

CORP 1

Northern Midlands Council Account Management Report

Income & Expenditure Summary for the Period Ended 28 February 2021 (67% of Year Completed)

Line Item Summary Totals	Operating Statement		Corporate Services		Regulatory & Community Services		Development Services		Works & Infrastructure Services		Total Operating Statement		% of Budget
	2020/21 Budget	2020/21 Actual	2020/21 Budget	2020/21 Actual	2020/21 Budget	2020/21 Actual	2020/21 Budget	2020/21 Actual	2020/21 Budget	2020/21 Actual	2020/21 Budget	2020/21 Actual	
Wages	356,646	270,534	1,096,919	632,912	216,549	157,016	375,234	232,470	1,652,786	1,106,139	3,698,114.00	2,399,071.00	64.87%
Material & Services Expenditure	578,959	381,326	694,097	416,479	147,509	46,106	377,275	134,854	3,615,055	1,996,414	5,412,895.00	2,975,179.00	54.95%
Depreciation Expenditure	61,663	40,806	89,245	104,302	36,255	33,967	104	64	6,096,102	3,642,310	6,283,369.00	3,821,449.00	60.82%
Government Levies & Charges	8,170	5,288	779,962	466,774	1,860	1,299	0	1,296	71,530	54,479	861,522.00	529,136.00	61.42%
Interest Expenditure	0	0	272,007	223,220	0	0	0	0	0	0	272,007.00	223,220.00	82.06%
Councillors Expenditure	199,210	108,773	0	0	0	0	0	0	0	0	199,210.00	108,773.00	54.60%
Other Expenditure	895,991	169,534	492,903	468,903	191,627	118,537	5,800	4,313	144,480	49,495	1,730,801.00	810,782.00	46.84%
Oncost	160,491	43,840	516,468	194,482	82,559	43,920	168,857	38,766	651,731	389,675	1,580,106.00	710,703.00	44.96%
Internal Plant Hire/Rental	21,120	7,412	24,610	14,797	42,070	13,327	20,860	1,544	975,110	791,454	1,083,770.00	828,534.00	76.45%
Internal Rental/Rates	0	0	1,730	1,365	560	0	0	0	6,440	5,678	8,730.00	7,043.00	80.66%
Internal Transfers Expenditure	0	438	7,123,585	4,735,675	0	134	0	0	29,660	20,052	7,153,245.00	4,756,299.00	66.49%
Oncosts Paid - Payroll	76,930	41,296	242,248	167,372	42,300	22,855	80,376	46,910	359,135	216,044	800,989.00	494,477.00	61.73%
Oncost Paid - Non Payroll	114,234	60,480	290,547	176,533	30,302	48,660	109,959	60,884	528,337	319,727	1,103,379.00	666,284.00	60.39%
Plant Expenditure Paid	5,290	1,722	17,010	8,202	14,820	8,535	9,850	2,878	477,730	327,405	524,700.00	348,742.00	66.47%
	2,478,704	1,131,449	11,641,331	7,611,016	836,411	494,356	1,148,315	523,959	14,608,076	8,918,872	30,712,837.00	18,679,692.00	60.82%
Rate Revenue	0	0	(10,816,905)	(10,826,366)	(23,680)	(23,101)	0	0	(796,235)	(811,577)	(11,636,820.00)	(11,661,046.00)	100.21%
Recurring Grant Revenue	(17,944)	(11,000)	(1,753,826)	(898,625)	0	(130,651)	(494,603)	0	(2,648,320)	(905,369)	(4,420,090.00)	(1,814,993.00)	41.06%
Fees and Charges Revenue	0	(154)	(1,002,901)	(655,112)	(137,219)	(130,651)	0	(366,566)	(447,828)	(414,459)	(2,082,551.00)	(1,566,972.00)	75.24%
Interest Revenue	(301,500)	(138,285)	(112,000)	(93,021)	(7,410)	(12,971)	0	0	0	0	(141,350.00)	(231,306.00)	55.94%
Reimbursements Revenue	(6,069)	(5,312)	(53,668)	(42,189)	0	0	0	0	(21,799)	(21,399)	(88,945.00)	(81,871.00)	92.05%
Interest Expenditure Reimbursed	0	0	(272,007)	(136,004)	0	0	0	0	(860,733)	(479,656)	(1,272,007.00)	(136,004.00)	50.00%
Oncost Recoveries - Internal Tier	(160,491)	(36,885)	(503,575)	(201,226)	(95,166)	(58,883)	(172,474)	0	(1,223,966)	(1,121,153)	(1,792,439.00)	(830,835.00)	46.36%
Plant Hire Income - Internal Tier	(13,400)	0	(38,190)	0	(23,290)	(352,339)	(23,580)	0	(5,708,554)	(3,785,871)	(7,619,573.00)	(4,774,250.00)	62.66%
Other Internal Transfers Income	(202,705)	(135,105)	(553,051)	(61,446)	(527,767)	(442)	(627,496)	(439,487)	(98,800)	(111,331)	(1,144,837.00)	(253,530.00)	22.15%
Other Revenue	0	(117,274)	(15,288)	(23,483)	(349)	(442)	0	(1,000)	(11,806,229)	(7,650,814)	(11,806,229.00)	(22,472,060.00)	75.50%
	(702,109)	(444,015)	(15,121,411)	(12,937,478)	(814,881)	(578,387)	(1,318,153)	(861,366)	(11,806,229)	(7,650,814)	(29,762,782.00)	(22,472,060.00)	
Underlying (Surplus) / Deficit Before	1,776,596	687,434	(3,480,080)	(5,326,462)	21,530	(84,031)	(169,838)	(337,367)	2,801,847	1,268,058	950,055	(3,792,369)	
Gain on sale of Fixed Assets	0	0	0	0	0	0	0	0	0	0	0	0	
Loss on Sale of Fixed Assets	0	0	0	0	0	0	0	0	602,390	0	602,390	0	
Net Loss On Disposal of Fixed Assets	0	0	0	0	0	0	0	0	602,390	0	602,390	0	
Underlying (Surplus) / Deficit	1,776,596	687,434	(3,480,080)	(5,326,462)	21,530	(84,031)	(169,838)	(337,367)	3,404,237	1,268,058	1,552,445	(3,792,369)	
Capital Grant Revenue	0	(1,000)	0	0	(1,954,779)	(480,469)	0	0	(9,788,208)	(712,000)	(11,742,987)	(1,193,469)	
Subdivider & Capital Contributions	0	0	0	0	0	0	0	0	(524,114)	0	(524,114)	0	
	0	(1,000)	0	0	(1,954,779)	(480,469)	0	0	(10,312,322)	(712,000)	(12,267,101)	(1,193,469)	
Operating (Surplus) / Deficit	1,776,596	686,434	(3,480,080)	(5,326,462)	(1,933,249)	(564,500)	(169,838)	(337,367)	(6,908,085)	566,058	(10,714,656)	(4,985,837)	

COUNCILLORS ALLOWANCES, TRAVELLING AND OTHER EXPENSES

Originated Date: Adopted 5 April 1993-Min. No. 12/93 (as Policy 4)

Amended Date/s: Revised 3 May 1999 – Min. No. 196/99
 Revised 13 March 2001 – Min. No. 099/01
 Revised 7 February 2005 – Min. No.44/05
 Revised 19 December 2005 – Min. No.422/05
 Revised 16 August 2010 – Min. No. 207/10
 Revised 23 June 2014 – Min. No. 144/14
 Revised 17 August 2015 – Min. No. 222/15
 Revised 12 December 2016 – Min. No. 361/16
 Revised March 2021 -

Applicable Legislation: Section 340A of the *Local Government Act 1993*,
 Schedule 5 Section 1 of the *Local Government Act 1993*
 Reg. 42(2) of the *Local Government (General) Regulations 2005*

Objective To reimburse Councillors travelling and other expenses so that electors are not deterred by cost from seeking a position in Council.

Administration: Governance

Review Cycle/Date: Next review 2023

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1. COUNCILLOR'S TRAVELLING EXPENSES

- 1.1 Travelling expenses will apply from each Councillor's place of normal residence to the authorised destination and return.
- 1.2 Reimbursement is to be paid quarterly on the closest pay run to 1 day of April, July, October and January each year.
- 1.3 For the purpose of the "Corporation's business solely" the following policy is to apply:
 - i) Travelling inside the Council area to attend a meeting of Council or a Committee of Council Meeting, deputation, inspection or tour in respect of which notice has been given to attend, provided such travelling originates and concludes at the Councillor's normal residence, or his normal place of work, as the case may be.
 - ii) Travelling outside the circumstances of (i) above, either generally or specifically up to 2,000 kms or 10,000 kms for the Mayor, per annum in excess of which Council to consider claims submitted.
 - iii) Travelling upon business of the Council outside the Council area in compliance with a resolution of the Council.
 - iv) Travelling to and from any seminar/conference in compliance with a resolution or policy of Council.
 - v) Travelling to be paid at the rates prescribed by the Australian Tax Office.

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2. COMMUNICATION EQUIPMENT

For each term of office, Council will provide each councillor with

(i) A CAPITAL COST ALLOWANCE

- a) a capital cost allowance up to a maximum of \$3,600 for purchase of a mobile phone, an ipad / printer/ scanner, a computer (loaded with an appropriate operating system and Microsoft Office suite) and a filing cabinet to assist them in performing his/her duties,

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b) the capital cost allowance will be paid upon evidence of the purchase of equipment.

or

(ii) AN ANNUAL LEASE ALLOWANCE

a) an annual lease allowance up to \$900 per annum to offset the usage of existing personal communication equipment as listed above when a Councillor provides personal communication equipment, which has not been funded previously by Council, for Council use.

Should a Councillor resign or the term of office be terminated prior to the normal four year term, then a pro-rata refund of the capital cost allowance may be payable by that Councillor (this shall be in the form of a cash refund or an equivalent deduction from any allowance payable to the Councillor under Section 7).

3. TELEPHONES

Council will reimburse Councillors for the cost of access charges for voice mail, telephone rentals, the cost of a separate line for internet access and the documented calls attributed to their role as a Councillor (where second lines are installed, all calls will be reimbursed on the dedicated line as calls associated with their function as a Councillor).

As soon as contact numbers for separate telephone lines, mobile phones, and/or faxes are available details will be circulated in Council documentation.

4. EXPENSES INCURRED FOR CHILD OR DEPENDANT CARE

Council will reimburse a Councillor for necessary, reasonable expenses in relation to care of any child or dependant of the Councillor, incurred whilst carrying out the duties of office, including:

- Attendance at Council and Council Committee meetings.
- To attend meetings arising as a result of a Councillor being appointed by Council to an internal or external body or committee except where the body or committee reimburses relevant child care expenses incurred by the Councillor.
- Upon inspections or business within the Council area, provided such inspections or business are undertaken in compliance with resolutions of the Council.
- To attend to business of the Council, outside the Council area, in compliance with a resolution of Council.
- Attend any seminar/conference in compliance with a resolution or policy of Council.
- Upon inspections or business as arranged by the General Manager or Departmental Managers.
- Claims will be paid upon presentation of a receipt from a licensed care provider as well as evidence of entitlement or non-entitlement to the Commonwealth Government Child Care Benefit Scheme or other applicable scheme. Any entitlement is to be off-set against the hourly rate charged by the registered care provider.
- At the General Manager's discretion, care may be paid at an hourly rate of \$20/hour when no licensed provider is available (evenings for example).
- Care costs are not eligible for reimbursement if care is provided by a person who normally or regularly lives with the councillor or is a member of the Councillor's immediate family.
- All claims must detail the date and time care was provided and the business of council it related to.
- Council will not reimburse any claims that are more than 3 months old.
- Care expenses will, unless there are exceptional circumstances, be paid in arrears.

5. INSURANCE

Council will provide personal accident insurance on the lives of Councillors and their accompanying partners/spouses for the time being whilst travelling to and from and attending Council meetings or on Council business, whether authorised or not and shall include the attendance at Council Functions which a Councillor is

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b) the annual lease allowance will be paid on the following pro-rata basis:¶

\$430 per annum for computer usage¶

\$120 per annum for printer/scanner/ipad¶

\$ 90 per annum for mobile phone¶

\$ 80 per annum for filing cabinet¶

\$140 per annum for support¶

\$80 per annum

Deleted: The capital cost allowance/ annual lease allowance to be indexed annually on 1 November based on Hobart CPI at the end of the preceding financial year.¶

expected to attend.

Schedule of Benefits

Capital Benefit	\$500,000
Weekly Benefit – Injury	Up to \$3,000
Weekly Benefit – Illness	Not insured
Weekly Benefit Period	Up to 156 weeks

Excluded period of claim – Weekly Benefit for 14 days.

Aggregate limit of liability for all claims \$20,000,000.

Perils Insured – Bodily injury caused by an accident and solely and independently of any other cause except illness directly resulting from, or medical or surgical treatment rendered necessary by, such injury, occasions the death or disablement within twelve calendar months from the date of the accident by which such injury is caused.

6. CONFERENCES & SEMINARS

Council will make a budget allocation each year to reimburse delegates registration, travel costs and accommodation expenses ('mini-bar' expenses limited to \$10 per day). Partners will be reimbursed for meals at state conferences and the 'major dinner' at Federal conferences.

The budget will be allocated to the following conferences:

- LGAT & LGMA conference to be attended by up to 6 councillors
- ALGA conference attended by Mayor & Deputy Mayor
- Australian Roads conference attended by 1 councillor
- 'Other' conferences and seminar sessions as approved.

Attendance to all conferences, seminars and training sessions with a cost in excess of \$150 are to be in compliance with a resolution of the Council, except on emergency situations, where approval must be given by a unanimous approval from Council Executive.

Following attendance of a conference by any councillor, a report must be submitted to Council setting out the relevance to local government, and the benefits that can be further investigated by Council. Where two or more councillors attend a conference, a joint report may be submitted.

7. COUNCILLORS' ALLOWANCES

7.1 The Council shall pay allowances in accordance with Section 42 and Schedule 4 of the *Local Government (General) Regulations 2015*.

7.2 The increase in allowances payable to the Mayor, Deputy Mayor and Councillors take effect on 1 November each year.

NOTE:

In accordance with Section 340A(2A) of the *Local Government Act 1993*, the General Manager is obliged to pay Councillors the prescribed allowances. The Act states:

- A Councillor is entitled to prescribed allowances.
- A Mayor and Deputy Mayor are entitled to prescribed allowances in addition to any allowances referred to in subsection (i).
- A Councillor, Mayor or Deputy Mayor may decide not to receive part or all of an allowance.
- A decision under subsection (iii) is to be written by notice to the General Manager of the relevant Council.

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- 7.3 Allowances will be paid either fortnightly upon request to the Corporate Services Manager or on a quarterly basis and paid in the closest pay run to 1 day of April, July, October and January each year.

In accordance with Section 340A(3) and (4) of the *Local Government Act 1993* should a Councillor determine that he/she does not wish to accept all/part of the prescribed allowance or salary sacrifice to a Superannuation Fund, notification is to be provided to the General Manager in writing.

If a Councillor wishes to donate his/her entitlement to a charity or not for profit organisation then he/she shall be entitled to do so, and this does not require any disclosure by Council.

8. CLAIM FOR EXPENSES

- 8.1 Claims for travelling expenses or reimbursement of out-of-pocket expenses incurred in accordance with this policy shall be made to the General Manager not later than three (3) months after the claim has been incurred and shall be submitted on the prescribed form. Claims are preferred on a monthly basis.
- 8.2 Purchases or payment of expenses by the Mayor and Councillors on a Northern Midlands Council corporate credit card must be in accordance with Council's Business Credit Cards Policy and Procedures.
- 8.3 Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses is ineligible under this policy, or the claim appears unreasonable or does not serve the interests of Council, the General Manager shall refer the matter to Council for decision and policy guidance.

NOTE:

Council is encouraged to regularly review and revise this Policy. It is incumbent upon the General Manager and Councillors themselves to provide Council with this opportunity by referring claims, even historically accepted claims, to Council for policy consideration. The General Manager should endeavour to refer the matter without disclosing the identity of the individual who submitted the claim.

9. STATIONERY

Council, shall upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements. Requests for stationery will be by way of the completion of a requisition presented to the General Manager.

10. SECRETARIAL ASSISTANCE

Council will provide a reasonable level of word processing assistance to enable elected members to carry out their official duties. The General Manager will have discretion in determining the extent of assistance which can be provided.

PRIVACY

Originated Date:	17 October 2005 – Min. No. 315/05 (as Policy 45 – Privacy Policy)
Amended Date/s:	23 July 2012 – Min. No. 180/12 21 November 2016 – Min. No. 314/16 (Incorporating Online Privacy - Adopted 5 May 2003 as Policy 38) Reviewed 15 March 2021 – Min. No.
Applicable Legislation:	<i>Personal Information Protection Act 2004</i> <i>Privacy Act 1988</i> <i>Right to Information Act 2009</i>
Objective	To ensure privacy is protected in the information gathering and services provided by Council. This policy should be read in conjunction with Council's Information Management Policy.
Administration:	Corporate Services
Review Cycle/Date:	Every 23 years. Next review 2019 2023 .

1. SCOPE

This policy identifies how Council will collect, store, use and disclose personal information of individuals.

2. APPLICATION

This policy applies to all Councillors, Council officers, contractors and volunteers of the Northern Midlands Council.

3. DEFINITIONS

'Personal Information'

Means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

'Privacy Statement'

Council's Privacy Statement is identified at Schedule 2 of this document.

'Public Registers'

Documents that Councils are required to make publicly available pursuant to State Government legislation. These registers

- Are open to inspection by members of the public
- Contain information required or permitted by legislation
- May contain personal information

A list of these is provided at Schedule 1 of this document.

'Sensitive Information'

Means:

- (a) information or an opinion about an individual's:

- (i) racial or ethnic origin; or
 - (ii) political opinions; or
 - (iii) membership of a political association; or
 - (iv) religious beliefs or affiliations; or
 - (v) philosophical beliefs; or
 - (vi) membership of a professional or trade association; or
 - (vii) membership of a trade union; or
 - (viii) sexual orientation or practices; or
 - (ix) criminal record;
- that is also personal information; or
- (b) health information about an individual; or
 - (c) genetic information about an individual that is not otherwise health information; or
 - (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
 - (e) biometric templates.

3. COLLECTION OF PERSONAL INFORMATION

3.1 WHAT SORT OF INFORMATION WILL WE COLLECT?

We will only collect necessary personal information from you directly and with your express consent. We will clearly indicate what information is necessary to access Northern Midlands Council's products and services including transactions. We may offer the opportunity for you to provide further information so that we can provide you with improved services. Provision of this information is at your discretion except where it is a legal requirement and you will be notified if this is the case.

We will not ask for or collect any sensitive information about you unless it is necessary to meet legal, public interest or statistical requirements related to and required by the transaction you have requested. Provision of this information is at your discretion except where it is a legal requirement and you will be notified if this is the case.

3.2 HOW WILL WE COLLECT INFORMATION?

3.2.1 Directly

Your personal information such as your name and contact details may be collected directly in a variety of ways including, verbally, both face to face and over the phone or in writing via letter, email, submission of forms and completion of an online request.

Where lawful and practicable, Council will offer you the option of remaining anonymous when supplying personal information as part of a transaction with Council.

However, as anonymity may limit Council's ability to process a complaint or other matter, Council reserves the right to take no action on any matter if you choose not to supply relevant personal information to Council.

3.2.2 Indirectly

Northern Midlands Council may automatically record other information as well. This information is used to improve the performance of the Northern Midlands Council website and to provide you with better services.

When you visit this site our web server makes a record of your visit and logs basic information for statistical purposes, including the user's IP address, date and time of visit to the site, and pages accessed. Any data collected will not be used to identify users unless there is a legal

obligation to do so.

We do not record your email address unless you choose to send us a message. It will only be used for the purpose for which you have provided it and will not be disclosed without your consent.

We may also track the pattern of visitor usage to Northern Midlands Council website using a facility called a cookie. Cookies are small data files that we send to your computer so we can remember your information, for example: your user ID, your password for access to our site, how many times you visited us before, and the way you have chosen to view our site on earlier occasions.

Cookies can make using Northern Midlands Council website easier for you by storing information about your preferences on a particular website. The use of cookies is an industry standard and most major websites use them. Most Internet browsers are pre-set to accept cookies but if you would prefer not to receive any cookies, you can configure your browser to refuse them, or to give you the option to receive them or not each time.

We will take all reasonable steps to ensure the data quality and security of your personal information and undertake to remove it from our system when it is no longer required (except when archiving is required).

You do not have to provide us with personal information to use this site however it may speed up resolution of customer requests if you choose to give us contact details, including name, address and phone number or email address

Unfortunately, no data transmission over the Internet can be guaranteed to be 100% secure, as with other channels of communication, fraud is always a possibility. While we take all reasonable steps to protect your personal information from misuse, loss and unauthorised access, we cannot guarantee the security of any information you transmit to us or receive from our online products or services.

If you have concerns in this regard, Northern Midlands Council has other ways of obtaining and providing information. Normal mail, telephone or fax facilities are available, details are provided at the end of this Policy.

You do not have to disclose personal information to browse Council's website. Wherever it is legal and practical to do so transactions may be carried out without you having to identify yourself.

Northern Midlands Council website contains links to other websites. This privacy policy only applies to our website, so you should read the privacy policy of any site that collects personal information.

Please be aware that if you post personal information on public sites (chat rooms) you may receive unsolicited messages.

You can obtain more information about privacy by referring to the Australian Privacy Commissioners Website at www.privacy.gov.au.

4. STORAGE OF INFORMATION

Council will take all necessary steps to ensure that personal information is stored safely and securely. This will ensure that personal information held by Council will be protected from misuse, loss, and unauthorised modification and disclosure. This applies regardless of the format in which the information is held.

Any personal information which you provide to Council which is no longer necessary for Council's purposes will

be disposed of using secure destruction. However, under the *Archives Act 1983*, some information is required to be kept for specified periods or permanently. Other legislation may also dictate periods of time personal information must be retained.

Personal information will be stored in Council's electronic filing system. Information that is required to be stored for a period of time will be stored either on Council premises or at the State Archives Office. Council does use third party storage providers for both electronic information and hard copy documents.

Council may combine or link personal information held about an individual.

Council will not assign unique identifiers to individuals unless the assignment of the identifier is necessary to perform any Council functions.

Council will not adopt as its own unique identifier of an individual a unique identifier that has been assigned to the individual by another personal information custodian unless –

- (a) that adoption is necessary for it to carry out any of its functions efficiently; or
- (b) it has obtained the consent of the individual to the use of the unique identifier.

Council takes a serious approach to security of information and risk management. Council officers will only be provided with access to the information that is necessary for them to carry out their functions within the Council and Council officers will be made aware of the importance of confidentiality and customer privacy.

Council will not sell, trade or make available personal information to others, except as is required by law or for the proper functioning of Council.

5. USE & DISCLOSURE

Council will take all necessary measures to prevent unauthorised access to or disclosure of your personal information.

Requests for access to documents containing personal information are managed under the *Right to Information Act 2009*.

We will keep you informed of the personal information we hold. We will only use your personal information for the purpose for which you gave it to us and we will not pass your information on to third parties unless

- You have given us your consent to do so; or
- we are required by law to do so, or
- there are reasonable grounds to believe that disclosure is necessary to prevent a threat to life or health:
or
- the person or organisation is an agent or contractor with the Northern Midlands Council who will be required to maintain the same or similar privacy principles as specified in the privacy legislation.

External contractors have agreed to be bound by the provisions of the *Personal Information Protection Act 2004*. Information provided to these contractors is limited to the information required by them to provide services to you on behalf of Council.

Council also discloses personal information to other agencies in the course of investigating and defending of legal claims against Council. This includes Council's solicitors, consultants, insurers and investigators.

Where authorised, Council may also disclose personal information to:

- Debt collection agencies;
- Government agencies;
- Law Enforcement agencies including the Courts and the Tasmanian Police e.g. to comply with a

subpoena

Personal information in applications for employment with Council will be supplied to agencies such as the Tasmanian Police where authorised by law e.g., as part of a pre-employment Criminal History record check.

Criminal History record checks will only be carried out on applicants for selected positions prior to employment with Council. Such checks will only be carried out with your prior written authorisation and the results will not be disclosed to third parties unless authorised by law.

Personal information provided by you as part of a public submission to a Council or committee meeting may be included with the published agenda papers and minutes of the meeting.

Personal information may also be contained in Public Registers which must be made available by Council for viewing by the public. Council does not provide copies of these registers but information may be copied from them.

6. ACCESSING PERSONAL INFORMATION

An individual has the right to request access to personal information Council holds about them.

An individual who considers the personal information held about them to be incorrect, incomplete, out of date or misleading, can request that the information be corrected.

Contact details for making a request are provided in Clause 7 below.

There may be circumstances where it is not reasonable to provide you with access to the personal information we hold about you. These circumstances may include where we believe that providing access would be unlawful; or may pose a serious threat to life or health of an individual or to public safety; or would reveal pending legal proceedings or prejudice an investigation in to unlawful activity.

If we do not allow you to access details of your personal information you can request access in accordance with the *Right to Information Act 2009*. A Right to Information request form is available on the Council website www.northernmidlands.tas.gov.au and attracts a fee.

7. HOW TO MAKE A COMPLAINT

If you are dissatisfied with the outcome or handling of a request for information, or request to change your information, you can make a complaint. Complaints should be made directly to the General Manager.

In Writing:

Via Post: PO Box 156, Longford, Tasmania 7301
Via email: council@nmc.tas.gov.au
Fax: 6397 7331

Phone:

Council Office: 6397 7303
from southern areas (local call): 6391 5566

Council will endeavour to respond to your complaint within twenty (20) working days. If a Councillor has submitted a complaint on your behalf we will also endeavour to respond to the Councillor within twenty (20) working days.

Sometimes it is not possible to meet this deadline, e.g. where a complaint is a complex one and Councillors are to be briefed on the outcome of the investigations. In these cases we will endeavour to keep the customer informed of progress.

The General Manager will inform the customer of the findings on completion of an investigation.

If you are not happy with the outcome of your complaint or our process in dealing with it you may contact:

- The Ombudsman located at Ground Floor, 99 Bathurst Street, Hobart, 7000.

- Phone: Free call from landlines in Tasmania 1800 001 170
- email: ombudsman@ombudsman.tas.gov.au
- Local Government Division, Level 5, 15 Murray Street, Hobart (GPO Box 123, Hobart, 7001)
Phone (03) 6232 7022.

While you are entitled to refer a complaint directly to these bodies at any time, we encourage you to allow the Council to investigate the complaint first.

8. CONTACT DETAILS

Requests made pursuant to this Policy must be made in writing stating as precisely as possible what information is required and should be addressed as follows:

Privacy Officer

Northern Midlands Council

PO Box 156

LONGFORD, 7301

(03) 6397 7303

council@nmc.tas.gov.au

9. NOTIFIABLE DATA BREACHES SCHEME

As an addition to the Privacy Act, Council will comply with the Notifiable Data Breaches Scheme. The scheme requires that an entity, subject to the Privacy Act, which experiences a data breach of personal information which poses a likely risk of serious harm to affected individuals to notify the office of the Australian Information Commissioner.

10. REVIEW

This policy will be reviewed every 3-2 years.

FENCING RESERVES: CONTRIBUTION

Originated Date: Adopted 23 August 1999 – Minute No 354/99 (as Policy 5)

Amended Date/s: Revised 20 January 2003 – Min. No.019/03
 Revised 18 September 2006 – Min. No. 332/06
 Revised 21 September 2009 – Min. No. 255/09
 Revised 21 September 2015 – Min. No.270/15
 Revised 15 March 2021 – Min. No. /21

Applicable Legislation: *Boundary Fences Act 1908.*

Objective To clearly define Council's position in relation to boundary fence contributions.

Administration: Corporate Services

Review Cycle/Date: Next review 2019 2023.

CONTRIBUTION TO FENCING RESERVES

That Council make an ex-gratia contribution to the construction of boundary fences that abut Council owned or managed land.

The following conditions apply to this policy:

1. The Council own the land or have accepted responsibility for the management of the "reserve". However, no contribution shall be made to "reserves" or land predominantly used by motor vehicles.
2. The initial fencing of land provided following subdivision shall be the total responsibility of the property owner.
3. The owner of the land is to obtain three (3) quotes from recognised fencing contractors. The rate of contribution by Council shall be:
 - ◆ 50% of the accepted quotation with a maximum contribution of between \$45 per metre (based on a 1.8m height fence constructed using "C" section posts 3 75mm x 50mm rails, overlapped 150mm palings and using galvanised nails) for a paling fence, or
 - ◆ Up to \$7.50 \$9.00 per metre for a post and wire fence.

Where the landowner constructs the fence, Council may pay for the cost of materials up to a maximum contribution of \$45.00 per metre subject to the height and type of fence.

4. The ex-gratia contribution shall be made after the work is completed to a standard and in a workmanship like manner satisfactory to the Manager, Infrastructure & Works. The replacement fence shall be the standard of fencing predominant in the area. Any higher standard shall be the sole responsibility of the person making the request.
5. The total limit of payments in one financial year shall be as allowed in the budget allowance for that year.
6. The ex-gratia payment will be on a "first in–first served" basis and must be by written agreement prior to any work starting.
7. The policy shall not be retrospective.
8. Any special case which does not comply with this policy may be raised with the Council for decision on a case by case basis.
9. Residents shall be advised of this policy on a regular basis.

CODE OF TENDERING AND PROCUREMENT

Originated Date:	Adopted 7 January 1997 Min. No. 71/97 (as Policy 2)
Amended Date/s:	Amended 26 August 2002 Min. No. 330/02 Amended 19 December 2005 Min. No. 424/05 Amended 17 July 2006 Min. No. 249/06 Amended 16 May 2011 Min. No. 123/11 Amended 14 October 2013 Min. No. 274/13 Amended 17 August 2015 Min. No. 221/15 (incorporating Council Policy on Open Tenders) Amended 17 September 2018 Min. No. 252/18 Amended 15 March 2021 Min. No./....
Applicable Legislation:	<i>Local Government Act 1993</i> <i>Local Government (General) Regulations 2015</i>
Objective	This Code of Tendering and Procurement (Code) provides a policy framework on purchasing and tendering requirements for Council.
Administration:	Corporate Services
Review Cycle/Date:	At least every 4 years. Next review 2022 2025

1. PURPOSE

The Code aims to:

- ensure compliance with relevant legislation;
- enhance value for money through fair, competitive, non-discriminatory procurement;
- promote the use of resources in an efficient, effective and ethical manner;
- encourage probity, accountability and transparency in decision making;
- provide reasonable opportunity for competitive local businesses to supply to Council;
- minimise the cost to suppliers of participating in the tendering process;
- allow Council to appropriately manage risk;
- promote Council's economic, social and environmental plans and policies.

2. SCOPE

2.1 POLICY VS. PROCEDURES

The Code essentially provides a high level overview of Tender and Contract requirements as they apply to Council. Although some procedural detail associated with Council tender and contract management systems and processes is included in this document, additional lower level detail is held in Council procedure documents.

Consistent with the requirements specified in regulation 28, Council will establish and maintain local level procedures to:

- ensure all potential service providers are provided with the same information relating to the requirements of an open tender process or contract and are given equal opportunity to meet the requirements;
- that fair and equitable consideration is given to all tenders or quotations received;
- deal honestly with and be equitable in the treatment of all potential service providers ;
- ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing service providers;
- protect commercial in confidence information; and
- review each tender process to ensure that each tender is in accordance with the Regulations and this Code.

Council will also establish and maintain procedures for:

- amending or extending a tender once it has been released;
- opening tenders;

- c) the consideration of tenders that do not fully conform with the tender requirements;
- d) handling complaints regarding processes related to the supply of goods or services.

Refer to Appendix A for Northern Midlands Council local level procedures for tendering.

2.2 EMPLOYEES AND SERVICE PROVIDERS

The Code will apply to Council, council employees and agents and any service provider wishing to compete for Council business or provide goods, services or works to Council (including contractors, subcontractors, consultants and suppliers)

Wherever reasonably possible service providers engaged by Council will also apply the Code when seeking Tenders or Quotations from subcontractors and suppliers.

3. PROCUREMENT PRINCIPLES

Council will have regard to the following principles when acquiring goods and services:

3.1 OPEN AND EFFECTIVE COMPETITION

The Council will ensure that the purchasing process is impartial, open and encourages competitive offers.

In practice this means that Council will:

- a) use transparent and open purchasing processes so that service providers and the public are able to have confidence in the outcomes;
- b) adequately test the market through seeking quotations or via tender as appropriate;
- c) avoid biased specifications;
- d) treat all service providers consistently and equitably;
- e) ensure a prompt and courteous response to all reasonable requests for advice and information from service providers.

3.2 VALUE FOR MONEY

The Council will ensure that it is buying at the most competitive price available, but value for money does not mean buying at the lowest price.

In practice this means that Council will consider

- a) the contribution the good or service makes to achieving Council's strategic plans or policies;
- b) the value of the acquisition and potential benefits against the costs of that purchase;
- c) an assessment of risks associated with the purchase including the preferred procurement method;
- d) how well goods or services meet needs;
- e) maintenance and running costs over the lifetime of a product;
- f) disposal value;
- g) time constraints;
- h) the impact of the procurement decision on the local economy, such as through industry development and employment creation;
- i) the impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel); and
- j) the impact of the procurement decision on the society, (social value generated) such as through the elimination of discrimination and the promotion of equal opportunity, training, and other identified social objectives.

3.3 ENHANCEMENT OF THE CAPABILITIES OF THE LOCAL BUSINESS INDUSTRY

The Council will ensure that where local capacity exists it will seek to engage the local market and encourage participation in tender and quotation processes.

In practice this means that Council will:

- a) actively seek quotes from local businesses that are able to provide quality goods and or services;

- b) where local capability exists, ensure that discretionary elements of specifications do not prevent local business from competing; and
- c) not give preferential treatment to local service providers where it cannot be reasonably justified.

3.4 ETHICAL BEHAVIOUR AND FAIR DEALING

The Council will promote procurement practice that is legal, ethical, fair and unbiased

In practice this means that Council will:

- a) comply with legal requirements;
- b) conduct all business in the best interests of the Council;
- c) be as effective and efficient as possible when sourcing, ordering and paying for goods and services;
- d) expect individuals involved in procurement processes to declare and act upon any conflicts of interest that may be seen to influence impartiality;
- e) ensure that specifications are clear;
- f) ensure that any Service Provider is not provided with information or clarification that is not provided equally to all service providers;
- g) maintain confidentiality at all times in dealing with service providers;
- h) ensure that conditions of contract are not excessively onerous; and
- i) decline gifts or benefits offered by those involved in the procurement process, particularly from service providers.

In practice this means that Council expects service providers to:

- a) ensure that they are well acquainted with Council requirements identified in this Code;
- b) are familiar with particulars relating to a specific tender and quotation processes including the relevant specifications;
- c) not submit a tender or quotation unless they have the financial, technical, physical, management resource or other capabilities to fulfil Council's requirements;
- d) not seek to influence a procurement process by improper means or collude with other service providers;
- e) declare and act upon any conflicts of interest that may be seen to influence impartiality;
- f) comply with all applicable legislative, regulatory and statutory requirements, including Acts of the Commonwealth and State, regulations, by laws and proclamations made or issued under such Acts and lawful requirements or directions of public and other authorities;
- g) not offer gifts or benefits to a Council officer for the discharge of official business;
- h) Northern Midlands Council local level procedures for tendering are identified at Appendix A of this Code of Conduct.

4. PROCUREMENT METHODS

While open and fair competition may often best achieved by undertaking a tender process where all interested parties have an opportunity to bid, there are times when this practice will not deliver the most advantageous outcome for the Council. In such instances, other market approaches may be more appropriate.

The Council will, having regard to the procurement principles and any other factors considered relevant by the Council, in its absolute discretion, determine the appropriate method that will be employed to procure goods and services at any particular time.

An annual purchasing order may be issued for ongoing monthly services (such as electricity, insurance, telecommunications, water & sewer, government levies etc).

Each Council employee has an authorised limit as to procurement expenditure. These limits are reviewed from time to time.

The following table summarises the purchasing method utilised by Council based on the total dollar value of the purchase:

Procurement Value	Minimum Requirement
Under \$1,000	Council purchasing order to be used wherever possible. Payment to be made by petty cash, credit card or cheque.
\$1,001 to \$5,000	Verbal quotation required.

Procurement Value	Minimum Requirement
	Council purchasing order required. Payment to be made by credit card, cheque or electronic funds transfer.
\$5,001 to \$20,000	2 written quotations is required. Council Purchase order is required. Payment to be made by credit card, cheque or electronic funds transfer.
Between \$20,001 and \$249,999	Written quotations Where possible, at least three written quotations will be obtained, of which at least one two will be sought from a local business (if available) where Tasmanian capability exists. Council Purchasing order is required. Payment to be made by cheque or electronic funds transfer.
\$250,000 and greater	Public Tender Council will advertise each tender at a minimum in the Examiner newspaper. Other advertising may be utilised as required. Each tender will be advertised on Council website. Council will seek at least one two tenders from a local business, i.e. within the municipal area, if available. where Tasmanian capability exists. Payment to be made by cheque or electronic funds transfer

Note:

All amounts are exclusive of GST.

The prescribed amount pursuant to the *Local Government (General) Regulations 2015* is \$250,000.

4.1 NON TENDER – PROCESSES FOR ACQUISITION OF GOODS AND OR SERVICES

4.1.1 DIRECT PURCHASING

This is where Council purchases from a single source, without first obtaining competitive bids.

This method will be used only for low value, low risk goods and services where the Service Provider already has a successful history with the Council.

4.1.2 PURCHASE ORDERS

Purchase Orders usually have limited terms and conditions and detail specific items that are to be purchased.

This method may be used for low value, low risk goods and services and will not be used for non routine, high value and high risk goods and services.

An example of a good that may be purchased via purchase order is a new TV. An example of a service that may be purchased via purchase order is design work for a new sign.

4.1.3 QUOTATIONS (INFORMAL)

This is where Council will only enter into a contract where 2 quotations from suitable service providers able to provide the goods or services have been sought.

Records must be kept of quotations received and quotations approved. If written quotations cannot be obtained Council must keep detailed written records of the oral quotation obtained including details of the commercial terms of the quotation.

This method may be used for low value, low risk goods and services.

4.1.4 REQUEST FOR QUOTATIONS (RFQ)

This is a more formal quotation process. Council will enter into a contract where 3 written (including email) quotations from suitable service providers able to provide the goods and or services have been sought. Where less than 3 suitable service providers are reasonably available, records outlining this circumstance will be kept.

Council must keep detailed written records of the quotations obtained including details of the commercial terms of the quotation.

This method may be suitable for simple, largely price based purchases.

Purchasing goods and or services through the National Procurement Network (NPN) is an option for Councils. Purchasing through this mechanism involves an RFQ process. Items with a financial value above the prescribed amount may be legitimately purchased through the Network RFQ process. Use of the Network as a purchasing option for Councils is justified under the Regulations. See section 8 - Exemptions.

An example of a service that may be purchased via RFQ's is engaging a contractor to conduct road works.

4.2 TENDER - PROCESSES FOR ACQUISITION OF GOODS AND OR SERVICES

The Act and Regulations require that Council invite Tenders for any Contract it intends to enter into for the supply or provision of goods or services valued at or above a prescribed amount. The prescribed amount is \$250,000 (GST exclusive).

4.2.1 OPEN TENDERS

An open tender process is an invitation to tender by public advertisement. There are generally no restrictions regarding who can submit a tender, however, service providers are required to submit all required information and will be evaluated against stated selection criteria.

General Manager - responsibilities

Consistent with the Regulations (Regulation 24) Council will ensure that when open tenders are used as a method of procurement; the General Manager will invite tenders.

The General Manager will advertise the tender locally via the daily newspaper circulating in the municipal area and on via Councils website – making the tender available to all qualified and interested bidders.

The public notice will identify:

- a) clearly the nature of the goods and or services the Council requires;
- b) the period within which the tender must be lodged (must be at least 14 days after the date on which the notice is published);
- c) where the tender must be lodged; and
- d) details of a person from whom more detailed information relating to the tender may be obtained.

The General Manager will ensure that prospective tenderers are provided with details regarding:

- a) the specifications of the goods and or services required;
- b) the duration of the contract, including any extensions that are specified in the contract;
- c) any mandatory tender specifications and contract conditions;
- d) objective criteria for evaluating the contract; and
- e) must make reference to the Council Code for Tenders and Contracts.

Service Provider – responsibilities

A person submitting a response in relation to a Council public tender must do so in writing.

The Service Provider must specify the goods and or services tendered for, provide details of the goods and or services being offered and must lodge the tender within the period specified in the public notice.

Refer to Appendix A for Northern Midlands Council procedures relating to tender process.

4.2.2 MULTI STAGED TENDER

There are occasions – although usually limited (because the process can be resource intensive), where Council may use a multi stage tender process. Reference is made to this process in the Regulations at Regulation 26.

This tender method will be used by Council to gain knowledge about the market, obtain industry input – where it is unclear what goods and services are available or to shortlist appropriate suppliers before seeking offers.

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At each stage in this process, service providers may be culled to those who are most suited to the specific contract requirements. Service providers will be evaluated against criteria determined by Council.

Once a short list of potential service providers is developed, these service providers may be invited to participate in an open tender process.

General Manager - responsibilities

As a first stage in this process, the General Manager will request – expressions of interest from prospective tenderers.

The General Manager will advertise the expression of interest locally via the daily newspaper circulating in the municipal area and via Councils website.

The public notice will identify:

- a) clearly the nature of the goods and or services the Council requires;
- b) contract identification details;
- c) the period within which the expression of interest must be lodged;
- d) where the expression of interest must be lodged; and
- e) details of a person from whom more detailed information relating to the expression of interest may be obtained.

The General Manager will ensure that prospective tenderers are provided with details regarding:

- a) the specifications of the goods and or services required;
- b) objective criteria for evaluating the expression of interest;
- c) the method of evaluating expressions of interest against the criteria;
- d) details of any further stages in the tender process; and
- e) must make reference to the Council Code for Tenders and Contracts.

At the final stage of a Multi Staged Tender process, the General Manager will invite all service providers who have met the criteria determined by the Council, to tender for the supply of goods and or services

If only one service provider meets the criteria determined by Council, the Council may contract with that supplier after:

- a) a tender from that Service Provider; or
- b) a decision by the absolute majority of the council to do so.

Service Provider – responsibilities

A person submitting a response in relation to a Council expression of interest must do so in writing.

The service provider must specify the goods and or services the expression of interest relates to, provide details of the goods and or services being offered and must lodge the expression of interest within the period specified in the public notice.

Refer to Appendix A for Northern Midlands Council procedures for tenders.

4.3 ONGOING SUPPLY ARRANGEMENTS - GOODS AND SERVICES

4.3.1 STANDING CONTRACT

A Council, through an open tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process. Reference is made to this process in the Regulations at Regulation 23.

Service providers listed on a standing contract panel will be selected following an evaluation process.

Council may legitimately purchase directly from a service provider listed on a standing contract panel.

Council may implement its own standing contract arrangements or may make use of goods and or services panels that have been negotiated for example for Tasmanian Councils via LGAT as a member of the National Procurement Network or via similar arrangements through State Government.

The way in which a standing tender is established is the same as for an open tender process where the specification and description of the tender describe the intent of the standing contract and the conditions of its use.

4.3.2 *MULTIPLE USE REGISTER*

A multiple use register is a list, intended for use in more than one procurement process, of pre qualified providers, who have satisfied the conditions for participation or inclusion on the register. Reference is made to the multi use register process in the Regulations at Regulation 25.

Council may establish a multi use register of service providers who meet criteria established by the Council in respect to the supply of particular categories of goods and services.

Inclusion on a multi use register provides certainty for potential service providers that they have been recognised as meeting conditions for participation.

Council will invite tenders for a contract for the supply of goods and or services from all service providers included on a multiple use register for a particular category of goods and or services.

General Manager - responsibilities

As per Regulation 25, Council will establish and maintain procedures for the use of multiple use registers for contracts valued at under the current prescribed amount, excluding GST.

Essential procedural requirements include that, the Council will invite applications from service providers for inclusion on a multiple use register by advertising locally via the daily newspaper circulating in the municipal area and via Councils website.

The public notice will identify:

- a) the nature of the goods and or services the Council requires;
- b) any identification details associated with the register;
- c) the period within which the application must be lodged;
- d) where the application must be lodged; and
- e) details of a person from whom more detailed information relating to the multiple use register may be obtained.

The General Manager will ensure that applicants are provided with information regarding:

- a) the specifications of the goods and or services required;
- b) the criteria for evaluating the applications;
- c) the method of evaluating applications against the criteria; and
- d) must make reference to the Council Code for Tenders and Contracts.

Council may accept an application for inclusion on the multiple use register or reject an application.

If Council rejects the application, the General Manager will advise the applicant of the reasons for rejection.

If Council accepts the application the General Manager will advise the applicant of the category their application will be included in on the multiple use register.

The multiple use register will be reviewed by Council at least every 2 years.

Council will allow a service provider to apply for inclusion on the multiple use register at any time unless the service provider has made an application in the previous 12 months and the application has not been accepted.

Refer to Appendix B for Northern Midlands Council local level procedures for multiple use registers.

4.3.3 *STRATEGIC ALLIANCES*

Council may choose to procure goods and or services through contract arrangements already established and administered by other organisations, including:

- a) LGAT through the National Procurement Network;

- b) State Government Contracts; and
- c) any other purchasing group of which Council is a member.

5. CALCULATING THE VALUE OF A PURCHASE

5.1 PRICE

The dollar value of the purchase may be calculated as follows:

- a) single one-off purchase – the total amount, or estimated amount, of the purchase (excluding GST);
- b) multiple purchases – the gross value, or the estimated gross value, of the purchases (excluding GST); or
- c) ongoing purchases over a period of time – the annual gross value, or the estimated annual gross value, of the purchases (excluding GST).

As per Regulation 23, Council will not split a single procurement activity into 2 or more separate contracts for the primary purpose of avoiding the requirement to publicly invite tenders.

5.2 NON PRICE CONSIDERATIONS

Council will ensure that it is buying at the most competitive price available, but quantifying the value of a purchase does not simply mean buying at the lowest price. Specific issues that will be taken into account by Council that relate to non price related matters are identified in the Principles section at **5-23**.

6. GOODS AND SERVICES TAX (GST)

All procurement thresholds are GST exclusive

Tenders and quotations must be sought on a GST exclusive basis.

7. EXTENSION OF CONTRACTS ENTERED INTO

Consistent with Regulation 23, Council may extend a contract entered into:

- a) as specified in the contract or
- b) if the contract does not specify extensions, by an absolute majority.

8. EXEMPTIONS

The Regulations identify circumstances where Council is not required to issue a public tender process.

The exemption circumstances identified in Regulation 27 – Non application of the public tender process are:

- a) an emergency if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency;
- b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
- c) a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
- d) a contract for goods or services obtained as a result of a tender process conducted by another council, a single authority, a joint authority, the Local Government Association of Tasmania or any other local government association in this State or in another State or a Territory;
- e) a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
- f) a contract for goods or services that is entered into at public auction;
- g) a contract for insurance entered into through a broker;
- h) a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;
- i) a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of–
 - i) extenuating circumstances; or
 - ii) the remoteness of the locality; or
 - iii) the unavailability of competitive or reliable tenderers;

- j) a contract of employment with a person as an employee of the council.

General Manager - responsibilities

The General Manager will authorise non use of the public tender process in accordance with the exemption directions identified above.

9. ENGAGING A THIRD PARTY TO MANAGE A PROCUREMENT PROCESS

Council may engage third parties to manage the procurement process for individual projects. The use of a third party as an agent or consultant to advise on, arrange or manage a procurement process does not exempt Council from complying with Council procurement policy and procedures.

Should Council engage a third party to manage a procurement process, it will be ensured that material is included in the contractual arrangements with the third party that requires the third party to comply with Council procurement policy and procedures.

10. REPORTING PROCEDURES

Council is obliged to report at a minimum on a series of procurement matters.

10.1 PROCUREMENT AT OR ABOVE THE PRESCRIBED AMOUNT

As per Regulation 29, Council will report in its Annual Report details of any contract for the supply or provision of goods and or services valued at or above the currently legislated prescribed amount of \$250,000.

Council may also at its absolute discretion report detail of instances of procurement below \$100,000.

Detail that will be reported for 10.1 at a minimum as required under the Regulations is:

- a) a description of the contract;
- b) the period of the contract;
- c) the periods of any options for extending the contract;
- d) the value of any tender awarded, or if a tender was not required, the value of the contract excluding GST;
- e) the business name of the successful contractor; and
- f) the business address of the successful contractor.

10.2 CONTRACT EXTENSION

As per Regulation 23, Council will report in its Annual Report, the details of any extension of a contract, where Council agreed to extend a contract by an absolute majority and the pre existing contract did not specify extensions.

Detail that will be reported for 10.2 at a minimum as required under the Regulations is:

- a) a description of the contract;
- b) the period of the contract;
- c) the periods of any options for extending the contract;
- d) the value of any tender awarded, or if a tender was not required, the value of the contract excluding GST;
- e) the business name of the successful contractor; and
- f) the business address of the successful contractor.

10.3 EMERGENCY PROVISION

As per Regulation 27 Council will report in its Annual Report, the details of all instances where non application of the public tender process has been applied as a result of an emergency, where in the opinion of the General Manager, there was insufficient time to invite tenders for the goods and services required in that emergency.

Detail that will be reported for 10.3 at a minimum as required under the Regulations is:

- a) a brief description of the reason for not inviting public tenders;
- b) a description of the goods or services acquired;
- c) the value of the goods or services acquired; and
- d) the name of the supplier.

10.4 OTHER CIRCUMSTANCES

As per Regulation 27 Council will report in its Annual Report, the details of all instances where non application of the public tender process has been applied because Council agreed by absolute majority, that a satisfactory result would not have been achieved if tenders were invited because of

- i) extenuating circumstances;
- ii) the remoteness of the locality;
- iii) the unavailability of competitive or reliable tenderers; and

Detail that will be reported for 10.3 and 10.4 at a minimum as required under the Regulations is:

- a) a description of the reason for not inviting public tenders;
- b) a description of the goods and or services acquired;
- c) the value of the goods and or services acquired; and
- d) the name of the supplier.

In addition to ensuring the above reporting occurs, as per Regulation 28(j), the General Manager will establish and maintain procedures for reporting to Council circumstances where a public tender or quotation process was not used and reasonably should have been.

Refer to Appendix C for Northern Midlands Council reporting procedures.

11. WORK HEALTH AND SAFETY

All tenderers are to comply with the Northern Midlands Council Work Health & Safety Policy, a copy of which is to be supplied to tenderers with the tender documentation.

All contractors engaged by the Council are required to complete an induction with the Council and provide copies of appropriate insurances, Safe Work Methods Statements and a list of training and competencies.

12. DELEGATION

Northern Midlands Council delegations can be found on its website

<https://www.northernmidlands.tas.gov.au/council/publications/council-policies-and-by-laws>

13. COMPLAINTS

The Council will deal promptly with any complaints about its tendering process. Each complaint will be recorded in writing and the complainant given an opportunity to discuss his or her complaint with the General Manager or a delegated senior officer.

14. REVIEW OF THE CODE

Consistent with the requirements identified in Section 333B of the Act, Council will formally review this Code at least every 4 years.

The Code may be modified on an as needs basis from time to time by Council to reflect changed operational requirements.

15. BREACH OF THE CODE

Council will take all reasonable steps to comply with this Code.

Council will not be liable in any way to a Service Provider or any person for a breach of this Code.

If any employee of the Council, or a body controlled by the Council breaches this Code, Council may take disciplinary action, if in its absolute discretion it considers it desirable to do so.

If a Service Provider commits a breach of this Code, Council may, in its absolute discretion, take action against that Service Provider.

16. ACCOUNTABILITY

Consistent with Section 333B of the Act, as a measure of accountability and transparency, the General Manger will:

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- a) make a copy of this Code and any amendments, available for public inspection at the Council's offices during ordinary office hours;
- b) make copies of this Code available for purchase at reasonable charge; and
- c) publish a copy of the Code on the Council's internet site – free of charge.

17. CONFIDENTIALITY

Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons.

APPENDIX A

TENDERING PROCESS

1. SPECIFICATIONS

Council will develop specifications for tenderers, clearly setting out Council's expectations. Most specifications will focus on outcomes and quality requirements, rather than particular ways of delivering a service. Some specifications may include both input and output requirements for a service.

The tender documents will require tender proposals to indicate how the performance standards will be met, and how the tenderer would measure the satisfaction levels of service users.

The tender documents will require the tenderers compliance with Council's Work Health & Safety Policy, as well as any other applicable Council Policies, Codes of Conduct, legislation or Australian Standards.

In developing specifications, the Council will consider the requirements of service users and may seek the views of the providers of the existing service and others providing similar services, whether in the public or private sector.

The Council will identify in the specifications any Council assets to be made available to tenderers, whether in-house or external, and may set costs, terms and conditions for the use of the assets.

No potential tenderer, in-house or external, will have access to the final specifications prior to their formal approval and public release by the Council.

2. ADVERTISING

Public notice is required under the Act to start a tender process. The Council will advertise in the Public Notice Section of the Saturday edition of the Examiner Newspaper and may advertise in other newspapers or publications where appropriate. The Council will also place information on the tender on its website.

When advertising the Council will specify:

- 1) The nature of the goods or services required;
 - 2) Any identification details allocated to the contract;
 - 3) Where the tender is to be lodged;
 - 4) Particulars identifying a person from whom further or detailed information relating to the tender can be obtained;
- and
- 5) The period within which the tender is to be lodged.

3. VARIATIONS TO A TENDER

Where the Council seeks to amend or extend the closing date for a tender it will advertise the variation/s in the Examiner newspaper and on its website. If tender documents have been issued or a written tender has already been received then the General Manager will notify the recipients of the tender documentation and any tenderer in writing of the variation/s to the tender.

4. EXPRESSION OF INTEREST

The Council may use an "expression of interest" process before it invites tenders. If so, it will advertise publicly the purpose and nature of the contract or project and the date by which it will invite tenders. The aim at the expression of interest stage is not to elicit tenders, but rather to assess the capacity of the respondents to undertake the work or project, and to refine the specifications. The Council will make the evaluation criteria for registration available to all respondents.

The Council will seek tenders from local business and industry if available.

The Council may invite tenders from some, all or none of the registrants, by the advertised date. If the Council does not invite tenders by that date, it will write to all registrants advising when tenders are to be invited. Respondents who are not invited to tender will be advised in writing. The Council will use this list of registrants to invite tenders for the advertised contract or project only.

5. INVITATION TO TENDER

The Council will offer the same tender documents to all those who respond to an invitation to tender. A copy of this Code will be attached to all tender documents.

The Council may impose a fee for tender documentation related to the cost of printing the tender documentation. The Council will not impose any additional fee for tender documentation unless it refunds the fee to each tenderer who submits a conforming tender.

The Council will not request a tender deposit. In all cases the Council will seek to minimise the cost to suppliers of participating in the tender process.

The tender documents will include the tender evaluation criteria and identify the order of importance accorded to the criteria.

In addition, the Council will ensure that prospective tenderers are provided with all relevant information, including:

- 1) Details of the goods or services required;
- 2) Details of the duration of the contract, including extensions;
- 3) The criteria for evaluating tenders;
- 4) The method of evaluating tenders against the evaluation criteria;
- 4) Any mandatory tender specifications and contract conditions; and
- 5) A reference to the Council's code of tendering.

If the Council gives advice, written or verbal, to a respondent clarifying the meaning of the tender documentation, it will give the same information to all other respondents in writing. The Council will keep a written record of any other verbal advice. The Council will respect the confidentiality of a respondent who discloses information which has commercial or intellectual property value. The Council will consider conducting a pre-tender briefing and may determine not to give additional information apart from the briefing.

Tenderers will generally be given a minimum of 21 days from the date on which tenders were invited in which to submit tenders. All tenders must be in writing. The submission period is determined by the nature of the tender and the Council will advise respondents in writing when it invites tenders if a longer or shorter submission period is to apply.

LATE TENDERS WILL NOT BE ACCEPTED.

Any proposal that does not conform to the tender conditions may be rejected as non-conforming. The General Manager will notify any tenderer of the rejection and the reasons for the rejection.

The Council will acknowledge receipt of all tenders in writing.

6. IN-HOUSE TENDERS

As an employer, the Council will assist its staff to become more competitive. At the same time, the Council is aware that competition must be fair, and be seen to be fair, to all parties.

Accordingly, the Council will treat an in-house tenderer on the same terms as an external tenderer. The Council will ensure there is a clear separation between the in-house tenderers and those who have responsibility for evaluating the tenders.

In-house tenders will be prepared on the basis that all direct costs and indirect or overhead costs attributable to the tender are included.

In allocating overhead costs to in-house tenders, a Council will only exclude those costs which it would continue to incur even if all its services were contracted out. The excluded overhead costs are limited to:

- 1) *governance costs*: conduct of elections; administrative support for Councillors; Council meetings; making and enforcing local laws; property valuations; making and levying rates and charges; other statutory duties not related to the tender;
- 2) *strategic management of services costs*: long term planning and supervision of all services, including tendering and contract administration costs;
- 3) *core corporate costs*: administrative support for the governance and strategic management of services functions.

7. TENDER EVALUATION

Council officers will evaluate tenders according to the tender evaluation criteria outlined in the tender documentation, the requirements of the *Local Government (General) Regulations 2015* and the Northern Midlands Council Code of Tendering and Procurement.

Council officers will provide a written tender evaluation report to Council on its reasoning behind awarding/recommending a particular tender.

All tenders, quotations or any form of competitive bidding be treated in confidence and considered by Council 'In Committee'.

8. AWARD OF CONTRACT

The Council may negotiate with tenderers to determine the award of the contract but must have regard to the scope of the invitation to tender at all times. The Council will not trade the price of one tenderer against that of another tenderer. The Council will exhaust negotiations with one tenderer before beginning negotiations with another tenderer.

The decision to award a contract will be made by the Council or its delegated officer. If there is an in-house tender, the written report on the award of the contract prepared by the tender evaluation panel will be presented to an open meeting of the Council. The Council will award the contract on the basis of the best quality and value for money for the community.

The Council will have regard to the written tender evaluation report and may also have regard to other factors impacting on the best quality and value for money outcome.

The Council will promptly notify the successful tenderer by telephone and in writing, and unsuccessful tenderers will be notified in writing. It will advise them of the reasons for the award of the contract.

Also see Minute No. 294/06 – Ownership of Intellectual Property – the following clause is to be incorporated into all Agreements and/or the Terms of Engagement of Consultants:

"The Consultant,, agrees with the Northern Midlands Council to grant to the Council an irrevocable licence to use and to reproduce any reports, recommendations or associated material (including photographs, charts and electronic data) for purposes related to the engagement of the consultant without the payment of any fee. The Council acknowledges that when it does reproduce any of the material produced by the consultant it will, in so doing, recognise the consultant as the copyright owner."

9. NOTIFICATION OF UNSUCCESSFUL TENDERERS

Once the successful tenderer has been notified the Council will promptly advise the unsuccessful bidders in writing of:

- 1) The tender outcome; and
- 2) The successful contractor.

Details of the tenders awarded will be displayed on the Council's public notice board and on Council's website for 14 days. All unsuccessful tenderers will be offered the opportunity of attending a debriefing session, and document the proceedings of the debriefing sessions.

APPENDIX B**MULTIPLE USE REGISTERS**

From time to time the Council may utilise a multiple-use register process to establish a register of suppliers that Council has determined satisfy the conditions for participation in that register, and that Council intends to use more than once.

If it is determined that a such register will be established, the General Manager will invite expressions of interest from prospective applicants for inclusion on a register by publishing at least once in the Examiner Newspaper and on its website a notice specifying:

- a) a description of the goods and services, or categories thereof, for which the register may be used;
- b) the name and address of the council and other information necessary to contract the entity and obtain all relevant documents relating to the register; and
- c) any deadlines for submission of application for inclusion on the register.

The General Manager will advise all prospective tenderers of the results of their application including all categories for which they are registered and the reasons for rejection of inclusion on the register as soon as practicable.

When Council wishes to use the register, the General Manager will invite all successful applicants that are registered for the relevant category to tender for the provision of the required good or service, and the tender process as outlined in this policy will be utilised.

Council will review any established register at least once every 2 years.

APPENDIX C

REPORTING PROCEDURES

Council will publish in its Annual Report in relation to all contracts for the supply or provision of goods and services valued at or above \$100,000 (excluding GST), awarded or entered in the financial year, including extensions granted:

- a) a description of the contract;
- b) the period of the contract;
- c) the periods of any options for extending the contract;
- d) the value of any tender awarded or, if a tender was not required, the value of the contract ex. GST;
- e) the business name of the successful contractor; and
- f) the business address of the successful contractor.

Where an exemption has been granted from a tender process the following details will be reported in Council's Annual Report:

- a) a brief description of the reason for not inviting public tenders;
- b) a description of the goods or services acquired;
- c) the value of the goods or services acquired; and
- d) the name of the supplier.

The General Manager will provide Council with a quarterly report of any instance where a purchase of a good or service is made where a public tender or quotation process is not used where an exemption applies from the tender process.

Department of Treasury and Finance

BUY LOCAL POLICY

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1. Introduction

The Tasmanian Government is committed to ensuring that where possible, expenditure by Government agencies on goods and services provides a corresponding benefit to the Tasmanian community.

The intention of the Government's Buy Local Policy is to increase awareness of the requirements for, and benefits in, buying locally and improve access to Government contracts for Tasmanian small and medium enterprises (SMEs).¹

The Policy:

- enhances opportunities for Tasmanian businesses to compete for Government business by:
 - requiring agencies to take into account the wider community and social benefits of purchasing decisions; and
 - promoting within Government, the advantages of buying locally;
- reduces administrative burden on businesses providing services by simplifying procurement documentation;
- provides businesses (and Government agencies) with key information, tips, tools and training to effectively increase their future competitiveness to win government business; and
- increases transparency in relation to Government procurement activities.

2. Application of the Policy

The Policy applies to agencies required to comply with the Treasurer's Instructions issued under section 51 of the *Financial Management Act 2016*.

3. Enhancing Opportunities

Maximising the opportunities for Tasmanian businesses to compete for Government business stimulates competition and contributes to the achievement of Government policy objectives, such as industry development and employment creation. To this end, the Government requires its agencies to undertake procurement activity in accordance with the requirements and processes set out below.

3.1 PROCUREMENT PLANNING AND LOCAL PARTICIPATION

Agencies are required to ensure that the planning process for procurement and the specifications issued, do not disadvantage local suppliers. The aim is to ensure local suppliers are given every opportunity to participate and be successful in relation to Government contracts.

Agencies must:

- prior to any approach to the market, undertake an assessment of the impact of the procurement on Tasmanian businesses to ensure that those businesses are given every opportunity to participate and be successful in relation to the procurement. Such matters would

¹ Tasmanian SMEs are Tasmanian businesses employing less than 200 people.

include consideration of how local industry participation will be maximised and what strategies can be developed to provide local industry with a full, fair and reasonable opportunity to participate; and

- disaggregate substantial procurement opportunities unless the benefits of aggregation clearly outweigh the potential negative impacts on local suppliers or the local economy.

For all competitive procurement processes valued at \$100 000 or more, agencies must approach at least two Tasmanian businesses, where Tasmanian capability exists.

For procurements valued at less than \$100 000, agencies should approach a Tasmanian business first, where there is local capacity, capability and value for money in local offerings.

3.2 ECONOMIC AND SOCIAL BENEFITS TEST

An Economic and Social Benefits test applies to all competitive procurements valued at \$100 000 or more. Agencies are required to ask suppliers to complete an Economic and Social Benefits Statement setting out the benefit they can bring to the Tasmanian community should they be awarded the contract. In responding, suppliers can outline how their supply of goods or services will result in a positive impact on the Tasmanian economy and wider community and will ensure that Tasmanian SMEs are provided with every opportunity to participate in the procurement.

The information in the statement is required to be taken into account by agencies in the evaluation process through the inclusion of a specific Economic and Social Benefits evaluation criterion. The weighting to be applied to the criterion must be at least 25 per cent (25%). Submission of the statement is voluntary. However, suppliers that fail to submit the relevant information will not be able to be scored in relation to that criterion.

Together with the requirement to approach a Tasmanian business first (refer 3.1 above), for procurements valued at less than \$100 000 agencies are to consider the objectives of this Policy as a whole in the course of their procurement planning and when developing specifications and evaluation criteria.

3.3 TASMANIAN INDUSTRY PARTICIPATION PLANS

A Tasmanian Industry Participation Plan is a strategic document aimed at improving opportunities for Tasmanian small to medium enterprise businesses in Government funded or resourced projects. The purpose of the Plan is to assist in the development of Tasmanian SME industry and ensure that those SMEs are provided with every opportunity to participate in both Government procurement activity and in major private projects, funded partly by Government.

The Government has introduced a requirement for a Tasmanian Industry Participation Plan for large value procurements. It is mandatory for all procurements with a value of more than \$5 million. For procurements with a value greater than \$2 million up to (and including) \$5 million, a Tasmanian Industry Participation Plan may be required, at the discretion of the procuring agency.

In addition, proponents of private sector projects valued at over \$5 million that receive support, including in-kind support, valued at or greater than \$500 000 from the Government, are required to work with agencies to develop a Tasmanian Industry Participation Plan.

3.4 FURTHER INFORMATION

For further information, refer to Treasurer's Instruction PF-2 *Procurement Framework - Policies impacting on procurement: All procurement* and the *Procurement Better Practice Guidelines (Principles and Policies)* for further information and guidance.

4. Reducing administrative burden

4.1 SIMPLIFIED PROCUREMENT DOCUMENTATION

Agencies are encouraged to develop and use simplified procurement documentation. The focus of these documents should be on using simpler language, more commercially reasonable terms and conditions and on reducing the compliance burden and paperwork for suppliers.

5. Communication, information and education

The Government appreciates that one of the most important tools for ensuring local business opportunities are enhanced, is efficient and effective communication between suppliers and buyers.

5.1 ADVANCE NOTICE OF TENDERS

Advance notice of procurement activity gives suppliers the opportunity to plan their activities to ensure they have the appropriate capability and capacity to undertake future work. Agencies are encouraged to provide advance notice of future procurement opportunities wherever possible.

5.2 PROVISION OF PRE-PROCUREMENT BRIEFINGS

The ability to hear about, and ask questions on, specific procurement requirements gives suppliers an opportunity to better plan their responses, thus increasing their chances of success. Agencies are encouraged to provide pre-procurement briefings for relevant procurement activity.

5.3 PROVIDING FEEDBACK TO SUPPLIERS

Supplier ability to successfully quote for Government work, can be improved by suitable and timely feedback on unsuccessful attempts. As a result, agencies are encouraged to actively promote debriefing opportunities to unsuccessful suppliers with the aim of helping the supplier to submit bids that are more competitive in the future by identifying the ways in which its offer could be improved.

Agencies are also encouraged to meet with existing service providers regularly to provide regular and constructive feedback on contract performance.

5.4 TENDERS WEBSITE

The Government's Tenders website is a useful tool available to all suppliers that provides information on Tasmanian Government tendering opportunities. This e-tendering system must be used by agencies to provide information on tendering opportunities.

By registering, suppliers can elect to receive automatic email notifications of new opportunities issued by agencies.

5.5 PURCHASING WEBSITE

For suppliers, the Purchasing website at www.purchasing.tas.gov.au has comprehensive information about agency contacts, finding and winning business, and a range of resources including checklists, useful links and frequently asked questions (Winning Government Business section). For agencies,

information on Government procurement requirements including various publications, templates and checklists is available on the Buying for Government section of that site.

6. Transparency

6.1 COMPLIANCE REPORTING

Agencies will be required to report on compliance with the Government's Buy Local Policy. Further, all Tasmanian Industry Participation Plans (or an executive summary of the Plan), developed between agencies and successful suppliers will be published on the Purchasing website.

