

RECOVERY OF COSTS FOR DAMAGE TO COUNCIL ASSETS

- Intent** To establish a policy for the management of undertaking recovery of costs for damage to Council assets by external parties.
- Scope** This policy applies when Cairns Regional Council assets are damaged by external parties and cost recovery is not covered by any other applicable policies.

PROVISIONS

That Council reserves the rights to recover costs of labour, materials, equipment usage, administrative expenses and any other direct or indirect expenses incurred when undertaking repair work on a Council asset which has been damaged by an external party or when Council alters and or repairs any damage cause by unauthorised works.

When considering whether to recover costs consideration will be given to:

- The extent of the damage: Council will consider the severity and extent of the damage inflicted on Council assets.
- The cause of the damage: Council will undertake an assessment of liability and determining appropriate cost recovery.
- The responsibility of the damage: Where possible, Council will identify who is responsible, this could include individuals, businesses, contractors, or other entities.
- The financial impacts of the damage: council will consider the costs of pursuing cost recovery efforts and the likelihood of successful recovery.

When undertaking the recovery of costs Council will:

- Make the recovery process clear, simple to administer and cost effective.
- Calculate costs based on actual expenditure or pre-determined rates established by Council.
- Where possible, Council will notify the external party of the incident and Council's rights to recover costs. Where it is not possible, and the repair work is necessary for safety reasons the work may commence prior to notification to the external party.
- Maintain contact with the responsible person throughout the process.
- Ensure any costs recovered for the repairs are not more than the cost to repair.
- Payment terms and methods shall be specified on the invoice, allowing reasonable time for payment.
- The costs of recovery will be considered a debt under Council's financial principles.
- Council's Debt Recovery Policy and any other applicable policies may apply for any debts that become overdue.

In the event of disputes regarding the invoices amount or the necessity of the repair work decision, the external parties shall have the right to contest the charges through Council's General Complaints policy.

In accordance with s142(4) of the *Local Government Act 2009*, when the Council asset is located on private property the following must occur:

- A remedial notice to the responsible person to remedy the situation must be given to the responsible person.

- If the responsible person fails to take action required under the remedial notice then Council may after giving reasonable entry notice, take the action required under the remedial notice.
- Council may then recover the costs reasonably incurred.

When the Council asset is located on Council land, a remedial notice is not required however the responsible person will be made aware and kept informed of the process.

DEFINITIONS

Assets

Council owned property and/or infrastructure including both above and underground which also includes roads and reserves.

Debt

Amount owed to Council for the recovery of costs associated with the damage to Council assets.

External Party

Any person, group or entity that is not a direct Cairns Regional Council employee, this may include contractors to Cairns Regional Council and members of the public.

RELATED DOCUMENTS

Administrative Instruction – Cost Recovery for Damage to Council Assets - [#7368269](#)

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This policy is to remain in force until otherwise determined by Council.

Directorate responsible for Review:

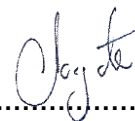
Cairns Infrastructure & Assets

ORIGINALLY ADOPTED: 22 May 2024

CURRENT ADOPTION: 22 May 2024

DUE FOR REVISION: 22 May 2028

REVOKED/SUPERSEDED:



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Christine Posgate
A/CHIEF EXECUTIVE OFFICER