

**AGENDA** 

of the

# **GOVERNANCE AND TRANSPARENCY COMMITTEE**

Held in the Council Chambers 8th floor – 1 Nicholas Street IPSWICH QLD 4305

On Thursday, 7 October 2021
At 10 minutes after the conclusion of the Growth, Infrastructure and Waste
Committee

MEMBERS OF THE GOVERNANCE AND TRANSPARENCY COMMITTEE		
Councillor Jacob Madsen (Chairperson)	Mayor Teresa Harding	
Councillor Russell Milligan (Deputy Chairperson)	Councillor Marnie Doyle	
	Councillor Kate Kunzelmann	
	Deputy Mayor Nicole Jonic	

# **GOVERNANCE AND TRANSPARENCY COMMITTEE AGENDA**

# 10 minutes after the conclusion of the Growth, Infrastructure and Waste Committee on **Thursday**, 7 October 2021 Council Chambers

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<sup>\*\*</sup> Item includes confidential papers

#### **GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 9**

#### **7 OCTOBER 2021**

**AGENDA** 

### **DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

# **BUSINESS OUTSTANDING**

#### **CONFIRMATION OF MINUTES**

1. <u>CONFIRMATION OF MINUTES OF THE GOVERNANCE AND TRANSPARENCY</u> <u>COMMITTEE NO. 2021(08) OF 2 SEPTEMBER 2021</u>

#### **RECOMMENDATION**

That the Minutes of the Meeting held on 2 September 2021 be confirmed.

#### **OFFICERS' REPORTS**

2. \*\*TRUSTEE LEASE RENEWAL TO AXICOM PTY LTD OVER 22 CHELMSFORD AVENUE, IPSWICH

This is a report concerning the proposed Trustee Lease renewal over part of trust land located at 22 Chelmsford Avenue, Ipswich, described as Lease CC in Lot 24 on I16262 on SP233721 between Ipswich City Council as Trustee (Council) and Axicom Pty Ltd (Axicom).

#### **RECOMMENDATION**

- A. That pursuant to section 236(2) of the *Local Government Regulation 2012* (Regulation), Council resolve that the exception at section 236(1)(c)(vi) of the Regulation applies to the disposal of Council's interest as trustee, in land at 22 Chelmsford Avenue, Ipswich more particularly described as part of Lot 24 and Plan I16262, because it is for a lease for a telecommunication tower.
- B. That Council enter into a trustee lease (Council reference number 5360) with Axicom Pty Ltd (Trustee Lessee):
  - (i) at a commencing monthly rent of \$30,000 excluding GST, payable to Council
  - (ii) for a term of ten (10) years, with no options for extension.
- 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 *Local Government Regulation 2009*, in order to implement Council's decision.

# 3. PROCUREMENT - MOBILE DATA ANYWHERE SUBSCRIPTION

This is a report seeking Council resolution to continue the annual subscription renewals for the Mobile Data Anywhere (MDA) solution provided by Mobile Technologies Pty Ltd ABN 93 097 282 436.

This service subscription is used across Council. It is a cloud service that allows Council officers to access their projects online, manage their devices (mobile phones, laptops tablets), and access data anytime from anywhere. It is an important enabler of a flexible and efficient workforce. A new solution is under consideration to better provide Council with a faster, systematic approach to this service with added cost saving benefits. Until this solution is implemented, an interim Council resolution is sought pursuant to section 235(b) of the *Local Government Regulation* 2012 for the continuation of the specialised services provided.

A Council resolution is sought to approve the continuation of the annual renewals for the MDA subscription for up to two (2) x one (1) year periods from 1 November 2021 until 31 October 2023, at an estimated total cost of two hundred and eighty thousand dollars (\$280,000) excluding GST, if all annual renewal options are exercised up until 31 October 2023.

#### **RECOMMENDATION**

- 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 that it would be impractical and disadvantageous to invite quotes or tenders for the provision of the Mobile Data Anywhere Subscription.
- B. That Council resolve it is satisfied to continue with, and to renew, the annual Mobile Data Anywhere Subscriptions with Mobile Technologies Pty Ltd for an initial period of up to two (2) x one (1) year extension options from 1 November 2021 until 31 October 2023 for an estimated total cost of up to two hundred and eighty thousand dollars (\$280,000) excluding GST.

# 4. <u>PROCUREMENT – VELOCITYEHS WORKPLACE HEALTH AND SAFETY MANAGEMENT SOFTWARE SUBSCRIPTION</u>

This a report seeking a resolution by Council to continue the annual subscription for the VelocityEHS Workplace Health and Safety management software system that is operationally utilised as part of Council's workplace health and safety compliance management. This matter is required as officers seek Council resolution that the exception under section 235(a) of the *Local Government Regulation 2012* applies to the continuation of the key system provided. The proprietary nature of the incumbent supplier's Workplace Health and Safety Management system means that there is only one supplier who is reasonably available to continue providing the system. Further, due to the identified iVolve dependency of the Workplace Health and Safety Management system, it is more cost effective and disadvantageous to Council to tender for a different system until iVolve is able to deliver a final solution.

A resolution of Council is sought to approve the continuation of the annual subscription for the system with VelocityEHS Canada, Inc. each year for up to three (3) years for the period commencing 27 November 2021 and ending 26 November 2024. This is an estimated total cost of approximately ninety-nine thousand dollars (\$99,000.00) excluding GST for the full three (3) year period

#### **RECOMMENDATION**

- 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 the Workplace Health and Safety Management software system.
- B. That Council enter into a contractual arrangement with VelocityEHS Canada, Inc. on a yearly basis for up to the next three (3) years at an approximate purchase price of \$99,000.00 excluding GST over the three (3) year period.

# 5. \*\*PROCUREMENT - PROFESSIONAL DEVELOPMENT MAYOR AND COUNCILLORS

This is a report concerning the procurement of a professional development course for the Mayor and Councillors, without first inviting written quotes or tenders. Section 235(b) of the *Local Government Regulation 2012* allows a local government to enter into a medium and large sized contractual arrangement, if the local government resolves that the services provided are of a specialised nature.

#### RECOMMENDATION

- A. That pursuant to Section 235(b) of the *Local Government Regulation 2012* (Regulation), Council resolves that the exception applies because of the specialised nature of the services that are sought and it would be impractical and disadvantageous to invite quotes for the provision of a bespoke professional development course tailored for the Mayor and Councillors.
- B. That Council enter into a contractual arrangement (RFQ17345) with the Australian Institute of Company Directors (ABN 11 008 484 197), at a purchase price of \$76,491 excluding GST over the entire term, being an initial term of one (1) year, with no options to extend.

# 6. PEOPLE AND CULTURE POLICIES FOR REPEAL

This is a report concerning People and Culture policies for repeal and for adoption. The People and Culture Branch (Corporate Services) has undertaken an audit of all policies under its control and identified policies which have now been replaced by Administrative Directives approved by the Chief Executive Officer.

#### RECOMMENDATION

- A. That the policy titled 'Workplace Health and Safety', as detailed in Attachment 1, be repealed and replaced with an updated policy as outlined in Recommendation D and detailed in Attachment 4.
- B. That the policy titled 'Employee Complaints Policy', as detailed in Attachment 2, be repealed.
- C. That the policy titled 'Anti-Discrimination and Equal Employment Opportunity (EEO) Policy', as detailed in Attachment 3, be repealed.
- D. That the updated policy titled 'Workplace Health and Safety', as detailed in Attachment 423 August 2021 be adopted.

#### **NOTICES OF MOTION**

# **MATTERS ARISING**

# **GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2021(08)**

#### **2 SEPTEMBER 2021**

#### **MINUTES**

<u>COUNCILLORS' ATTENDANCE:</u> Councillor Jacob Madsen (Chairperson); Councillors Russell

Milligan (Deputy Chairperson), Mayor Teresa Harding, Marnie Doyle, Kate Kunzelmann and Deputy Mayor Nicole

**Jonic** 

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Acting Chief Executive Officer (Sonia Cooper), General

Manager Community, Cultural and Economic Development (Ben Pole), Acting General Manager Infrastructure and Environment (Sean Madigan), General Manager Planning and Regulatory Services (Peter Tabulo), Acting General Manager Corporate Services (Sylvia Swalling), Manager

Community and Cultural Services (Don Stewart),

Procurement Manager (Richard White), Senior Property Officer Tenure (Kerry Perrett), Principal Officer Program Management Office (Kerry May), Manager, Economic and Community Development (Cat Matson), Community Development Manager (Melissa Dower), Manager, Marketing and Promotions (Carly Gregory), Manager, Capital Program Delivery (Graeme Martin), Chief of Staff,

Office of the Mayor (Melissa Fitzgerald), Manager,

Communication and Engagement (Laura Bos), Senior Digital Media and Content Officer (Jodie Richter), Acting Manager

Environment and Sustainability (Matthew Pinder), Indigenous Australian Community Development Officer (Derek Kinchela), Executive Services Manager (Wade Wilson), ProAv Professional Services Technician (Bradley

Hebbard) and Theatre Technician (Harrison Cate)

#### **DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

In accordance with section 150EF of the *Local Government Act 2009*, Councillor Russell Milligan informed the meeting that he has a personal interest in Item 2 titled New Trustee Lease over reserve for recreation purposes to Rosewood RSL Sub Branch Inc. over 1 Mill Street, Rosewood.

The nature of the interest is that Councillor Milligan is an ordinary member of the Rosewood RSL Sub Branch.

Name of related party: Rosewood RSL Sub Branch Nature of relationship with the related party: Member Nature of related parties interest: Consideration of a use of a Council facility – Rosewood Memorial Hall.

It was moved by Mayor Teresa Harding and seconded by Councillor Kate Kunzelmann, that Councillor Russell Milligan may participate in the meeting in relation to the matter, including by voting on the matter because there is no personal or financial benefit to the councillor and therefore a reasonable person would trust that the final decision would be made in the public interest.

AFFIRMATIVE NEGATIVE
Councillors: Councillors:
Madsen Milligan (Abstain)

Harding Doyle

Kunzelmann

Jonic

The motion was put and carried.

# **BUSINESS OUTSTANDING**

Nil

# **CONFIRMATION OF MINUTES**

1. <u>CONFIRMATION OF MINUTES OF THE GOVERNANCE AND TRANSPARENCY</u> <u>COMMITTEE NO. 2021(07) OF 5 AUGUST 2021</u>

# **RECOMMENDATION**

Moved by Councillor Russell Milligan: Seconded by Councillor Marnie Doyle:

That the minutes of the Governance and Transparency Committee No. 2021(07) held on 5 August 2021 be confirmed.

AFFIRMATIVE NEGATIVE
Councillors: Councillors:
Madsen Nil

Milligan Harding Doyle

Kunzelmann

Jonic

The motion was put and carried.

#### **OFFICERS' REPORTS**

2. <u>NEW TRUSTEE LEASE OVER RESERVE FOR RECREATION PURPOSES TO ROSEWOOD</u>

RSL SUB BRANCH INC. OVER 1 MILL STREET, ROSEWOOD

This is a report concerning the proposed Trustee Lease over part of the Rosewood Memorial Hall located at Anzac Park, 1 Mill Street, Rosewood, described as Lot 638 on SP157096 between Ipswich City Council as Trustees (Council) and Rosewood RSL Sub Branch Inc (RSL Sub Branch).

# **RECOMMENDATION**

Moved by Councillor Marnie Doyle: Seconded by Councillor Kate Kunzelmann:

- A. That pursuant to section 236(2) of the Local Government Regulation 2012 (Regulation), Council resolve that the exception at section 236(1)(b)(ii) of the Regulation applies to the disposal of interest in land at 1 Mill Street, Rosewood more particularly described as part of Lot 638 on SP157096, for administrative and storage purposes, because Rosewood RSL Sub Branch Inc. (Trustee Lessee) is a community organisation.
- B. That Council enter into a lease (Council file reference 5494) with the Trustee Lessee:
  - (i) at a yearly rent of \$1.00 excluding GST, payable to Council if demanded, and
  - (ii) for a term of ten (10) years, with no options for extension.
- 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:
Madsen Nil

Milligan Harding Doyle

Kunzelmann

Jonic

The motion was put and carried.

# 3. PROCUREMENT: SUPPLY & MAINTENANCE OF MULTI FUNCTION DEVICE / PRINTERS (MFD'S)

This is a report seeking Council resolution by Ipswich City Council (Council) to undertake a direct engagement with Fuji Xerox Aust Pty Ltd for the continuation of supply and maintenance for the Multi-Function Devices/Printers (MFDs) currently utilised by the whole Council. Council have engaged Fuji Xerox Aust Pty Ltd for the past eleven (11) years by leveraging the Logan City Council Contract Q#351. The Logan City Council Contract expires on 13 November 2021.

Fuji Xerox Aust Pty Ltd are meeting Council's needs and expectations for this provision and the total cost for a further three (3) year term covering the period from 14 November 2021 to 13 November 2024, with two (2) one (1) year extension options, is estimated at one million, eight hundred thousand dollars (\$1,800,000) excluding GST. This figure is based on past annual spend of approximately \$350,000.

#### **RECOMMENDATION**

Moved by Councillor Marnie Doyle: Seconded by Councillor Russell Milligan:

- A. That pursuant to Section 235(b) of the Local Government Regulation 2012 (Regulation), Council resolve that the exception applies because of the specialised or confidential nature of the services that are sought and it would be impractical and disadvantageous to invite tenders for the provision of Supply and Maintenance of Council's Multi-Function Devices/Printers (MFD's).
- B. That Council enter into a contractual arrangement (Council Number 17059) with Fuji Xerox Aust Pty Ltd, at an approximate purchase price of \$1,800,000.00 excluding GST over the entire term, being an initial term of three (3) years, with options for extension at the discretion of Council (as purchaser), of an additional two (2) 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: Madsen Nil

Milligan Harding Doyle

Kunzelmann

Jonic

The motion was put and carried.

# 4. <u>IVOLVE PROJECT QUARTERLY STATUS UPDATE</u>

This report provides an update on progress to date of Council's iVolve Project and the quarterly project controls report.

# **RECOMMENDATION**

Moved by Mayor Teresa Harding: Seconded by Councillor Russell Milligan:

That the progress report on Council's iVolve Project be received and the contents noted.

AFFIRMATIVE NEGATIVE
Councillors: Councillors:
Madsen Nil

Milligan Harding Doyle

Kunzelmann

Jonic

The motion was put and carried.

# 5. <u>COUNCILLOR BRIEFING SESSIONS AND WORKSHOPS POLICY</u>

This is a report concerning proposed minor revisions to the Councillor Briefing Sessions and Workshops Policy after just over a year of operation of the current policy.

Councillors have been invited to provide their feedback on the operation of the policy and this has been incorporated.

#### **RECOMMENDATION**

Moved by Mayor Teresa Harding: Seconded by Councillor Marnie Doyle:

That the revised Councillor Briefing Sessions and Workshops Policy as detailed in Attachment 1 be adopted.

AFFIRMATIVE NEGATIVE
Councillors: Councillors:
Madsen Nil

Milligan Harding Doyle Kunzelmann Jonic

The motion was put and carried.

# **NOTICES OF MOTION**

Nil

# **MATTERS ARISING**

Nil

# PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 10.08 am.

The meeting closed at 10.23 am.

Doc ID No: A7571470

ITEM: 2

SUBJECT: TRUSTEE LEASE RENEWAL TO AXICOM PTY LTD OVER 22 CHELMSFORD

AVENUE, IPSWICH

AUTHOR: SENIOR PROPERTY OFFICER (TENURE)

DATE: 16 SEPTEMBER 2021

#### **EXECUTIVE SUMMARY**

This is a report concerning the proposed Trustee Lease renewal over part of trust land located at 22 Chelmsford Avenue, Ipswich, described as Lease CC in Lot 24 on I16262 on SP233721 between Ipswich City Council as Trustee (Council) and Axicom Pty Ltd (Axicom).

#### **RECOMMENDATION**

- A. That pursuant to section 236(2) of the Local Government Regulation 2012 (Regulation), Council resolve that the exception at section 236(1)(c)(vi) of the Regulation applies to the disposal of Council's interest as trustee, in land at 22 Chelmsford Avenue, Ipswich more particularly described as part of Lot 24 and Plan I16262, because it is for a lease for a telecommunication tower.
- B. That Council enter into a trustee lease (Council reference number 5360) with Axicom Pty Ltd (Trustee Lessee):
  - (i) at a commencing monthly rent of \$30,000 excluding GST, payable to Council
  - (ii) for a term of ten (10) years, with no options for extension.
- 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 *Local Government Regulation 2009*, in order to implement Council's decision.

#### **RELATED PARTIES**

There were no declarations of conflicts of interest.

# **IFUTURE THEME**

Natural and Sustainable

# PURPOSE OF REPORT/BACKGROUND

Axicom (formally Crown Castle) is a provider to the wireless telecommunications industry who own, operate, build and lease telecommunications infrastructure. Axicom are the owner of a telecommunications tower and ancillary equipment on the trust land located at

22 Chelmsford Avenue, Ipswich. Plans showing the location of the existing telecommunications facility on the subject land are shown in Attachments 1 and 2.

Axicom has made an offer to renew its trustee lease over the land. Section 236(1)(c)(vi) of the *Local Government Regulation 2012* provides an exception from the requirement to dispose of a leasehold interest in land other than by tender or auction if the disposal is for the purpose of a lease for a telecommunication tower. Council must however decide by resolution if the exception applies to this category of disposal. Further, the Council may only dispose of leasehold interest, as Trustee of the land, if the consideration for the disposal would be equal to, or more than, the market value of the interest of the land.

Council sourced a written rental determination from an independent registered Valuer to inform the amount of consideration for telecommunications proposals in the City of Ipswich. Upon negotiations with Axicom in setting standard terms and conditions for telecommunications leases, Property Services negotiated a commencing rent of \$30,000 (excluding GST) per annum for the subject land. Property Services considers the annual rent and indexation to be appropriate for the current market. The quantum of the indexation rate has been a strong issue for debate with the various telecommunications providers involved with similar negotiations at other sites across the local government area.

Lease Terms	Existing	Proposed	
Period:	10 Years	10 Years	
Commencement Date:	11/11/2011	11/11/2021	
Expiry Date:	10/11/2021	10/11/2031	
Options:	Nil	Nil	
Annual Rent:	\$64,992.90 (excluding GST)	\$30,000 (excluding GST)	
Fixed Annual Increases:	5%	2.5%	
Permitted Use:	Telecommunications Purposes	Telecommunication Purposes	

#### **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Land Act 1994 Local Government Act 2009

Local Government Regulation 2012

#### **RISK MANAGEMENT IMPLICATIONS**

There are low risk management implications pertaining to this trustee lease as Axicom own, operate, manage, and maintain the infrastructure and are responsible for any liability associated with that infrastructure.

#### **HUMAN RIGHTS IMPLICATIONS**

HUMAN RIGHTS IMPACT	S
OTHER DECISION	
(a) What is the Act/Decision being made?	Recommendation A outlines Council will apply an exemption to dispose of a leasehold interest for the purposes of a telecommunication tower.
	Recommendation B outlines the terms that Council is applying to the disposal of leasehold interest.
	Recommendation C is a process under the requirements of the <i>Local Government Act 2009</i> .
(b) What human rights are affected?	There is no potential to affect human rights in the proposed decision as the disposal is to a company and not a person.
(c) How are the human rights limited?	Not Applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not Applicable
(e) Conclusion	The decision is consistent with human rights.

#### FINANCIAL/RESOURCE IMPLICATIONS

There are no financial impacts for Council as the telecommunications provider is responsible for wear and tear, renewal, upgrade and maintenance and operating expenses relating to the telecommunications tower and associated ancillary equipment.

#### **COMMUNITY AND OTHER CONSULTATION**

Following Council's review of the existing agreement, Council consulted with Axicom to enter into a further trustee lease over the trust land. Axicom have indicated their desire to enter into a lease renewal and are agreeable to the proposed new lease terms.

Internal consultation pertaining to the site was completed and the following was articulated below:

• Infrastructure and Environment's Open Space and Facilities Team have provided their consent to the new trustee lease terms.

# **CONCLUSION**

It is recommended that Council apply the exception under the *Local Government Regulation* 2012 and enter a trustee lease for a telecommunications tower, without going to tender or

auction. The new trustee lease between Council and Axicom over part of 22 Chelmsford Avenue, Ipswich will outline liabilities and responsibilities of Axicom and Council.

#### ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- 1. Property Plan 22 Chelmsford Avenue, Ipswich 🗓 🖺
- 2. Survey Plan SP233721 🖟 🖺
- 3. Title Search Lot 24 Crown Plan I16262 22 Chelmsford Avenue, Ipswich 🗓 🖺

CONFIDENTIAL

- 4. Confidential Background Paper
- 5. Valuation Report 22 Chelmsford Avenue, Ipswich

#### **Kerry Perrett**

# **SENIOR PROPERTY OFFICER (TENURE)**

I concur with the recommendations contained in this report.

**Brett McGrath** 

#### PROPERTY SERVICES MANAGER

I concur with the recommendations contained in this report.

**Anthony Dunleavy** 

# MANAGER, LEGAL AND GOVERNANCE (GENERAL COUNSEL)

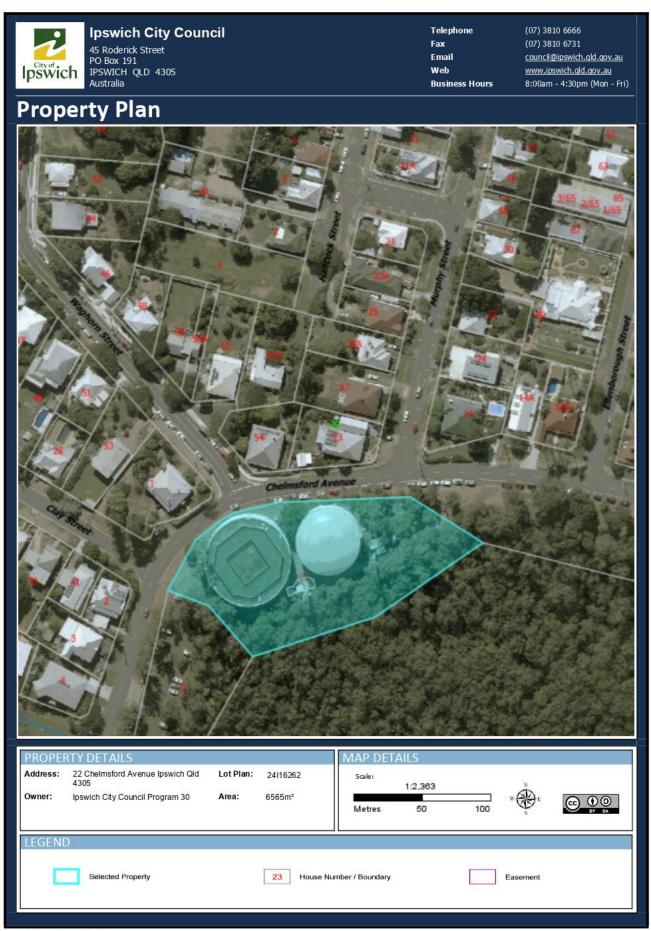
I concur with the recommendations contained in this report.

Sylvia Swalling

# **ACTING GENERAL MANAGER CORPORATE SERVICES**

"Together, we proudly enhance the quality of life for our community"

# Item 2 / Attachment 1.

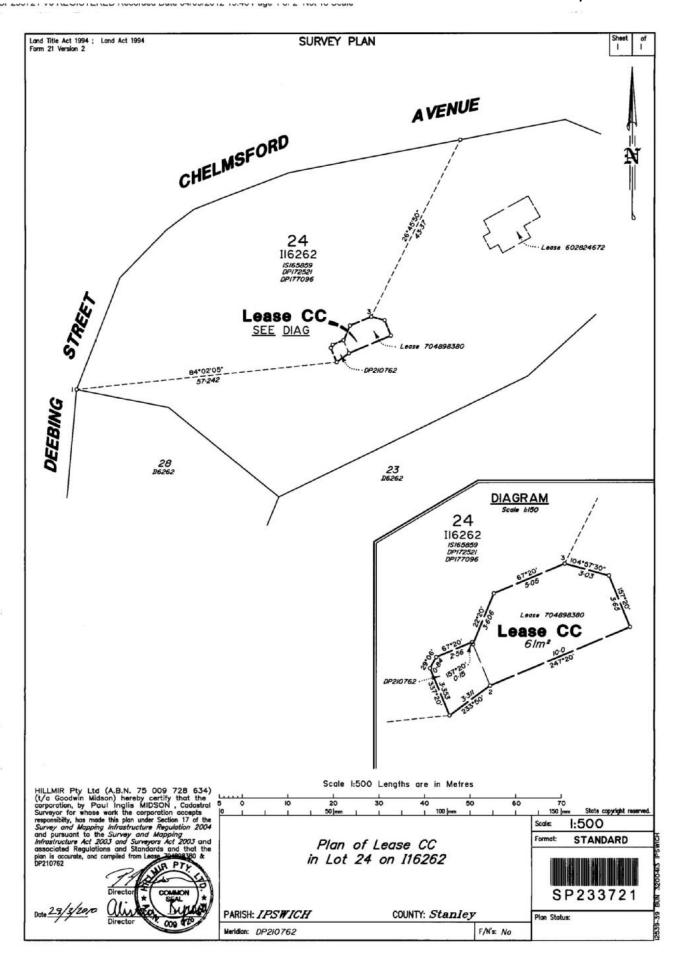


Printed: 24 Jun 2021 8:04 pm

# Item 2 / Attachment 1.

DDODEDTY D	ETALLC		
PROPERTY DI Published Date: 24/06/			
Address:	22 Chelmsford Avenue Ipswich Qld 4305	Suburb:	Ipswich
LotPlan:	24 16262	Postcode:	4305
Area:	6565m²	Division:	Division 3
Tenure:	Tenure: RE Description: RESERVE		
RATING DETAILS			
PPN:	111014	Assessment :	87034
Owner:	Ipswich City Council Program 30	Mail Address:	Ipswich City Council Program 30 Ipswich City Council PO Box 191 IPSWICH QLD 4305
Land Use:	Code: 9559 Description: Reservoir etc Council	Rates:	Code: 700 - State Govt Emergency & Fire Levy - Group 1 Code: 7001 - Rural Fire Levy Separate Charge Code: 2222 - Enviroplan Levy Code: 158 - Differential General Rate - Category 4 Council
Dogs:	No Registered Dog		
WORK AREA DETAILS			
Census:	SA1: 31003128608 SA2: 31003128 SA3: 31003 SA4: 310 Mesh Block: 30338330000 Block Category: Hospital/Medical	Historic Flood:	1974 Affected: False 2011 Affected: False
IE Work Area:	District 1 - Northern Team 3	PRS Planning Team Area:	Development - Central Team
PRS Engineering Teams Areas:	Team Name: West Technical Officer: Ravi Raveenthiran Team Name: West - Delivery Team B Technical Officer: Aaron Katt	PRS Regulatory Work Area:	Area 1: PRS Compliance - Development 2 Area 2: PRS Compliance - Local Laws Investigation 6 Area 3: PRS Compliance - Animal Management 3
Waste Work Area:	Zone 3	Catchment:	Catchment: Bremer River Subcatchment: Deebing Creek
PLANNING & DEVELOP	MENT DETAILS		
Zones:	SU19 - Special Uses	Development Constraints:	Heritage - Character Places Historic Miscellaneous Heritage OV3 Area Affect by Underground Mining Tunnel OV3 Mining Constrained Area OV4 Slope 15 Percent to 20 Percent OV4 Slope 20 Percent to 25 Percent OV7A Building Height Restriction Area 15m OV7A Inner Horizontal Surface RL 71.5 OV7B 8km Existing Committed Urban Townships Buffer
Divisions buffered 50m:	Division 3		

Item 2 / Attachment 2.



# Item 2 / Attachment 2.

			Pla	ns may be	ans will not be accept rolled. In the outer margins	
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1. Certificate of Registered Owners or Lessees.		6.	Existing	-	Created	
I/We IPSWICH CITY COUNCIL		Title Reference	Lot	Plan	Lots	Leases Road
		49014367	24	116262		Lease CC ——
(Names in full)						,
* as Registered Owners of this land agree to this plan and						
Land as shown hereon in accordance with Section 50 of the						
* as Lessees of this land agree to this plan.		NOTE	s			
		· Leas	— e 7048		to be removed from th	
Signature of * Registered Owners * Lessees		prior	to req	gistration of	Lease CC on this pla	n
			e 6028 nis plan		affected by Lease CC	;
		"				
PRINCE CITY COUNCE.						
Signed by Paul Pleasale, Player, on 20th F	cbruary 2012					
in accordance with section 230 of the Local Government Act 2007						
A Lu						
Whates						
Heather Gunn						
Hame of Witness						
*Rule out whichever is inapplicable						
2 Local Government Approval.						
*						
hereby approves this plan in accordance with the :						
			ı			
					12-Building Format	Plans only.
					I certify that :  * As far as it is practical	to determine, no part
		Orig		Lots	of the building shawn on to	his plan encroaches
		7. Portion All	ocation	:	*Part of the building sho encroaches onto adjoining	wa on this plan
		a. Map Refer	ence :			
Dated this day of		9.	442-14	1333	Cadastral Surveyor/Director #delete words not required	Date
		9. Locality :			13. Lodgement Fees	:
#		,	IPSWI	СН	Survey Deposit	\$
#		10. Local Gove	rnment	t :	Lodgement	\$
		IPSWICH	CITY	COUNCIL	New Titles	\$
* Insert the name of the Local Government.	Planning Act 1997 or It (Planning & Environment) Act 199	ıı. Passed &			Photocopy	\$
	A References :	By: (+/o G	Pty Ltd A	BN 75 009 728	634 Postage TOTAL	\$
CMS Number :	Dept File :	Date : Z9 M	WECH Z	010		\$
Name :	Local Govt : Surveyor : 12539-39	Signed : 79	CADASTA	eal surveyor	14. Insert Plan SP233	3721
	Surveyor : 12009-39	Designation :	DIR	ECTOR	Number 31 233	

#### Item 2 / Attachment 3.

# INTERNAL CURRENT RESERVE SEARCH DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 24/05/2021 08:17 Title Reference: 49014367
Date GAZETTED: 21/12/1985

PAGE: 2152

Opening Ref: RES 1873-54
Purpose: LOCAL GOVERNMENT

Sub-Purpose: WATER SUPPLY AND COMMUNICATION

Local Name:

Address: CHELMSFORD AV AND DEEBING ST, IPSWICH

County (R) No: R3116 File Ref: RES 19218

TRUSTEES

IPSWICH CITY COUNCIL GAZETTED ON 21/12/1985 PAGE 1299

LAND DESCRIPTION

LOT 24 CROWN PLAN I16262 GAZETTED ON 21/12/1985 PAGE 2152

Local Government: IPSWICH

Area: 0.656500 Ha. (SURVEYED)

EASEMENTS AND ENCUMBRANCES

1. TRUSTEE LEASE NO 714449151 04/05/2012 at 13:49 CROWN CASTLE AUSTRALIA PTY LTD A.C.N. 090 873 019 OF LEASE CC ON SP233721 TERM: 11/11/2011 TO 10/11/2021 OPTION NIL Lodged at 13:49 on 04/05/2012 Recorded at 10:25 on 23/05/2012

2. TRUSTEE LEASE NO 717662399 22/11/2016 at 13:57 TELSTRA CORPORATION LIMITED A.B.N. 33 051 775 556 LEASE A ON SP285012 TERM: 21/12/2015 TO 20/12/2035 OPTION NIL

Lodged at 13:57 on 22/11/2016 Recorded at 11:04 on 25/11/2016

ADMINISTRATIVE ADVICES - NIL UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Reserve Search \*\*

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Doc ID No: A7490188

ITEM: 3

SUBJECT: PROCUREMENT - MOBILE DATA ANYWHERE SUBSCRIPTION

AUTHOR: SENIOR PROCUREMENT OFFICER

DATE: 9 SEPTEMBER 2021

#### **EXECUTIVE SUMMARY**

This is a report seeking Council resolution to continue the annual subscription renewals for the Mobile Data Anywhere (MDA) solution provided by Mobile Technologies Pty Ltd ABN 93 097 282 436.

This service subscription is used across Council. It is a cloud service that allows Council officers to access their projects online, manage their devices (mobile phones, laptops tablets), and access data anytime from anywhere. It is an important enabler of a flexible and efficient workforce. A new solution is under consideration to better provide Council with a faster, systematic approach to this service with added cost saving benefits. Until this solution is implemented, an interim Council resolution is sought pursuant to section 235(b) of the *Local Government Regulation 2012* for the continuation of the specialised services provided.

A Council resolution is sought to approve the continuation of the annual renewals for the MDA subscription for up to two (2) x one (1) year periods from 1 November 2021 until 31 October 2023, at an estimated total cost of two hundred and eighty thousand dollars (\$280,000) excluding GST, if all annual renewal options are exercised up until 31 October 2023.

# **RECOMMENDATION**

- 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 that it would be impractical and disadvantageous to invite quotes or tenders for the provision of the Mobile Data Anywhere Subscription.
- B. That Council resolve it is satisfied to continue with, and to renew, the annual Mobile Data Anywhere Subscriptions with Mobile Technologies Pty Ltd for an initial period of up to two (2) x one (1) year extension options from 1 November 2021 until 31 October 2023 for an estimated total cost of up to two hundred and eighty thousand dollars (\$280,000) excluding GST.

#### **RELATED PARTIES**

Mobile Technologies Pty Ltd

**Ipswich City Council** 

There are no conflicts of interest identified and declared in relation to the contents of this report.

#### **IFUTURE THEME**

A Trusted and Leading Organisation

# **PURPOSE OF REPORT/BACKGROUND**

#### Purpose:

To ensure continued access for Council staff to the online services and record management provided by this interface.

# **Background:**

Mobile Data Anywhere is a fully managed hosted solution that allows data collection applications to be developed and deployed to mobile devices in the field. It is a comprehensive solution that allows Council to convert paper documents into electronic forms and reduce the double entry and data entry inconsistencies involved with managing paper documents. This application uses electronic forms in the field on mobile devices to collect data and send immediately back to the portal, automatically generating customised PDF reports or export data to Council Format. (In particular, this is used to also validate completion of tasks in the field).

Database and service suppliers such as Mobile Technologies Pty Ltd are specialists, and the database provided are unique to them. This database product provides Council with a suite of services that is largely particular to the supplier. This suite provides relevant and appropriate content that meets Council's resource needs and caters to a broad range of stakeholders.

The hosted solution allows Field workers, Asset Management and Maintenance Teams to relay information between teams back to Council base. This allows for less paperwork, reduction of inaccurate information and real time management of current information. Council also utilises this subscription to validate completion of tasks performed.

The data collection layers of this product are proprietary to this vendor, therefore, to obtain best search leverage it is essential to procure this product from the same vendor that provides the databases.

As Council continues to drive innovation with its business practices, the Asset Management Branch are investigating other similar services which offer diverse options at cost effective pricing with advantageous licensing and service terms. The Asset Management Branch have advised that it can take up to two years to extract the current data program and transfer to a new system.

As a result, it is essential that Council continue to renew the annual subscription to the hosted solution and service with Mobile Technologies Pty Ltd to ensure continuity of critical and efficient business processes between mobile devices and Council's information base.

Mobile Technologies Pty Ltd is meeting Council's performance expectations for the provision of a relevant and appropriate electronic information suite and data collection.

### **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Local Government Regulation 2012

#### **RISK MANAGEMENT IMPLICATIONS**

The risk to Council if the recommendation within this report is not approved is that subscription with Mobile Technologies Pty Ltd will not be renewed and that a key interfacing component of Council's field operations technology will no longer be available for council staff to carry out their daily responsibilities as required.

The Mobile Technologies Pty Ltd software products are unlikely to be part of core systems being addressed by Council's iVolve Project. Accordingly, the risk of investing in this software at this time is low and can be addressed by a yearly review as the iVolve Project progresses.

Application	iVolve Scope	iVolve Impact	Impact Treatment
	Alignment	Rating	
Mobile Data Anywhere Annual Subscription	Low – this application is being renewed on a +1 cycle which provides responsiveness to iVolve considerations for native form building or mobile integration capability.	Low	Not identified as being in the Core system, or in the initial 5-year roadmap but the +1 cycle allows for iVolve functionality assessment in a responsive way.

#### **HUMAN RIGHTS IMPLICATIONS**

HUMAN RIGHTS IMPACTS		
OTHER DECISION		
(a) What is the Act/Decision being made?	That Council enter a contractual arrangement (Council reference 17297) with Mobile Technologies Pty Ltd for two (2) x	

	one (1) year extension options for provision of annual Mobile Data Anywhere Subscription.
(b) What human rights are affected?	No human rights are affected by this decision as the contracts will be with a Company. Further, the subject matter of the contract will not impact on the human rights of any third parties.
(c) How are the human rights limited?	Not Applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not Applicable
(e) Conclusion	The decision is consistent with human rights.

# FINANCIAL/RESOURCE IMPLICATIONS

There are no new resourcing or budget implications, as the Mobile Data Anywhere subscription renewals are budgeted as an operational expense in the Asset Services Budget. There are no additional financial implications.

This report seeks a resolution of the Council for an estimated total cost of up to two hundred and eighty thousand dollars (\$280,000) excluding GST with Mobile Technologies Pty Ltd for the provision of Mobile Data Anywhere subscription renewals for a period of up to two (2) years commencing 1 November 2021 and ending 31 October 2023.

#### **COMMUNITY AND OTHER CONSULTATION**

The Procurement Branch has consulted with Asset Services Branch who support the recommendations of this report.

This report does not require Community consultation.

# **CONCLUSION**

For Council to continue receiving supply, benefit and integrated functionality of the Mobile Data Anywhere Subscription provided by Mobile Technologies Pty Ltd, it is recommended Council resolve to continue the annual subscription renewals for the Mobile Data Anywhere Subscription with Mobile Technologies Pty Ltd for up to two (2) x one (1) year periods from 1 November 2021 until 31 October 2023.

Lydia Brown

#### **SENIOR PROCUREMENT OFFICER**

I concur with the recommendations contained in this report.

Juliana Jarvis

# **ACTING ICT CATEGORY MANAGER**

I concur with the recommendations contained in this report.

Richard White

# **MANAGER, PROCUREMENT**

I concur with the recommendations contained in this report.

Sean Madigan

# **ACTING GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT**

I concur with the recommendations contained in this report.

Sylvia Swalling

**ACTING GENERAL MANAGER CORPORATE SERVICES** 

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Doc ID No: A7546343

ITEM: 4

SUBJECT: PROCUREMENT – VELOCITYEHS WORKPLACE HEALTH AND SAFETY

MANAGEMENT SOFTWARE SUBSCRIPTION

AUTHOR: CONTRACTS OFFICER ICT

DATE: 9 SEPTEMBER 2021

#### **EXECUTIVE SUMMARY**

This a report seeking a resolution by Council to continue the annual subscription for the VelocityEHS Workplace Health and Safety management software system that is operationally utilised as part of Council's workplace health and safety compliance management.

This matter is required as officers seek Council resolution that the exception under section 235(a) of the *Local Government Regulation 2012* applies to the continuation of the key system provided. The proprietary nature of the incumbent supplier's Workplace Health and Safety Management system means that there is only one supplier who is reasonably available to continue providing the system. Further, due to the identified iVolve dependency of the Workplace Health and Safety Management system, it is more cost effective and disadvantageous to Council to tender for a different system until iVolve is able to deliver a final solution.

A resolution of Council is sought to approve the continuation of the annual subscription for the system with VelocityEHS Canada, Inc. each year for up to three (3) years for the period commencing 27 November 2021 and ending 26 November 2024. This is an estimated total cost of approximately ninety-nine thousand dollars (\$99,000.00) excluding GST for the full three (3) year period.

#### RECOMMENDATION

- 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 the Workplace Health and Safety Management software system.
- B. That Council enter into a contractual arrangement with VelocityEHS Canada, Inc. on a yearly basis for up to the next three (3) years at an approximate purchase price of \$99,000.00 excluding GST over the three (3) year period.

# **RELATED PARTIES**

VelocityEHS Canada, Inc.

**Ipswich City Council** 

There are no conflicts of interest identified and declared in relation to the contents of this report.

#### **IFUTURE THEME**

Safe, Inclusive and Creative

# PURPOSE OF REPORT/BACKGROUND

To ensure continuity of supply of a Workplace Health and Safety System for Council's workplace health and safety compliance management.

# **Background**

VelocityEHS Canada, Inc. (VelocityEHS) is an American headquartered global company, with a registered office located in Western Australia. It is a long established and reputable provider of an online workplace health and safety management software subscription solution, including reporting and dashboards, tasks and corrective action workflows, contractor and document libraries, incident management and notifications and announcements.

The supplier's proprietary software system subscription has been in use at Council as part of Council's workplace health and safety compliance management since 2014 and is currently provided to Council on an annual subscription basis. In 2014 a five (5) year contract was entered into with VelocityEHS. Following expiry of the contract in 2019, Council has continued to subscribe to the supplier's system on an annual basis for an amount that exceeds fifteen thousand dollars (\$15,000.00) excluding GST per annum. At no stage does it appear that an exception under the Regulation has been sought to ensure compliance of the engagement.

The Workplace Health and Safety management system has been identified as being iVolve-dependent. This means that iVolve is expected to be developed to include a Workplace Health and Safety management system component. As such, it would be counterproductive, costly and untimely to source and implement a new product which will potentially be superseded by iVolve. This renders VelocityEHS the only supplier reasonably available for the provision of the proprietary Workplace Health and Safety management system currently in use by Council. It is prudent to allow up to three (3) years for the iVolve Project and associated system to be fully implemented within Council.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Local Government Regulation 2012

#### **RISK MANAGEMENT IMPLICATIONS**

The risk to Council if the recommendation within this report is not approved is that Council will not be able to renew the subscription with the current provider VelocityEHS and that a key operational tool and the data contained therein that is utilised as part of Council's workplace health and safety compliance management will no longer be available.

The VelocityEHS annual software subscription is likely to be part of core systems being addressed by Council's iVolve Project. The risk of investing in this software at this time is low and can be addressed by a yearly review as the iVolve Project progresses.

Application	iVolve Scope	iVolve Impact Rating	Impact Treatment
	Alignment		
VelocityEHS Annual	High – is part of core	High	Identified as being in
Software Subscription	systems		the initial 5-year
			roadmap

#### **HUMAN RIGHTS IMPLICATIONS**

HUMAN RIGHTS IMPACTS		
OTHER DECISION		
(a) What is the Act/Decision being made?	Recommendations A and B state that Council enter into a contractual arrangement each year for the next up to three (3) years with VelocityEHS Canada, Inc. for the continued provision of a Workplace Health and Safety Management software solution.	
(b) What human rights are affected?	No human rights are affected by this decision as the contracts will be with a Company. Further, the subject matter of the contract will not impact on the human rights of any third parties.	
(c) How are the human rights limited?	Not applicable	
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable	
(e) Conclusion	The decision is consistent with human rights.	

# FINANCIAL/RESOURCE IMPLICATIONS

There are no new resourcing or budgeting implications, as the VelocityEHS Workplace Health and Safety Management software subscription is budgeted as an operational expense within

the ICT Branch Budget. There are no additional financial implications.

This report seeks a resolution of Council for an approximate total cost of ninety-nine thousand dollars (\$99,000) excluding GST if a subscription for the VelocityEHS Workplace Health and Safety Management software subscription for the three (3) year period commencing 27 November 2021 and ending 26 November 2024 is entered into each year during the period.

#### **COMMUNITY AND OTHER CONSULTATION**

The Procurement Branch has consulted with the People and Culture Branch and the ICT Branch who support the recommendations of this report. This report does not require community consultation.

#### **CONCLUSION**

In order for Council to receive continued provision of a Workplace Health and Safety System as part of Council's workplace health and safety compliance management, it is recommended that Council provide the requested approval in relation to the proposed contractual arrangement each year with VelocityEHS for up to the next three (3) years to allow for an iVolve outcome in relation to the Workplace Health and Safety Management system to be determined and actioned.

Amanda Cowen

#### **CONTRACTS OFFICER ICT**

I concur with the recommendations contained in this report.

Juliana Jarvis

#### **ACTING ICT CATEGORY MANAGER**

I concur with the recommendations contained in this report.

Richard White

#### MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

Ian Jones

#### **ACTING CHIEF INFORMATION OFFICER**

I concur with the recommendations contained in this report.

Sylvia Swalling

#### **ACTING GENERAL MANAGER CORPORATE SERVICES**

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Doc ID No: A7577737

ITEM: 5

SUBJECT: PROCUREMENT - PROFESSIONAL DEVELOPMENT MAYOR AND COUNCILLORS

AUTHOR: GOODS AND SERVICES CATEGORY SPECIALIST

DATE: 20 SEPTEMBER 2021

# **EXECUTIVE SUMMARY**

This is a report concerning the procurement of a professional development course for the Mayor and Councillors, without first inviting written quotes or tenders. Section 235(b) of the *Local Government Regulation 2012* allows a local government to enter into a medium and large sized contractual arrangement, if the local government resolves that the services provided are of a specialised nature.

#### RECOMMENDATION

- A. That pursuant to Section 235(b) of the *Local Government Regulation 2012* (Regulation), Council resolves that the exception applies because of the specialised nature of the services that are sought and it would be impractical and disadvantageous to invite quotes for the provision of a bespoke professional development course tailored for the Mayor and Councillors.
- B. That Council enter into a contractual arrangement (RFQ17345) with the Australian Institute of Company Directors (ABN 11 008 484 197), at a purchase price of \$76,491 excluding GST over the entire term, being an initial term of one (1) year, with no options to extend.

#### **RELATED PARTIES**

- Australian Institute of Company Directors (ABN 11 008 484 197)
- Mayor and Councillors
- Chief Executive Officer

There are no conflicts of interest identified or declared in relation to the contents of this report and its attachments.

#### **IFUTURE THEME**

A Trusted and Leading Organisation

#### PURPOSE OF REPORT/BACKGROUND

The Australian Institute of Company Directors (AICD) is a not-for-profit organisation established to strengthen society by building the governance capability of organisational leaders. The AICD has been operating in Australia in various capacities since the 1960s, with

a membership of over 45,000 directors and senior leaders from business, government and not for profit sectors. The AICD offers a range of tools, education and development courses and programs for senior leaders to improve their governance and leadership capability.

The AICD has developed an in-house and bespoke Company Directors Course tailored specifically to address the nuances faced by elected representatives. The course is targeted to assisting elected representatives, at both an individual and group level, to enhance their governance capabilities whilst building on group dynamics, decision-making and group effectiveness. The AICD course has been identified to support the Mayor and Councillors continuous improvement and enhance the effectiveness of the Council's elected representatives in serving residents and ratepayers of Ipswich City Council.

There are several other organisations within Australia offering governance courses, webinars, and training. However, these are general courses designed for individuals and not specifically aimed at enhancing group governance and effectiveness at leadership levels of Local Government.

The proposed course will run over 5 days. In addition to the formal course, the participants will receive a 12-month membership to the Australian Institute of Company Directors, providing ongoing access to tools, resources, and programs to continue their professional development at no additional cost.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009 Local Government Regulation 2012

# **RISK MANAGEMENT IMPLICATIONS**

The Council must contribute towards the continuous improvement of Local Government. This course will examine the ongoing risks faced by the Mayor and Councillors, addressing financial, strategy and legal risks associated with decision making at an executive level.

There are no discernible risk management implications associated with approving the recommendations of this report.

#### **HUMAN RIGHTS IMPLICATIONS**

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Recommendation B states that Council enter into a contractual arrangement (RFQ17345) with the Australian Institute of Company Directors (ABN 11 008 484 197), at an approximate purchase price of \$76,491 excluding GST over the entire term, being an initial term of one (1) year, with no options to extend.
(b) What human rights are affected?	

(c) How are the human rights limited?	There will be no impact to human rights as the proposed recommendation is to contract with a corporate entity and corporate entities are not subject to human rights.
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	N/A
(e) Conclusion	The decision is consistent with human rights.

# FINANCIAL/RESOURCE IMPLICATIONS

The cost to provide the professional development course, and membership for the Mayor and Councillors, under this contract is \$76,491 (ex GST) for the total contract term of one (1) year.

Funding for the contract is available within the existing budget.

#### **COMMUNITY AND OTHER CONSULTATION**

There was no community consultation in the preparation of this report.

#### **CONCLUSION**

This report seeks Council resolution to enter into a contract with the Australian Institute of Company Directors, as the services provided are of a specialised nature and it would be disadvantageous and impractical for Council to seek quotes from other organisations for the provision of a bespoke Company Directors Course tailored for the Mayor and Councillors.

# ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

	CONFIDENTIAL
1.	Australian Institute of Company Directors proposal

# Shyanne Ward

#### **GOODS AND SERVICES CATEGORY SPECIALIST**

I concur with the recommendations contained in this report.

Wade Wilson

#### MANAGER, EXECUTIVE SERVICES

I concur with the recommendations contained in this report.

Juliana Jarvis

#### **ACTING ICT CATEGORY MANAGER**

I concur with the recommendations contained in this report.

Stephen Bailey

# **PROCUREMENT OPERATIONS MANAGER**

I concur with the recommendations contained in this report.

Sylvia Swalling

**ACTING GENERAL MANAGER CORPORATE SERVICES** 

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Doc ID No: A7504481

ITEM: 6

SUBJECT: PEOPLE AND CULTURE POLICIES FOR REPEAL

AUTHOR: WORKPLACE RELATIONS MANAGER

DATE: 23 AUGUST 2021

#### **EXECUTIVE SUMMARY**

This is a report concerning People and Culture policies for repeal and for adoption. The People and Culture Branch (Corporate Services) has undertaken an audit of all policies under its control and identified policies which have now been replaced by Administrative Directives approved by the Chief Executive Officer.

#### **RECOMMENDATION**

- A. That the policy titled 'Workplace Health and Safety', as detailed in Attachment 1, be repealed and replaced with an updated policy as outlined in Recommendation D and detailed in Attachment 4.
- B. That the policy titled 'Employee Complaints Policy', as detailed in Attachment 2, be repealed.
- C. That the policy titled 'Anti-Discrimination and Equal Employment Opportunity (EEO) Policy', as detailed in Attachment 3, be repealed.
- D. That the updated policy titled 'Workplace Health and Safety', as detailed in Attachment 423 August 2021 be adopted.

The policies proposed for repeal have been replaced by Administrative Directives listed below, approved by the Chief Executive Officer and now published on The Wire:

- Workplace Safety and Wellbeing Administrative Directive 17/12/20
- Resolving Workplace Grievances Administrative Directive 26/6/20 and Investigation and Management of Disciplinary Matters Administrative Directive 8/7/20
- Diversity and Inclusion Administrative Directive 14/12/20

## **RELATED PARTIES**

No conflicts of interest are observed or noted.

#### **IFUTURE THEME**

A Trusted and Leading Organisation

# **PURPOSE OF REPORT/BACKGROUND**

In 2019 Council reviewed its governance document structure and adopted a Policy and Procedure Management Framework in July 2019, to align its strategic and operational responsibilities. As a result of this review, Council created Administrative Directives that manage the operational responsibilities under the direction of the Chief Executive Officer.

The People and Culture Branch (Corporate Services) has undertaken an audit of all policies under its responsibility and identified the following which have now been replaced by Administrative Directives approved by the Chief Executive Officer. Subsequently the three outdated policies in this report are recommended to be repealed by Council resolution.

In the area of Work Health and Safety and Anti-Discrimination there is comprehensive Queensland legislation setting out obligations for employers. The Administrative Directives reference the legislation and provide guidance for Council leaders and employees in meeting these obligations. The proposed policy will demonstrate a public facing commitment from Ipswich City Council.

Employee complaints are an operational matter best dealt with by the Resolving Workplace Grievance Administrative Directive approved by the CEO in mid-2020.

As a result of the creation of replacement Administrative Directives, the following policies are recommended for repeal by Council:

- Workplace Health and Safety Policy Attachment 1
- Employee Complaints Policy Attachment 2
- Anti Discrimination and Equal Employment Opportunity (EEO) Policy Attachment
   3

The three (3) policies in this report represent the final policies aligned to People and Culture Branch that have been converted to Administrative Directives.

People and Culture on behalf of the organisation seeks to have a public facing document that demonstrates our commitment to safety and wellbeing. The proposed Workplace Health and Safety policy will address this matter for Council.

# **LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions: Local Government Act 2009

#### **RISK MANAGEMENT IMPLICATIONS**

There are no risks identified with the repeal of these policies and the adoption of the new policy. The policies for repeal are not a mandatory requirement under the Local Government Act or the Work Health and Safety Act Qld 2011.

# **HUMAN RIGHTS IMPLICATIONS**

HUMAN RIGHTS IMPACTS		
OTHER DECISION		
(a) What is the Act/Decision being made?	Recommendations A, B and C state that Council repeal previous ICC policies and recommendation D states that Council adopt a new Workplace Health and Safety policy.	
(b) What human rights are affected?	No human rights are impacted by this decision as the provisions remain available to all employees via legislation and internal Administrative Directives.	
(c) How are the human rights limited?	Not applicable	
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable	
(e) Conclusion	The decision is consistent with human rights.	

# FINANCIAL/RESOURCE IMPLICATIONS

No financial implications are identified.

## COMMUNITY AND OTHER CONSULTATION

Internal areas of Council have been consulted and the Executive Leadership Team is supportive of the recommendations as agreed at its meeting held 1 March 2021.

# **CONCLUSION**

It is recommended that the Governance and Transparency Committee endorse the repeal of the three (3) People and Culture policies listed as attachments 1-3 and endorse the adoption of the new Workplace Health and Safety Policy (attachment 4) which would be published on the Council website and internally on The Wire.

#### ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- Workplace Health and Safety Policy to be repealed 🗓 🖼
- Employee Complaints Policy to be repealed 🗓 🖺 2.

2021

- 3. Anti-Discrimination and Equal Employment Opportunity (EEO) Policy to be repealed 1
- 4. Workplace Health and Safety Policy 2021 🗓 🖼

Nick Sheehan

# **WORKPLACE RELATIONS MANAGER**

I concur with the recommendations contained in this report.

Talia Love-Linay

# MANAGER, PEOPLE AND CULTURE

I concur with the recommendations contained in this report.

Sylvia Swalling

**ACTING GENERAL MANAGER CORPORATE SERVICES** 

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#### WORKPLACE HEALTH AND SAFETY POLICY

DOCUMENT NO: A4746103

#### 1.1 Objectives:

The Ipswich City Council values the health, safety and wellbeing of all its employees, members of the community and any person that may visit, transact business or use the many facilities it manages and controls. Accordingly, the Council will endeavour to pursue the highest possible standard of workplace health and safety management in all its operations. Ipswich City Council is committed to providing a safe and healthy workplace and to eliminating conditions and incidents that could result in personal injury or ill health.

#### 1.2 Regulatory Authority:

Work Health and Safety Act 2011.

Work Health and Safety Regulations 2011.

Ministerial Notices, relevant Codes of Practice and Australian Standards.

#### 1.3 Policy Statement:

The Ipswich City Council is committed to providing a safe and healthy workplace and to eliminating conditions and incidents that could result in personal injury or ill health. Ipswich City Council will endeavour to pursue best practice in all aspects and ensure that its activities conform to the "Work Health and Safety Act and Regulations", Ministerial Notices, relevant Codes of Practice and Australian Standards.

Ipswich City Council will provide staff with guidelines on, and training in safe work practices as well as information on identification, assessment and control of hazards in the workplace. All staff of Ipswich City Council are to comply with Workplace Health and Safety policies, procedures, guidelines and to conduct themselves in a manner that ensure not only their health and safety but also that of everyone around them.

Ipswich City Council will ensure adequate safety levels are achievable by:

- Mandatory induction training for all new staff and where appropriate, contractors;
- Sound workplace planning and operation;
- Training based on standard proven work methods and operational and maintenance procedures;
- The provision of responsible financial support for these activities;
- Enforcement of Statutory and Ipswich City Council safety policies, procedures and guidelines; as necessary.

Ipswich City Council recognises that the success of Council's Workplace Health and Safety

Page 1 of 2

Management System depends on the commitment and cooperation of all staff and Contractors. Participation and consultation with staff will take place through the Health, Safety and Environment Committees and Board.

Ipswich City Council is also committed to ensuring the health and safety of visitors and members of the public who come onto Council's premises and workplaces or are affected by Council's activities.

- **1.4 Scope**: Ipswich City Council values the health, safety and wellbeing of all its employees, members of the community and any person that may visit, transact business or use the many facilities it manages and controls. Accordingly, the Council will pursue the highest possible standard of workplace health and safety management in all its operations.
- **1.5 Roles and responsibilities**: The following persons have duties under the WHS Act to ensure health and safety and to manage risks:

Officers Exercise due diligence to ensure that the business or undertaking complies with the WHS Act and Regulations. This includes taking reasonable steps to:

- gain an understanding of the hazards and risks associated with the operations of the business or undertaking, and
- ensure that the business or undertaking has and uses appropriate resources and processes to eliminate or minimise risks to health and safety.

# **Duties of workers**

While at work, a worker must—

- take reasonable care for his or her own health and safety; and
- take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and
- co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.
- 1.7 Policy Author: Workplace Health and Safety Manager

Date of Council Resolution: 27 March 2018

**Committee Reference and Date:** Policy and Administration Advisory Committee No.

2018(02) of 13 March 2018

No. of Resolution: 5

Date to be reviewed: 27 March 2020



# Employee Complaints Policy

Version: 1

Document No: A5231692

# 1.1 Objective:

The objective of this policy is to provide a guide to managing employee workplace complaints. The Employee Complaints Policy provides an appropriate mechanism for employees to raise and resolve a complaint or grievance on employment related matters.

#### 1.2 Regulatory Authority:

Employee Code of Conduct
Industrial Relations Act 2016
Local Government Act 2009
Local Government Regulation 2012
Ipswich City Council Enterprise Agreements

# 1.3 Policy Statement:

Council is committed to ensuring all complaints are managed in a confidential, fair, and transparent manner, in accordance with the principles of procedural fairness and natural justice.

#### 1.4 Scope:

This policy applies to all Council employees and relates to:

- · Grievances or complaints raised by employees in relation to employment matters, and
- Complaints raised by external parties about employee conduct or performance.

# Exclusions:

- Discrimination, bullying and harassment complaints. These are addressed and managed in accordance with Council's Anti-Discrimination and Equal Employment Opportunity Policy.
- Public Interest Disclosures regarding complaints about Fraud/whistle-blower/corrupt conduct.
- Administration Action Complaints.
- Complaints about the Chief Executive Officer.
- Complaints about Councillors and during the period of the Interim Administrator being appointed to Ipswich City Council, the Interim Administrator or a member of the Interim Management Committee.

Together we proudly enhance the quality of life for our community.



#### Principles:

In managing and resolving complaints/grievances the following principles will be appropriately applied taking into account the nature of the complaint/grievance:

- Where possible employee complaints/grievances should be resolved informally by their supervisor;
- Complaints/grievances will be treated seriously;
- Complaints/grievances should be addressed within a reasonable timeframe;
- The complainant and any person/s subject of the complaint (the parties) will be supported and protected from reprisal;
- Support will be available to all parties e.g. Employee Assistance Program, union delegate;
- Appropriate communication should occur throughout the process;
- Appropriate documentation will be maintained;
- · Confidentiality must be maintained;
- Principles of natural justice will apply;
- The decision maker will be independent of the investigation process;
- Employees should not raise vexatious or frivolous complaints or grievances.

# 1.5 Roles and responsibilities:

<u>Employees</u>: where appropriate raise complaints/grievance in the first instance with their supervisor/manager. Where this is not appropriate or the issue has not been resolved to the employee's satisfaction they may lodge their complaint/grievance with the People and Culture Branch.

<u>Managers/Supervisors</u>: to escalate workplace complaints to the People and Culture Branch in a timely manner if a resolution has not been achieved to the employee's satisfaction.

<u>Manager People and Culture</u> [or their delegate]: to receive the complaint and oversee the investigation to ensure it is undertaken in accordance with the principles outlined above.

#### 1.6 Definitions:

Employee; includes contingent workers, contract staff and trainees.

1.7 Policy Author: Manager People and Culture

Date of Council Resolution: 4 December 2018

Committee Reference and Date: Governance Committee No. 2018(02) of 27 November 2018

No. of Resolution: 07

Date to be reviewed: 4 December 2020

Together we proudly enhance the quality of life for our community.



Anti-Discrimination and Equal Employment Opportunity (EEO) Policy

Document No: A5506325

#### 1.1 Objectives:

At Ipswich City Council, we are committed to ensuring a workplace free of unlawful discrimination and harassment. This commitment is based, in part, on the need to ensure that our organisation complies with relevant Equal Employment Opportunity laws.

Ipswich City Council will endeavour to ensure that in the application of all Council's policies, practices and procedures, no unlawful discrimination and harassment takes place and that all employees enjoy equal access to opportunities within Council. Every person, regardless of their membership of a particular group, must be given a fair and equitable chance to compete for appointment, promotion or transfer, and to pursue their career as effectively as others.

Ipswich City Council is committed to achieving the following Equal Employment Opportunity and diversity objectives:

- to ensure that all employees are treated fairly;
- to fully utilise and develop the potential of every employee;
- to keep all policies and procedures consistent with Equal Employment Opportunity and diversity principles;
- to enhance employee morale and motivation by increasing staff confidence in the fairness of our human resource practices and access to employment opportunities and to eliminate discrimination against target groups;
- to endeavour to achieve and maintain balanced representation of the target groups within our workforce across the full range of occupational groups in Council;
- to achieve and maintain parity in access to employment, and career progression opportunities in the target groups with other employees with similar knowledge, skills and abilities.

#### 1.2 Application of Policy

This Policy applies to employees, agents and contractors (including temporary contractors) of Ipswich City Council, collectively referred to in this Policy as 'workplace participants'.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and client functions. Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

#### 1.3 What Is Equal Employment Opportunity?

Equal Employment Opportunity, is a positive way of describing the absence of unlawful discrimination and harassment in the workplace. This means that employment decisions are not made on the basis of irrelevant characteristics, such as a person's sex, race, marital status, pregnancy, disability or age. Basing employment decisions on such characteristics is unfair, bad management and also unlawful under Federal and State Government equal opportunity laws.

In order to ensure Equal Employment Opportunity, employment decisions are made on the basis of the individual merit of employees.

#### 1.4 Discrimination and Harassment

Discrimination in employment occurs when a person is treated less favourably in their employment because of a ground of discrimination. A full list of the grounds of discrimination which operate in Queensland are set out below.

- Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
- Religious belief or activity
- Sex
- Marital status, relationship status
- Pregnancy (including potential pregnancy)
- Homosexuality, transexuality, sexuality, sexual preference, lawful sexual activity, gender identity
- Carers' responsibilities, family responsibilities,
- · Disability, including physical, mental and intellectual disability
- Breastfeeding
- Age
- Parental status
- · Political belief or activity
- Trade union activity
- Lawful sexual activity

Discrimination also includes the situation where a workplace participant harasses another person based on a ground of discrimination. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.

#### 1.5 Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

#### 1.6 Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

Examples of sexual harassment include, but are not limited to:

- Physical contact such as pinching, touching, grabbing, kissing or hugging.
- Staring or leering at a person or at parts of their body.
- Sexual jokes or comments.
- Requests for sexual favours.
- Persistent requests to go out, where they are refused.
- Sexually explicit conversations.
- Displays of offensive material such as posters, screen savers, Internet material etc.
- · Accessing or downloading sexually explicit material from the Internet.
- Suggestive comments about a person's body or appearance.
- Sending rude or offensive emails, attachments or text messages.

#### 1.7 Bullying

Bullying is repeated, unreasonable behaviour directed towards an individual or group, that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. Single incidents of unreasonable behaviour can also create a risk to health and safety and may escalate into bullying. There is no requirement that bullying be intentional.

It is not bullying for a manager or supervisor to counsel a workplace participant about their performance. Performance counselling is a necessary part of ensuring that workplace participants meet Ipswich City Council's standards of work and behaviour. Also, other reasonable managerial actions such as disciplinary action, work directions and orders, and allocation of work in compliance with business needs and systems do not constitute bullying.

## 1.8 Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject

them to any detriment.

#### 1.9 Consequences of Unlawful Discrimination and Harassment

Employees are expected to comply with Council's policy and refrain from engaging in any discriminatory behaviour. Unlawful discrimination and harassment will not be tolerated at Ipswich City Council. Where instances of unlawful discrimination and harassment occur, they will be investigated in a confidential manner, and if proven the person responsible will be disciplined.

Ipswich City Council has in place an Equal Employment Opportunity and Workplace Harassment Grievance Procedure which details the action employees can take if they feel that they have been discriminated against. The Procedure contains the names of Contact Officers whom employees can speak to about making a complaint, if they so wish. The Equal Employment Opportunity and Workplace Harassment Grievance Procedure also sets out what will happen if a complaint of unlawful discrimination and harassment is made against you.

#### 2.0. Rights and Responsibilities

All workplace participants must:

- ensure they do not engage in any unlawful conduct towards other workplace participants, customers/clients or others with whom they come into contact through work;
- ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- follow the Equal Employment Opportunity and Workplace Harassment Grievance Procedure if they
  experience any unlawful conduct;
- report any unlawful conduct they see occurring to others in the workplace and
- maintain confidentiality if they are involved in the complaint procedure.

Workplace participants should be aware that they can be held legally responsible for their unlawful conduct. Workplace participants, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

# 2.1. Breach of this Policy

All workplace participants are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with Ipswich City Council terminated or not renewed.

If a person makes an unfounded complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

#### 2.2 Policy Author: Human Resources Branch

Date of Review: 8 May 2019

Date of Council Resolution: 26 July 2016

Committee Reference and Date: Policy and Administration Board No. 2016(03) of 12 July 2016 – City

Management, Finance and Community Engagement Committee No. 2016(04) of 19 July 2016

No. of Resolution: 1

Date to be reviewed: 8 May 2021



# IPSWICH CITY COUNCIL

# **Workplace Health and Safety Policy**

Version Control and Objective ID	Version No: 1	Objective ID:
Approved by Council on		
Date of Review		

#### 1. Statement

Council values the health, safety and wellbeing of all its employees, members of the community and any person that may visit, transact business or use the many facilities it manages and controls. Accordingly, the Council will endeavour to pursue the highest possible standard of workplace health and safety management in all its operations. Ipswich City Council is committed to providing a safe and healthy workplace and to eliminating conditions and incidents that could result in personal injury or ill health.

#### 2. Purpose and Principles

This policy supports the principles of the *Local Government Act 2009* and the Workplace Health and Safety Regulation Qld. It demonstrates the commitment of Council to the provision of a workplace where employees feel safe, supported and free to raise concerns. It demonstrates in addition to Council Administrative Directives and Procedures that all employees should feel included regardless of race, religion, gender, political beliefs or abilities. The policy also confirms Council's commitment to transparency, accountability and ethical behavior.

# 2.1 Workplace Health and Safety

Council is committed to undertaking our business in a manner that prevents injury or illness to employees, visitors, contractors and the public who may be impacted by our work activities. We aim to reduce the incidence and severity of injuries and workplace illnesses caused by our activities, and to improve the health and wellbeing of our people working for or on behalf of council.

We are committed to keeping our workplace free from harm by:

- Putting the health, safety and wellbeing of workers and persons ahead of all other considerations.
- Displaying safety leadership and promoting a culture of continuous improvement in health, safety, and wellbeing at all levels.
- Living up to and demonstrating the safety standards as an integral part of doing council business.
- Employing the Just and Fair Culture standard as a transparent guide to consistent and appropriate leadership responses to safety behaviour.
- Utilising the risk management process and ensuring consistency with the nature of our workplace activities and scale of WHS risks.

# IPSWICH CITY COUNCIL | Workplace Health and Safety Policy

- Complying with relevant WHS legislation and other requirements placed upon the organisation or to which we subscribe.
- Establishing measureable objectives and targets for work health and safety to ensure continuous improvement aimed at eliminating work-related illness and injury.
- Ensuring that each worker receives information, instruction and training regarding their workplace safety and wellbeing responsibilities.
- Employing the consultation process to ensure all stakeholders are included in the decision making processes impacting on work health and safety.
- Disseminating of WHS information to all workers and stakeholders at the workplace.
- Implementing the provisions of the Workplace Health and Safety Administrative
   Directive and associated Procedures and work instructions consistently in all areas of
   the organisation.

# 2 Strategic Plan Links

This policy relates to:

A Trusting and Leading Organisation

# 3 Regulatory Authority

Human Rights Act 2019 (Qld)
Industrial Relations Act 2016 (Qld)
Work Health and Safety Act 2011 (Qld)
Local Government Act 2009
Local Government Regulation 2012

#### 4 Related Documents

Good Governance Guide Code of Conduct

# 5 Scope

This policy applies to all Council employees, and others that act on Council's behalf to ensure compliance with Council's commitment to a safe and equitable workplace.

#### 6 Roles and Responsibilities

Elected representatives in partnership with the Executive Leadership Team play a key role in leading the direction of Council through the demonstration of ethical behaviour and positive reinforcement of accountability and transparency through adherence to Council's policy standards.

Members of the community and any person that may visit, transact business or use the many facilities it manages must take reasonable care for his or her own health and safety; and ensure that they

 take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and

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- comply, so far as the worker is reasonably able, with any reasonable instruction that is given
  by the person conducting the business or undertaking to allow the person to comply with
  this Act; and
- co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

# 7 Key Stakeholders

- Mayor, Councillors and Executive Leadership Team
- Legal and Governance Branch
- People and Culture Branch
- Internal Audit

# 8 Monitoring and Evaluation

Monitoring and evaluation measures will be as follows:

- People and Culture reviews of matters being addressed in accordance with Council Administrative Directives and Procedures;
- Demonstration by the leadership team and active promotion of this policy and the associated practices to employees;
- Analysis of complaints or grievances related to poor governance practices;
- General awareness and sentiment of staff;
- Feedback from external agencies or organisations.

# 9 Policy Owner

The General Manager Corporate Services is the policy owner and the Manager People and Culture is responsible for authoring and reviewing this policy.