor plant or equipment is stored in a secure location when not in use and not left unattended for extended periods of time.
8. The Council will not be responsible for insurance including public liability, personal injury insurance or home/content insurance associated with the operation or storage of machinery whilst borrowed.
9. Nothing in this policy permits anyone other than Council staff to utilise the P&E.
10. The volume of usage not being considered excessive or prolonged in the opinion of the CEO or relevant Manager;
11. It must be acknowledged by all borrowers that the Council plant & equipment may be clearly marked with Council's logo or name. Therefore when plant or equipment are used outside of business hours, it may still be considered by the general public as being a Council activity and consequently must be used in a responsible manner.
12. Completion of the appropriate application form:-

#### Private Hire for Community Use

Council Plant and Equipment may also be used by suitably experienced Council staff outside working hours for the purpose of assisting community not for profit groups on a voluntary basis. This will be undertaken at the discretion of the relevant Manager.

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Any such Private Hire for Community Use will be subject to:

1. The community group being a not for profit and incorporated organisation;
2. Being located within the District Council of Grant area;
3. Plant & equipment being operated by Council staff only, with this to be on a voluntary basis only;
4. Plant & equipment being charged to the community organisation, or to be considered as a donation from Council. Any such consideration as a donation must be approved prior to any works commencing, and accounted for within Council Donations financial records..

## 6. References

- *Local Government Act 1999*
- Employee Code of Conduct
- Work Health Safety Policies and Procedures
- Fraud and Corruption Prevention Policy

## 7. Review

It is the responsibility of the Works Manager and Deputy Chief Executive Officer to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed by Council at minimum every four (4) years, within 12 months of a general election of Council (or on significant change to legislation or matters which could affect this policy).

<b>Action</b>	<b>Date</b>	<b>Minute Reference</b>
Adopted by Council	1 July 2013	13063.1
Amended	2 March 2015	15030.3
Amended	4 March 2019	19028.3.3

