

### 7.13. TC JASPER EMERGENCY CONTRACTS

<b>REPORT AUTHOR</b>	Construction and Commercial Manager
<b>MANAGER</b>	Chief Engineer TC Jasper Infrastructure and Recovery
<b>DEPARTMENT</b>	Infrastructure Recovery
<b>RECOMMENDATION</b>	

**That:**

- 1. Council retrospectively acknowledges the procurement in accordance with Local Government Regulation exception s235(c) of Stantec Australia Pty Ltd during the declared emergency for Tropical Cyclone Jasper;**
- 2. Council in accordance with the Council Resolutions adopted in its report dated 30 April 2024, Council retrospectively consider the engagement of Stantec Australia Pty Ltd related to Tropical Cyclone; and**
- 3. Council delegates authority under s 257(1)(b) of the *Local Government Act 2009* to the Chief Executive Officer to finalise all outstanding matters related to the engagement of Stantec Australia Pty Ltd related to Tropical Cyclone Jasper.**

---

### EXECUTIVE SUMMARY

In response to the devastating impacts of Tropical Cyclone Jasper (TC Jasper), Council pursued several service-delivery strategies utilising the Regulation section 235(c) including implementing a procurement process efficiency initiative. Amongst other things, this initiative allowed the Chief Executive Officer (CEO) to enter into contracts above the position's financial delegation at the time (\$200,000) without seeking, in advance, a Council resolution. However, it was also a Procurement Policy requirement that Council would be provided an opportunity to retrospectively consider such contracts.

A review of records indicates that some engagements undertaken within the Emergency response period using section 235(c) of the Regulation have not been presented to Council for consideration. The first engagement identified as requiring consideration by Council is Stantec Australia Pty Ltd (Stantec), global consultancy firm first engaged to support the Douglas Shire in its emergency response in March 2024.

Stantec have played a critical role in the successful establishment and implementation of Councils Disaster Recovery Funding Arrangements (DRFA) program; assisting in maximising the works recoverable under the program, accelerating Council's recovery progress and supporting Douglas shire staff to navigate the complexities of disaster response and recovery. The engagement of Stantec ceased in June 2025

### BACKGROUND

Tropical Cyclone Jasper (TC Jasper) impacted the Douglas Shire Council and the broader region on 13 December 2023, followed by a significant rain event, resulting in a large amount of damage. The Douglas Shire deployed its own resources and, due to the magnitude of the event, engaged the services of various contractors and service providers in order to provide

immediate disaster relief, delivery of critical supplies, clean up, road access and many other operational supports to the community.

Typically following the declaration of an emergency, all funds expended are recoverable under DRFA through the Queensland Reconstruction Authority (QRA).

## Procurement

Outside of an emergency, the *Local Government Regulation 2012* (the Regulation) requires written quotations or tenders be invited for procurement of works or the supply of goods or services that are greater than \$15,000 (medium sized contracts) or \$200,000 (large sized contracts) respectively.

Council's current Procurement Policy contains provisions for obtaining quotes for amounts less than \$10,000 up to \$200,000, as well seeking tenders for amounts greater than \$200,000

The Regulation acknowledges that there are instances when it is not always possible to meet these provisions and subsequently provides several exceptions, including the following under sections: 235(a); 235(b); and 235(c).

- *Section 235(a) – “The local government resolves it is satisfied that there is only one supplier who is reasonably available”*
- *Section 235(b) – “The local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders”*
- *Section 235(c) – “a genuine emergency exists”*

In response to the devastating impacts of Tropical Cyclone Jasper (TC Jasper), Council pursued several service-delivery strategies utilising the Regulation section 235(c) including implementing a procurement process efficiency initiative. Amongst other things, this initiative allowed the CEO to enter into contracts above the position's financial delegation at the time (\$200,000) without seeking, in advance, a Council resolution. However, it was also a Procurement Policy requirement that Council would be provided an opportunity to retrospectively consider such contracts which was included in the resolutions of the Council Report dated 30 April 2024 (below):

*That Council:*

1. *Delegates authority to the Chief Executive Officer (CEO) to award contracts valued at more than \$200,000 associated with Tropical Cyclone Jasper recovery works.*
2. *Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters related to the awarding of those contracts.*
3. *Notes that, in accordance with Council's Procurement Policy, Council will retrospectively consider all contracts valued at more than \$200,000 awarded by the Chief Executive Officer (CEO) associated with funded projects related to Tropical Cyclone Jasper*

As a result, contracts awarded post 30 April 2024 have been presented to Council for retrospective consideration in accordance with Council's resolution above. Recently it has

recently been highlighted that a number of contracts awarded prior to 30 April 2024 have not been presented to Council for retrospective consideration.

A review is currently being undertaken to identify all contracts that may require retrospective approval. These contracts will be brought to Council progressively over the coming months as they are identified.

## COMMENTS

Stantec is a global consultancy firm first engaged to support the Douglas Shire in its emergency response in March 2024. A review of records indicates that their engagement has not been presented to Council for consideration.

Stantec were first engaged in the midst of TC Jasper emergency response, ultimately providing three resources in support of response and recovery efforts through undertaking the following:

Company		Start Date	End Date	Total Value of Engagement (\$)
<b>Stantec Pty Ltd</b>	<b>Australia</b>	March 2024	June 2025	\$1,756,185.03 ex GST

Resources and functions provided:

1. Initially commenced in March 2024 to support the organisation through its emergency response and set up the DRFA team. Appointment made as Program Lead under DRFA and took on a portion of the Chief Engineer function within Douglas Shire whilst this role was vacant. The appointment was instrumental in the successful establishment and implementation of Councils DRFA program; assisting in maximising the works recoverable under the program, accelerating Council's recovery progress and supporting Douglas shire staff to navigate the complexities of disaster response and recovery. Engagement ceased in June 2025
2. Additional resources were engaged to assist in developing the program, providing leadership across various QRA submissions, approvals, project establishment and delivery. Commencement of additional resources occurred in April 2024 and continued through to June 2025
3. In addition, Project Engineering support was also provided, establishing Quality Assurance control and assisting in compiling tender documentation across various Restoration of Essential Public Assets submissions via the DRFA program. Commencement occurred in April 2024 and continued through to June 2025.

## PROPOSAL

That:

1. Council retrospectively acknowledges the procurement in accordance with Local Government Regulation exception s235(c) of Stantec Australia Pty Ltd during the declared emergency for Tropical Cyclone Jasper;
2. Council in accordance with the Council Resolutions adopted in its report dated 30 April 2024, Council retrospectively consider the engagement of Stantec Australia Pty Ltd related to Tropical Cyclone; and

3. Council delegates authority under s 257(1)(b) of the Local Government Act 2009 to the Chief Executive Officer to finalise all outstanding matters related to the engagement of Stantec Australia Pty Ltd related to Tropical Cyclone Jasper.

### FINANCIAL/RESOURCE IMPLICATIONS

Funding for the engagement of Stantec is fully recoverable under DRFA arrangements. As a result, there are no financial implications for Council

### RISK MANAGEMENT IMPLICATIONS

The purpose of this report is to retrospectively report on procurements undertaken under emergency works provisions in accordance with legislation and Council Policy. Failure to report may result in a breach of Council Policy.

### SUSTAINABILITY IMPLICATIONS

<b>Economic:</b>	Nil impact from the approvals in this report as works have already occurred.
<b>Environmental:</b>	Nil impact from the approvals in this report as works have already occurred.
<b>Social:</b>	Nil impact from the approvals in this report as works have already occurred.

### CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

#### Corporate Plan 2025-2030 Initiatives:

##### Theme 3 - Service Delivery

We deliver Council services effectively and efficiently to meet community expectations, focusing on the wellbeing of both the community and our employees.

*3.4 - Ensure capital and maintenance programs for infrastructure/open spaces are prioritised and delivered on time.*

*3.6 - Deliver Council services to meet community expectations.*

##### Theme 4 - Recovery and Resilience

To partner with community to build resilience against natural disasters creating a strong sense of social capital.

*4.2 - Deliver infrastructure asset restoration and betterment.*

*4.5 - Undertake effective disaster management (planning, preparedness, response, recovery).*

#### Operational Plan 2025-2026 Actions:

New project arisen during the financial year.

## COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

<b>Advocate</b>	Council makes representation on behalf of the community on important issues, funding opportunities, projects and programs. Council will use its influence to seek the best outcomes for the community.
<b>Regulator</b>	Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.
<b>Service Provider</b>	Council provides many services to the community from roads and waste services to libraries and recreational facilities. Services evolve over time and it is the Council's mission to ensure that these services are appropriate, delivered efficiently, and designed with the customer at the centre.

## CONSULTATION

<b>Internal:</b>	DRFA Project Management Team, Finance Team, Management Team
<b>External:</b>	Queensland Reconstruction Authority (QRA), Stantec Australia Pty Ltd

## COMMUNITY ENGAGEMENT

The retrospective approval of disaster expenditure will fall within the "inform" category of Council's Community Engagement Framework.

## ATTACHMENTS

Nil