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PRIVATE WORKS POLICY

1. SCOPE

This policy applies to all private works undertaken by Council on behalf of any applicant.

Works may include the supply of labour, materials, plant and equipment and services.

2. PURPOSE

To provide a framework for performing private works that is applicable to everyone, transparent, objective, and consistent.

To undertake private works at market prices ensuring an acceptable profit margin to Circular Head Council (Council) that is consistent with anti-competitive requirements of the Trade Practices Act 1974 and the no advantage requirements of the *Local Government Act 1993*.

3. POLICY STATEMENT

Priority for use of Council's plant, equipment, labour, and other resources is to be always given to Council's own work program, before entering a private works arrangement. It is Council's preference that all private works be undertaken by private contractors in the first instance. Council reserves the right to refuse a request for private works if it is deemed to be outside of Council's capabilities, resource availability or for any other reason deeming the works unachievable by Council.

4. POLICY OPERATION

4.1 Major Private Works (valued at over \$10,000 excl GST)

Major Private Works will only be considered in the following circumstances:

- There is no private contractor available to undertake the work; and
- The project would be of strategic economic, social, or environmental benefit to the community; and
- Workers and Council have the capacity to engage in the project; and
- The project may provide a valuable training opportunity for workers.

4.2 Major Private Works will require the consent of the General Manager.

4.3 Minor Private Works (valued at under \$10,000 excl GST)

- Minor Private Works will require the consent of a relevant Director.

4.4 Plant Hire

- Council does not hire out plant and equipment, with or without an operator.

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4.5 Scope of Works

- A scope of works is to be included with quotes for all private works.
- The scope of works for Minor Private Works must be clearly outlined, including the works to be undertaken, permits required, estimated quantities of materials to be used and a timeframe in which the work is to be carried out.
- All scopes of works for Major Private Works must include design drawings, specifications where appropriate and all permits required to be provided to Council prior to commencement of works.

4.6 Costings

- A quotation must be provided to the applicant for each job, which is equal to or greater than cost price plus 30% (depending on the complexity of the job).
- All quotations must be in writing and must be accepted by the applicant in writing prior to commencement of the works. Quotation shall be valid for 30 days only, after which an updated quotation will be provided on request.
- All quotes provided are GST inclusive.
- Quotes may include a contingency.
- Variations to scope may incur additional charges to the original quote and must be agreed to in writing by both parties before commencing additional works.

4.7 Council Workers, Elected Members, Volunteers, Consultants and Contractors

- Council Workers, Elected Members, Volunteers, Consultants and Contractors must pay the same rates and charges for private works that would apply to anyone else.
- All other rules contained within this policy also apply to any Council Workers, Elected Members, Volunteers, Consultants and Contractors requesting private works.
- Council Workers, Elected Members, Volunteers, Consultants and Contractors must not gain an advantage over the general public; for example, they cannot get an advantage in relation to GST, or purchase items on Council's accounts to gain a corporate discount.
- Council Workers, Elected Members, Volunteers, Consultants and Contractors will not receive favourable payment terms.
- Applications for private works for Council Workers, Elected Members, Volunteers, Consultants and Contractors must be approved by the General Manager.
- Applications for private works for Department Managers or the General Manager require the approval of Council.

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4.8 Payment

- Upon completion the relevant Department Manager will arrange for the private works to be invoiced.
- Payment terms are in accordance with Council's Debt Recovery Policy and Guidelines.
- The applicant is responsible for paying the invoiced amount in full by the due date.
- A deposit or milestone payment maybe required for Major Private Works.

4.9 Exclusions

- Section 201 of the *Local Government Act 1993* grants the power for councils to abate public nuisances including fire risks and other nuisances. Where a private property fails to comply with a nuisance notice, councils are entitled to undertake the work themselves or engage a private contractor. Councils are then able to levy charges to abate nuisances in the same manner as rates and charges. These are therefore excluded from being classed as being private works.
- As stormwater connections are completed under the *Urban drainage Act 2013*, they are excluded from being private works.

RELATED DOCUMENTS

Debt Recovery Policy CP002 and Debt Recovery Guidelines CG002

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