



TATIARA DISTRICT COUNCIL

PRIVATE WORKS POLICY

1. Background

Council may, from time to time, undertake repairs, maintenance and construction works which are outside its core responsibilities on private infrastructure on a fee-for-service basis.

Private works are any works and/or services undertaken as a fee for service on or associated with privately owned property or infrastructure not owned by Council. Works can include the casual hire of plant and equipment, the provision of a full service to a customer and the tendering for commercial contract works.

The purpose of this Policy is to:

- Create a framework for the undertaking of private works, including private use of Council resources by Council Staff, that is transparent, objective and consistent noting that Section 8(h) of the Local Government Act 1999 requires Council to ensure that it uses its resources fairly, effectively and efficiently); and
- 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 which is outside the responsibility of Council.

This policy applies to hire of Council resources such as items of plant and equipment (P&E) and/or other goods and services that council may provide.

3. Definitions

A resource refers to any property, plant and equipment and members of Council's workforce.

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.

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 take 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 in council's Plant Register.

Minor Plant & Equipment refers to 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 outside of normal Council operations, and the beneficiary of that work pays for the plant & equipment hire costs, the operator's labour costs and the cost of any materials provided. Examples include:

- Extension to or additional kerb crossovers;
- Grading of rural driveways;
- Maintenance of private parking areas including sweeping;
- Works to public infrastructure on behalf of private developers; or,
- Works for other road, rail or service authorities.
- Sale of items of goods or stock such as signs, culverts, etc.

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

Council agrees to consider private works upon request, provided:

- Human resources and machinery are available. 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
- Applicant can prove that private enterprises cannot undertake the works due to lack of equipment, time factor or any other genuine reason.
- No road making material used is to be from Council's pits unless these have mineral tenement
- The person wanting the private works carried out is committed to paying for the services to be provided

The labour, material, plant hire and overhead rates for doing any private work will be higher than the normal rates charged out against Council projects to provide adequate contingency and to ensure competitive neutrality with external providers. GST will apply to all charges.

Minor Plant Hire

Small plant such as lawn mowers, brush cutters, wacker packers etc. are not to be hired out without a Council employee as operator. In general Council does not support the hiring out of small motorized plant items unless there is a good reason for doing so as they are high maintenance items. When they are hired out the hirer will be required to pay a hire charge and also the cost of all consumables.

Private Works for the General Public or for Other Authorities

No private works of any value shall be undertaken until approval is granted by either the relevant Supervisor or the Director Infrastructure and Operations or the Chief Executive Officer.

The following delegation shall apply for the approval of private works:

- Up to \$5,000 – relevant supervisor
- \$5,000 to \$20,000 – Senior Managers.
- \$20,000 to \$50,000 – Chief Executive Officer.
- Over \$50,000 – Council approval shall be sought.

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

Private works in excess of \$5,000 must be approved by a Director.

For private works of a value in excess of \$5,000, Council may require the applicant to make payment in advance 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.

Council will not hire plant without an operator unless it is dry hired to a Council employee competent to use the plant.

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

Council Staff Personal Hire

The use of any item of council plant and or machinery or the use of any item of council stock by a member of staff shall require prior approval from the relevant manager.

For smaller plant hire, approval from that person's relevant Supervisor is required. The Operations Supervisor shall keep record of all the plant hire by staff.

For major plant hire approval shall be sought from the Director Infrastructure and Operations or the CEO. For hire of other Council resources, approval shall be obtained from the relevant Senior Manager or the CEO.

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

1. The item of plant or machinery shall not be used by anyone who:
 - does not have the appropriate licence (including load shifting)
 - is not adequately trained in its operation
 - is not a Council employee unless there are special circumstances and then only with the approval of the Director of Infrastructure and Operations
2. The use of the Plant and Equipment being within the Tatiara District Council area, with the exception of trailers, unless exceptional circumstances are warranted and authorised by the CEO or relevant Senior Manager;
3. The employee being willing to pay for the use of the item of P&E. Council's current Enterprise Agreement states that:

- *Employees to have access to hire Council equipment for non monetary gain at Council hire rates compared to Private Work rates under the following circumstances:*
 - *Must have appropriate licence and experience to operate that equipment.*
 - *Can only be used for personal/home use of the employee. I.e. not for relatives, friends or for business use.*
- 4. Any damage or loss due to negligence or misuse by a staff member being the responsibility of the user. Any such damage is to be reported immediately to the CEO or relevant Senior Manager;
- 5. Employees must 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 on hire.
- 7. It is the responsibility of the person hiring the P&E, 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 on hire.
- 9. Nothing in this policy permits anyone other than Council staff to utilise the P&E, unless by Council approval.
- 10. The volume of usage not being considered excessive or prolonged in the opinion of the CEO or relevant Senior Manager;
- 11. It must be acknowledged by all staff hiring plant 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. A Council Timesheet outlining the use of the P & E must be completed by the staff member hiring the plant and shall be approved by the relevant Supervisor prior to forwarding it to payroll officer. Timesheet must be completed daily by staff hiring the plant and shall be signed by the relevant Supervisor prior to forwarding it to payroll officer.
- 13. The equipment is not to be used for personal or commercial gain by any organisation or person.
- 14. The user:

- will have the machine back in Council's yard at an agreed time, in a clean and undamaged condition so that Council work is not disrupted
- agrees to notify the relevant supervisor of any damage or fault with the machine as soon as possible
- agrees that the plant / equipment must be used only for the approved purposes and only at the premises of the approved hirer/group.

15. The authorising Supervisor is responsible for ensuring that the machine is in good working order prior to hire and upon return.

Private Hire for Community Use

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

Any such use will be subject to Council's "**Use of Council Machinery for Community Groups Policy**"

6. Responsibilities

The Council is responsible for:-

- Adopting and reviewing the policy.

Council Supervisors are Responsible for:

- Explaining the policy to the potential purchasers of private services.
- Ensuring that:
 - The person wanting private works carried out has signed a Private Works Order that includes their name and address and a commitment that they will pay for the cost of the works, goods or services to be provided
 - A private Works number is allocated to each private job carried out
 - The usage of all items of plant, materials, labour is booked out to that private job
- Ensuring that the items of plant:
 - Are registered for use on roads if appropriate
 - Are in good mechanical and physical condition
 - have had any risks to the health and safety of the operator eliminated or minimized
 - are suitable for the job to be carried out
- Ensuring that any private works carried out are done so efficiently, effectively and to an appropriate standard
- Implementing and complying with this policy.

Applicants for Private Works and Services are responsible for:-

- Clearly describing the service for which they are applying.

- Signing a Private works order before the job commences
- Providing payment for the private works carried out within 30 days of receipt of an invoice from Council

7. References:

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

8. Review

It is the responsibility of the Director Infrastructure and Operations 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).

9. Record of Amendments

DATE	REVISION NO	REASON FOR AMENDMENT
October 2017	00	First Draft
12 th December 2017	01	Adopted by Council

PRIVATE WORKS REQUEST FORM

Tatiara District Council, ABN: 69 784 251 661 of 43 Woolshed Street, Bordertown SA 5268 being the owner of the item(s) of plant, machinery and/or goods listed below, agree to:

- Provide the item of Plant/Machinery and/or Goods in good mechanical and working order and in a safe condition.
- Cover any breakdown of hired plant due to normal wear and tear.

The hirer/purchaser of the plant/goods agrees to:

- Being responsible for any damage or breakage other than reasonable wear and tear.
- Paying for the hire of the plant unless otherwise agreed to by Council.
- Paying for the goods as agreed

Name:	
Phone Number:	
Property Address:	
Address for invoice: (if different to above)	
Private Works Description <small>(can be any of the items below)</small> * Hire Plant * Hire of Service * Purchase Goods	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....Estimated Cost:</p>
Authority to complete Private Work:	<p>I hereby request the Tatiara District Council to carry out the above work and charge all reasonable costs accordingly.</p> <p>Signature: Date:</p>
MAJOR PLANT	Authorised by Director

OFFICE USE ONLY

COPY 2 TIMES WHEN COMPLETED

Date Work Carried Out:	Operator Signature:	WP No:
Work Completed to Supervisor Satisfaction (Date):	Supervisor Signature:	
Date Invoiced:	Invoice No:	Debtors Signature:

**If prices are indicated, this is only an estimation of works, NOT a quote.

***Where the operator of the item of plant is not being paid by Council and is volunteering his/her labour, the operator is **not** deemed to be an **employee** of the Council.

PRIVATE WORKS REQUEST FORM – INTERNAL

Tatiara District Council, ABN: 69 784 251 661 of 43 Woolshed Street, Bordertown SA 5268 being the owner of the item(s) of plant, machinery and/or goods listed below, agree to:

- Provide the item of Plant/Machinery and/or Goods in good mechanical and working order and in a safe condition.
- Cover any breakdown of hired plant due to normal wear and tear.

The hirer/purchaser of the plant/goods agrees to:

- Being responsible for any damage or breakage other than reasonable wear and tear.
- Paying for the hire of the plant unless otherwise agreed to by Council.
- Paying for the goods as agreed

Staff Member Name:		Phone Number:		
Property Address:				
Address for invoice: (if different to above)				
Plant Details	Plant No:	Make / Model		
Condition prior to hire:	Hr/Km on Plant	Hourly Rate	Rate per km	
Attachments:				
Authority to hire Plant:	DIO/Supervisor Signature:Date:			
After Hire Inspection Report	In good working order	YES/NO		
Hr/Km on Return:	Comment:			
Supervisor Signature:	Date:			
Hirer Signature:	Date:			

OFFICE USE ONLY

COPY 2 TIMES WHEN COMPLETED

Date/s of Hire:	DIO/Supervisor Signature:	WP No:
Date Invoiced:	Invoice No:	Debtors Signature:

*If prices are indicated, this is only an estimation of works, NOT a quote.

Where the operator of the item of plant is not being paid by Council and is either volunteering his/her labour or being paid by the hirer, the operator is **not deemed to be an **employee** of the Council.

Any damage to, or lost Council property is at the expense of the hirer listed above.

***REMEMBER: A plant machinery sheet must be completed.

****A timesheet ONLY to be completed if the hirer is not the operator.