

FINANCE AND GOVERNANCE COMMITTEE NO. 2024(01)**11 JUNE 2024**

REPORT

COUNCILLORS' ATTENDANCE:

Councillor Paul Tully (Chairperson); Councillors Jacob Madsen, Mayor Teresa Harding, Deputy Mayor Nicole Jonic, Andrew Antonioli, Marnie Doyle (Observer), Pye Augustine (Observer), David Cullen (Observer), Jim Madden (Observer)

COUNCILLOR'S APOLOGIES:

Nil

OFFICERS' ATTENDANCE:

Chief Executive Officer (Sonia Cooper), General Manager Corporate Services (Matt Smith), General Manager Environment and Sustainability (Kaye Cavanagh), General Manager Community, Cultural and Economic Development (Ben Pole), General Manager Asset and Infrastructure Services (Matt Anderson), Acting General Manager Planning and Regulatory Services (Alisha Connaughton), Chief Financial Officer (Jeff Keech), Manager Infrastructure Strategy (Tony Dileo), Acting Procurement Manager (Ross Muller), Manager Community and Cultural Services (Don Stewart), Executive Services Manager (Wade Wilson), Manager Natural Environment (Phil A Smith), Chief of Staff – Office of the Mayor (Melissa Fitzgerald), Senior Communications and Policy Officer (Jodie Richter), Manager Capital Program Delivery (Graeme Martin), Program Manager (Flood Recovery (Matthew Mulroney), Precinct Governance Manager – Nicholas Street Precinct (Mitchell Grant), Team Leader (Environment and Sustainability) (Stephani Grove) and Theatre Technician (Harrison Cate)

WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY

Councillor Paul Tully (Chairperson) delivered the Acknowledgement of Country

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

In accordance with section 150EM of the *Local Government Act 2009*, Deputy Mayor Nicole Jonic informed the meeting that she has a prescribed conflict of interest in Item 7 titled Procurement – Waste Transport Services.

The name of the related party is Remondis.

The nature of the relationship of the related party to the Deputy Mayor is that two (2) of Deputy Mayor Jonic's brothers are employees of the related party.

Deputy Mayor Nicole Jonic advised that she will leave the meeting room (including any area set aside for the public) while this matter is being discussed and voted on.

At Item 8 titled Nicholas Street Precinct Tender Consideration Plan, Councillor Andrew Antonioli made a declaration.

BUSINESS OUTSTANDING

Nil

OFFICERS' REPORTS

1. **REGULATION ADVISORY COMMITTEE TERMS OF REFERENCE**

This is a report concerning adoption of a terms of reference for the Regulation Advisory Committee.

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Councillor Andrew Antonioli:

A. That the membership of the Regulation Advisory Committee be appointed as follows:

CHAIRPERSON	DEPUTY CHAIRPERSON	MEMBERS
Councillor Paul Tully	Councillor Jim Madden	Councillor Marnie Doyle Councillor Andrew Antonioli

B. That the Regulation Advisory Committee Terms of Reference as detailed in Attachment 1, amended to reflect the detail in Recommendation A above, be adopted.

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antonioli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

2. PROCUREMENT - VP401352 EAST IPSWICH DRAINAGE UPGRADE - STAGE 1

This is a report concerning the recommendation to award Tender VP401352 East Ipswich Drainage Upgrade – Stage 1 to seek Council’s approval to enter into a contract with the nominated supplier as per confidential Attachment 1 to undertake the required civil construction works for the East Ipswich Drainage Upgrade – Stage 1.

After an open market request for tender process, an evaluation panel has recommended one supplier for the drainage upgrade works as set out in Recommendation B below. The recommendation provides Council with a company located in a Southeast Queensland local government area. The recommendation has been determined by the evaluation panel to offer Council the best value for money.

If Council is satisfied with the nominated supplier, the name of the supplier will be included in the Council’s resolution at Recommendation B.

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the Local Government Regulation 2012.”

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Deputy Mayor Nicole Jonic:

- A. **That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender No. VP401352 East Ipswich Drainage Upgrade – Stage 1.**
- B. **That Council enter into a contractual arrangement with the Supplier identified in confidential Attachment 1 for the lump sum amount of two million four hundred and sixty-three thousand six hundred and sixty dollars and seventy-seven cents (\$2,463,660.77) excluding GST and the contingency amount as listed in confidential Attachment 1.**
- C. **That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**
- D. **That owing to the confidential nature of the recommendations, that once adopted by Council, the recommendations be made public.**

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Tully	Nil
Madsen	
Harding	
Jonic	
Antoniolli	

The motion was put and carried.

3. PROCUREMENT - PARKING MACHINES AND COMMUNICATION AND MANAGEMENT SYSTEM

This is a report concerning the procurement of the ongoing maintenance of approximately 110 existing parking meters installed throughout Ipswich. It is recommended Council enter into a contract with Australian Parking and Revenue Control Pty Limited (APARC) as APARC is the only supplier reasonably available to provide the ongoing maintenance due to the proprietary nature of the parking meters installed.

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Councillor Jacob Madsen:

- A. **That pursuant to Section 235(a) of the *Local Government Regulation 2012 (Regulation)*, Council resolve that the exception applies as it is satisfied that there is only one supplier who is reasonably available for the provision of maintenance of the current parking meter system.**
- B. **That Council enter into a contractual arrangement with Australian Parking and Revenue Control Pty Limited, at an approximate purchase price of \$340,000 per annum excluding GST, or \$1,020,000 excluding GST over the entire term, being an initial term of one (1) year, with options for extension at the discretion of Council (as purchaser), for an additional two (2) X one (1) year terms.**
- C. **That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Tully	Nil
Madsen	

Harding
Jonic
Antoniolli

The motion was put and carried.

4. PROCUREMENT - PEDESTRIAN AND PEOPLE COUNTERS

This is a report concerning procurement of pedestrian and people counting technologies which is currently in use across a number of Council facilities. Due to the inherent proprietary nature of the product software, having different branded products is not suitable for a best outcome of usage of this technology.

The specialised nature of the proprietary products means that it is impractical to invite quotes and a Council resolution is sought to exercise the exception under section 235(b) of the *Local Government Regulation 2012*.

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Mayor Teresa Harding:

- A. That pursuant to Section 235(b) of the *Local Government Regulation 2012* (Regulation), Council resolve that the exception applies because of the specialised nature of the services that are sought and it would be impractical to invite quotes or tenders for the provision of pedestrian and people counter technology.**
- B. That Council enter into a contractual arrangement with Cohera-Tech Pty Ltd, at an approximate purchase price of \$100,000.00 excluding GST over the entire term, being an initial term of one (1) year, with options for extension at the discretion of Council (as purchaser), of an additional two (2) X one (1) year terms.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

5. PROCUREMENT - QUOTE CONSIDERATION PLAN FOR PROCUREMENT OF ARTWORKS FOR IPSWICH ART GALLERY

This is a procurement report in the form of a Quote Consideration Plan pursuant to the requirements of section 230 of the *Local Government Regulation 2012* which deals with non-standard procurement matters and allows a local government to enter into a medium or large contractual agreement without first inviting written quotes or tenders, through the preparation and adoption of a Quote Consideration Plan.

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Mayor Teresa Harding:

- A. That pursuant to Section 230(1)(a) of the *Local Government Regulation 2012 (Regulation)*, Council resolve to prepare a Quote Consideration Plan for the procurement of artworks for Ipswich Art Gallery.**
- B. That pursuant to Section 230(1)(b) of the *Local Government Regulation 2012 (Regulation)*, Council resolve to adopt the Quote Consideration Plan that was prepared for the procurement of artworks for Ipswich Art Gallery.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

6. PROCUREMENT - REGIONAL ECOSYSTEM AND BIOCONDITION ASSESSMENT TRAINING

This is a report concerning procurement of regional ecosystem and BioCondition assessment training for identified Council staff and seeking a Council Resolution for sole source exemption under section 235(a) of the *Local Government Regulation 2012* being satisfied that only one supplier is reasonably available to provide this service.

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Mayor Teresa Harding:

- A. That pursuant to Section 235(a) of the *Local Government Regulation 2012 (Regulation)*, Council resolve that the exception applies as it is satisfied that there is only one supplier who is reasonably available for the provision of Regional Ecosystem and BioCondition Assessment training.**
- B. That Council enter into a contractual arrangement CO2 Australia Ltd, at an approximate purchase price of \$20,000.00 excluding GST to undertake the proposed training.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

At 10.39 am Deputy Mayor Nicole Jonic left the meeting due to previously declared interest in Item 7.

7. PROCUREMENT - WASTE TRANSPORT SERVICES

This is a report concerning the establishment of a contractual arrangement for the provision of Waste Transport Services. The services primarily include the provision of appropriate equipment and qualified operators for the transport and ancillary services of recyclable and municipal general waste materials from the Riverview and Rosewood Recycling & Refuse Centres (RRCs) to Council's nominated disposal sites.

"The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the Local Government Regulation 2012."

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Councillor Andrew Antoniolli:

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender No. 22524 for the provision of Waste Transport Services to Remondis Australia Pty Ltd (Supplier).**
- B. That Council enter into a contractual arrangement with the Supplier at an approximate purchase price of \$9,000,000.00 excluding GST over the entire term, being an initial term of two (2) years, with options for extension at the discretion of Council (as purchaser), of an additional one (1) X two years term, plus a one (1) X one (1) year term.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Antoniolli

NEGATIVE

Councillors:

Nil

All Councillors except Deputy Mayor Nicole Jonic were present when the vote was taken.

The motion was put and carried.

It was noted by the Chief Executive Officer that there was minor error within the confidential attachment 1 section six (6). Part 1 and 2, and should be replaced with 1 and 3.

At 10.47 am Deputy Mayor Nicole Jonic returned to the meeting.

In accordance with section 150EQ of the *Local Government Act 2009*, Councillor Andrew Antoniolli informed the meeting that he has a declarable conflict of interest in Item 8 titled Nicholas Street Precinct Tender Consideration Plan.

The nature of the interest is that Councillor Andrew Antoniolli’s daughter is in a significant relationship with an individual who is a subcontractor in the Nicholas Street Precinct.

Councillor Andrew Antoniolli invited the other councillors to determine if he can continue to participate in the decision-making process.

After discussion and questions from the members of the committee, Councillor Antoniolli decided that he will leave the meeting place, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on.

Councillor Andrew Antonioli left the meeting at 10.46am.

8. NICHOLAS STREET PRECINCT TENDER CONSIDERATION PLAN

This is a report concerning the Tender Consideration Plan for the Nicholas Street Precinct, to engage suppliers without first inviting written quotes or tenders. Information detailed within this report shall provide clarity and justification for adoption of the Tender Consideration Plan to utilise the listed suppliers within the plan pursuant to the requirements of section 230 of the *Local Government Regulation 2012*.

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the Local Government Regulation 2012.”

RECOMMENDATION

Moved by Mayor Teresa Harding:

Seconded by Deputy Mayor Nicole Jonic:

- A. **That pursuant to Section 230(1)(a) of the *Local Government Regulation 2012* (Regulation), Council resolve to prepare a Tender Consideration Plan for the engagement of suppliers listed within the plan for the provision of goods and services as listed in the plan, for the Nicholas Street Precinct.**
- B. **That pursuant to Section 230(1)(b) of the *Local Government Regulation 2012* (Regulation), Council resolve to adopt the Tender Consideration Plan for the engagement of suppliers listed within the plan for the provision of goods and services as listed in the plan for the Nicholas Street Precinct.**
- C. **That in accordance with the Tender Consideration Plan, Council enter into contractual arrangements with the listed suppliers on a schedule of rates with options to request fixed pricing, and it is envisaged that each individual engagement will not exceed \$2,000,000 excluding GST during the term, being an initial term of one (1) year, with an option to extend at the discretion of Council (as purchaser), for an additional one (1) year term.**
- D. **That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE

Councillors:

Tully

Madsen

NEGATIVE

Councillors:

Nil

Harding
Jonic

All Councillors except Councillor Andrew Antonioli were present when the vote was taken.

The motion was put and carried.

Councillor Andrew Antonioli returned to the meeting at 10.48am.

9. COUNCILLOR EXPENSES REIMBURSEMENT POLICY

This is a report concerning a review of the Councillor Expenses Reimbursement and Administrative Support Policy and current superannuation rates for Councillors.

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Deputy Mayor Nicole Jonic:

- A. That the revised Policy titled ‘Councillor Expenses Reimbursement and Administrative Support Policy’ as detailed in Attachment 1 be adopted, for commencement on 1 July 2024.**
- B. That in accordance with s226 (3)(a) of the *Local Government Act 2009*, the rate of superannuation for Councillors be linked to the rate of superannuation payable to council employees, for commencement on 1 July 2024.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antonioli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

10. CHANGE TO COMMITTEE MEMBERSHIP

The Chairperson, Councillor Paul Tully received a request from Councillor Jim Madden requesting consideration for appointment as a member of the Finance and Governance Committee.

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Deputy Mayor Nicole Jonic:

That Councillor Jim Madden be appointed as member of the Finance and Governance Committee.

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 10.20 am.

The meeting closed at 10.53 am.
