



GLADSTONE
REGIONAL COUNCIL

**GENERAL MEETING NOTICE
AND AGENDA**

**TO BE HELD AT THE COUNCIL CHAMBERS – CIVIC CENTRE
101 GOONDOON STREET, GLADSTONE**

On Tuesday 7 September 2021

Commencing at 9.00am

**Mark Holmes
CHIEF EXECUTIVE OFFICER, Acting**

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G/1. MAYORAL STATEMENT OF CURRENT ISSUES

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 17 AUGUST 2021

Responsible Officer: Chief Executive Officer

Council Meeting Date: 7 September 2021

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 17 August 2021.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 17 August 2021 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 17 August 2021.

Tabled Items:

Nil.

Report Prepared by: Executive Secretary

G/3. DEPUTATIONS

G/3.1. STRONGER PLACES STRONGER PEOPLE GLADSTONE

Responsible Officer: Chief Executive Officer

Council Meeting Date: 7 September 2021

File Ref: CM7.6

Purpose:

To provide an update briefing on Stronger Places, Stronger People (SPSP) initiative in the Gladstone Region.

Officer's Recommendation:

That the deputation from Stronger People, Stronger Places be received.

Background:

Deputation details are as follows:

Time of Presentation	9.15am
Duration of Presentation plus question time	15 minutes
Speakers to present	Lorna McGinnis, Start-Up Backbone Lead Deborah King, Start-Up Backbone Support
Is the matter currently or has previously been subject to legal proceedings?	No
Matter for information only	Yes

Attachments:

1. Stronger Places Stronger People Presentation

Tabled Items:

Nil.

Reported Prepared by: Executive Secretary

G/4. OFFICERS' REPORTS

G/4.1. 223-21 WASTE WATER OPERATIONS - ALDOGA AND ALF LARSEN

Responsible Officer: General Manager Operations

Council Meeting Date: 7 September 2021

File Ref: PE1.1

Purpose:

This report seeks resolution from Council to enter into a contract with Remondis Aqua Australia Pty Ltd for wastewater operation and maintenance services for Alf Larson/Lions Park Wastewater Treatment Plant and Aldoga Water Recycling Water Treatment Plant.

Officer's Recommendation:

That Council:

1. Endorse the Tender Evaluation Panel's recommendation and accept the offer from Remondis Aqua Australia Pty Ltd for tender 223-21 Wastewater Operation and Maintenance Services for Alf Larson/Lions Park Wastewater Treatment Plant and Aldoga Water Recycling Water Treatment Plant;
2. Authorise the Chief Executive Officer to enter into a 2-year contract with the option to extend for a further three 2-year periods, with Remondis Aqua Australia Pty Ltd for tender 223-21 Wastewater Operation and Maintenance Services for Alf Larson/Lions Park Wastewater Treatment Plant and Aldoga Water Recycling Water Treatment Plant.

Background:

Council requires a service provider who can provide ongoing remote monitoring, service and maintenance of:

- the wastewater treatment plant at Alf Larson Lions Park, Miriam Vale; and
- the 5000L/hr water recycling water treatment plant at Council's vehicle washdown facility at Aldoga Drive, Aldoga.

The service provider will be responsible for ensuring continuous operations of the wastewater treatment plant at Alf Larson Lions Park, Miriam Vale which services the public amenities, caravan dump point and community buildings on the park site.

The service provider will also be responsible for ensuring continuous operations of the public washdown facility at Aldoga including biosecurity and weed and seeds washdown.

The service provider will perform scheduled and unscheduled maintenance and provide their own telemetry system for monitoring for both sites. The service provider is also responsible for supplying chemicals for both plants.



Figure 1 – Alf Larson Wastewater Treatment Plant



Figure 2 – Wash bays at Aldoga Water Recycling Water Treatment Plant

Options, Risk and Opportunity Analysis:

On 24 April 2021, Council released an Invitation to Tender ('ITT') to the open market via VendorPanel, in accordance with the tender process requirements set out in section 228 of the Local Government Regulation 2012.

The tender closed on 18 May 2021, with two (2) conforming submissions received.

The offers were evaluated by a panel of subject matter experts, based on the criteria disclosed in the ITT which included:

Objective Evaluation Criteria	Weighting
Proposed Program/Schedule addresses GRC's defined requirements and meets GRC timing requirements	15%
Offer demonstrates understanding of the scope and GRC's requirements	25%
Proposed resourcing addresses all aspects of the scope and GRC's requirements	10%
Nominated past projects performed meet GRC's experience requirements	10%
Proposed Key Personnel have the qualifications and experience required by GRC	10%
Price	15%
Local Content	15%

The offers were scored against the evaluation criteria as follows:

	Score (before Local Content)	Score (after Local Content)
Remondis Aqua Australia Pty Ltd	64	66
Aqualyng ICES Pty Ltd	39	45

This submission from Remondis Aqua Australia Pty Ltd scored the highest overall, with a detailed conforming tender. Remondis Aqua Australia Pty Ltd demonstrated an excellent level of detail and planning throughout the program, methodology and resourcing provision, along with quality projects of similar scale and nature.

The tender evaluation panel recommends the submission from Remondis Aqua Australia Pty Ltd as it presents the best overall offer to Council.

Communication and Consultation:

Regular meetings between the contract owner and the contractor will take place throughout the delivery of the project.

Legal Strategy and Policy Implications:

Council sought offers via VendorPanel in accordance with the Local Government Regulation 2012, Local Government Act 2009 and Council's Procurement Policy P-2018-12.

Council's endorsement of this tender award is in accordance with the Register of Delegations - Exercise of Statutory Powers and Financial Delegation Register.

The Officer's recommendation is based on the evaluation methodology and criteria in the ITT. There are risks associated with Council awarding a contract contrary to the officer's recommendation.

If Council is not satisfied with the evaluation methodology and criteria or the application thereof, Council may refer the matter back to officers for re-evaluation.

In the interests of probity, an amendment to the evaluation methodology and/or criteria may require referral back to tenderers so that they can each have the opportunity to make any changes to their offers having regard to the amended criteria prior to re-evaluation.

Financial and Resource Implications:

The offer made by Remondis Aqua Australia Pty Ltd for \$425,707.00 ex GST per annum (\$6,254.79 ex GST per week for Alf Larson and \$1,931.88 ex GST per week for Aldoga) is contained within Council's approved operating budget.

Summary:

Remondis Aqua Australia Pty Ltd's offer was evaluated as presenting the best value to Council.

Anticipated Resolution Completion Date:

The contract will be awarded in September 2021.

Attachments:

1. CONFIDENTIAL 223-21 Offer Evaluation Report.

Tabled Items:

Nil.

Report Prepared by: Manager Contracts and Procurement.

G/4.2. REVIEW OF COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 7 September 2021

File Ref: CM28.2

Purpose:

The purpose of this report is for Council to consider a proposed revised Councillor Acceptable Request Guidelines Policy.

Officer's Recommendation:

That Council:

1. Repeal P-2018-32 - Councillor Acceptable Requests Guidelines Policy; and
2. Adopt P-2021-20 - Councillor Acceptable Request Guidelines Policy.

Background:

The Councillor Acceptable Request Guidelines Policy is due for review. A review has occurred internally with the following matters considered and incorporated into the proposed revised draft:

- Streamlining document to simplify and remove 'operational' processes managed internally within the business
- Removal of 'duplication' of legislative wording with reference to key points only
- Clarification of scope of policy to be in accordance with legislative requirements and to exclude a request that any member of the public could make on the business
- Review and updates to 'nominated' Council positions with inclusion as an attachment

Options, Risk and Opportunity Analysis:

Option 1- Adopt the revised policy

This option would result in adopting the proposed revised policy which has been reviewed in line with current operations and legislation. There is minimal risk in adopting this option.

Option 2 – Adopt the revised policy with changes

This option would result in adopting the proposed revised policy but with any changes Council may wish to propose. An alternative resolution may be:

"That Council:

1. *Repeal existing P-2018-32 - Councillor Acceptable Request Guidelines Policy; and*
2. *Adopt the revised P-2021-20 – Councillor Acceptable Request Guidelines Policy, subject to the following amendments:*
 - a) *Insert change;*
 - b) *Insert change."*

Retaining the existing policy is not considered as an option as it no longer aligns to current operations and specific legislative references within the document are outdated and incorrect.

Communication and Consultation:

An informal workshop occurred in July 2021 that included consideration of the processes associated with Councillor requests. Feedback from this workshop has been incorporated into the proposed policy. The Executive team and leaders of Customer Solutions have been consulted on the proposed draft with feedback incorporated. No concerns have been raised regarding the proposed policy for consideration.

Legal Strategy and Policy Implications:

Section 170A (7) of the Local Government Act 2009 identifies acceptable requests guidelines to be the guidelines adopted by resolution of the local government. Gladstone Regional Council's Councillor Acceptable Requests Guidelines Policy meets this requirement and includes information on the way in which a Councillor may ask for advice to help the Councillor carry out their responsibilities and the reasonable limits on any requests made.

Financial and Resource Implications:

There are no additional financial or resource implications associated with the proposed policy. Implementation of the policy occurs as part of the Council's core services.

Summary:

A revision of the Councillor Acceptable Requests Guidelines Policy has occurred to ensure it remains contemporary and supports current operations and legislation.

Anticipated Resolution Completion Date:

Within two (2) weeks of meeting resolution.

Attachments:

1. Proposed P-2021-20 - Councillor Acceptable Request Guidelines Policy
2. Existing P-2018-32 - Councillor Acceptable Requests Guidelines Policy
3. Proposed P-2021-20 - Councillor Acceptable Request Guidelines Policy – tracked changes.

Tabled Items:

Nil.

Report Prepared by: Manager Governance and Risk

G/4.3. REPEAL OF ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICIES

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 7 September 2021

File Ref: CM28.2

Purpose:

Council is committed to providing a workplace that is free from stigma, discrimination and any form of intimidation, violence, harassment (sexual or other) or bullying of any kind as outlined in its People & Culture Policy. The purpose of this report is to seek the Council's approval to repeal the outdated Anti-Discrimination Policy and Anti-Harassment Policy as these policies are not current and are superfluous to current policy requirements.

Officer's Recommendation:

That Council, in consideration of current legislation and existing policies:

1. Repeal P-2013-32 - Anti-Harassment Policy;
2. Repeal P-2014-1 - Anti-Discrimination Policy.

Background:

Council is committed to providing a workplace that is free from stigma, discrimination and any form of intimidation, violence, harassment (sexual or other) or bullying of any kind. However, the Anti-Harassment Policy and Anti-Discrimination Policy are outdated and have been superseded by Council's commitments in its People & Culture Policy. In addition, there have been legislative changes that now override these policies as detailed below. This report is therefore recommending repeal of both policies.

Options, Risk and Opportunity Analysis:

The Anti-Harassment Policy is eight (8) years old, and the Anti-Discrimination Policy is seven (7) years old. These policies are not frequently utilised in business and are not considered necessary. A summary of reasons that the policies are considered superfluous is outlined below.

Legislation

- The *Industrial Relations Act 2016* has been introduced since these policies were adopted and it specifies requirements for bullying and harassment.
- The *Anti-Discrimination Act 1991* identifies specific requirements in relation to the prohibition of discrimination and the regulatory provisions associated with complaints relating to discrimination. There is no requirement to also adopt specific policy content on these matters and there is a risk in doing so as legislation often changes and would result in the policy content being outdated (as currently exists).
- The *Human Rights Act 2019* came into effect in January 2020 and provides protection for human rights including, amongst other rights, the right to freedom of thought, conscience, religion, and belief, right to freedom of expression, right to privacy and reputation, and cultural rights.
- The *Local Government Act 2009* identifies that the Chief Executive Officer is responsible for the management of employees including disciplinary matters. It is not considered appropriate that

policies are adopted on the management of harassment or discrimination matters involving employees.

Council Policies & Corporate Standards

- Council adopted a People & Culture Policy in 2019 (refer attachment 3) which includes a commitment to *'providing a workplace that is free from stigma, discrimination and any form of intimidation, violence, harassment (sexual or other) or bullying of any kind'*. This policy outlines Council's commitment to our people and culture and it is considered duplication to have additional policies on specific topics relating to our people and culture.
- Council's Certified Agreement includes a grievance and dispute settling procedure along with requirements around investigations and disciplinary processes. These requirements have been further developed into corporate standards set at the operational level. It is not considered appropriate and would be a duplication to include operational processes within the existing policies.
- Council has also adopted the Complaint Management Policy and Corporate Standard which includes processes associated with the reporting and managing of employee conduct concerns. It is considered duplication to also include requirements on employee conduct complaints in another policy.
- Council has been actively working towards streamlining and simplifying its policy framework over the last three years. Keeping these two policies goes against this principle as the content is covered appropriately through existing legislation, policies and corporate standards identified above.

Operational Programs

- The Anti-Discrimination Policy includes reference to a 'contact officer' program. This program has not operated for some time and is not considered as required. Council has implemented a 'Mental Health First Aid' program where several staff have been trained as mental health first aiders and further work is occurring to promote and identify these roles in the business. Programs of this nature are considered operational and need to be flexible in their implementation based on the needs of the business.

For the reasons above, officers recommend Option 1 to repeal both policies.

Option 1 - Repeal both policies

This option would result in both policies being repealed and not replaced. This option is recommended as it reduces the risk of duplication of information in different policies which is creating confusion within the business. This option also positively contributes to streamlining Council's policy framework whilst maintaining Council's commitment to our people and culture through the consolidated People and Culture Policy. It also provides an opportunity for the business to be flexible in its approach to people programs by not specifying these in policy and allowing these to be determined through operational work programs based on engagement in the business.

Option 2 – Review both policies to incorporate and bring into legislative alignment

This option would result in a full review of the policies to bring into alignment with legislative requirements. An alternative resolution may be:

“That Council request that both the Anti-Harassment Policy and Anti-Discrimination Policy be reviewed and brought back to Council for decision.”

Communication and Consultation:

Internal consultation has occurred with members of our People Services team who support the repeal of these policies.

Legal Strategy and Policy Implications:

Council has obligations to follow statutory legislation relevant to harassment and discrimination matters. It is recommended that Council does not also maintain detailed policies on these topics for the reasons identified above. If the recommended option to repeal the policies is endorsed, this will remove the policies from Council’s policy framework, however, will not change operationally how matters of this nature are managed.

Financial and Resource Implications:

Repealing both policies will result in minor operational resource savings by reducing the number of policies scheduled for review.

Summary:

The Anti-Harassment Policy and Anti-Discrimination Policy have been identified as outdated and no longer required in the business.

Anticipated Resolution Completion Date:

Within two (2) weeks of Council resolution.

Attachments:

1. P-2013-32 – Anti-Harassment Policy
2. P-2014-1 – Anti-Discrimination Policy
3. P-2019-05 – People and Culture Policy

Tabled Items:

Nil.

Report Prepared by: Manager Governance and Risk

G/5. COUNCILLORS REPORT

G/6. URGENT BUSINESS

G/7. NOTICE OF MOTION

G/8. CONFIDENTIAL ITEMS