

7.12. LOCAL GOVERNMENT REGULATION 2012 PROCUREMENT EXCEPTION SECTION 235 (A) AND SECTION 235 (B) - REGISTER OF SOLE AND SPECIALISED SUPPLIERS

REPORT AUTHOR	Interim Chief Financial Officer
EXECUTIVE	General Manager Corporate and Communities
DEPARTMENT	Corporate and Communities
TEAM	Financial Services
DATE	27 July 2026

RECOMMENDATION

That Council approve the revised Register of Sole or Specialised Suppliers under Section 235(a) and 235(b) of the *Local Government Regulation 2012* for the supply of equipment and services, for 2026/27.

EXECUTIVE SUMMARY

Council maintains a Register of Sole or Specialised Suppliers in accordance with Sections 235(a) and 235(b) of the *Local Government Regulation 2012* to ensure operational requirements can be met where only one supplier is reasonably available or where services are of a specialised nature.

As part of the annual review of the register, a requirement has been identified to add Jabalbina Yalanji Aboriginal Corporation RNTBC, the Registered Native Title Body Corporate for the Eastern Kuku Yalanji People.

Inclusion of Jabalbina will facilitate the timely delivery of upcoming capital works requiring Traditional Owner representation, support compliance with cultural heritage and procurement obligations, and enable Council to effectively manage critical infrastructure projects.

Council is therefore requested to approve the revised Register of Sole or Specialised Suppliers for 2026/27.

PREVIOUS COUNCIL CONSIDERATIONS / RESOLUTIONS

At the Ordinary Meeting held 30 September 2025, it was resolved that Council:

1. Approve the revised Register of Sole or Specialised Suppliers under Section 235(a) and 235(b) of the *Local Government Regulation 2012* for the supply of equipment and services, for 2025/26.
2. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer (or delegate) to enter into contracts, negotiate, finalise and execute

any and all matters associated with or in relation to Sole or Specialised Suppliers subject to Council's normal procurement policies and procedures.

At the Ordinary Meeting held 29 July 2025, it was resolved that Council:

1. Resolves in accordance with section 235(a) and S235(b) of the *Local Government Regulation 2012*, it is satisfied that the nominated suppliers listed in Attachment 1 are Sole or Specialised Suppliers for the supply of equipment and services.
2. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer (or delegate) to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to Sole and Specialised Suppliers subject to Council's normal procurement policies and procedures.

REPORT/BACKGROUND

The *Local Government Regulation 2012* acknowledges that there are instances where it is not always possible for Local Government to meet the procurement guidelines in the market and therefore it provides several exceptions, including the following under sections 235(a) and 235(b):

- 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".

To meet operational requirements, it has been identified that there are multiple suppliers, who are the only practical option, from which Council can obtain specific goods and/or services.

To ensure regulatory compliance, Council manages a Register of Sole or Specialised Suppliers that is established and reviewed, ensuring that both the legislative requirements and operational needs are met.

To be listed as a Sole or Specialised Supplier, Council officers must provide evidence that the suppliers are the only supplier that can reasonably provide particular goods or services.

Council is currently conducting a routine annual review of its Register of Sole or Specialised Suppliers, due to come to Council at the August Ordinary Council Meeting. As part of this review, Jabalbina Yalanji Aboriginal Corporation RNTBC (Registered Native Title Body Corporate) has been identified as an urgent addition to the register due to upcoming capital works requiring Traditional Owner representation on behalf of the Eastern Kuku Yalanji People.

Therefore, it is proposed that Council approve the attached revised Register of Sole or Specialised Suppliers, with Jabalbina Yalanji Aboriginal Corporation RNTBC included, under the "sole" and "specialised" supplier provisions of the *Local Government Regulation 2012*.

FINANCIAL AND RESOURCE IMPLICATIONS

Sole or specialised suppliers are engaged to support business operations within the parameters and provisions of the adopted Annual Budget.

RISK MANAGEMENT IMPLICATIONS

The corporate and strategic risks identified are:

- Procurement, Contract and Vendor Management
- Failure to deliver essential services (transport)
- Asset and Infrastructure Management
- Procurement, Contract and Vendor Management
- Partnerships, Stakeholder Engagement and Reputation
- First Nations Cultural Heritage Compliance (duty of care)

The outcome of this report mitigates these risks by:

- Enabling Council to engage directly with the Registered Native Title Body Corporate (RNTBC) for the Eastern Kuku Yalanji (EKY) People
- Supporting timely delivery of important capital works on transport assets
- Maintaining compliance with local government procurement regulations.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

CORPORATE AND OPERATIONAL PLAN

This report has been prepared in accordance with the following:

Corporate Plan 2025-2030 Initiatives:

Theme 2 - Prosperity

Council plans, builds and maintains the infrastructure required to improve our lifestyle and promote economic growth, working actively to support local businesses.

2.2 - Support local business through local procurement.

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.

3.7 - Identify and manage risk.

Operational Plan 2026-2027 Actions:

2.2.1 - Increase local supplier awareness and participation in Council procurement by delivering community / business information sessions.

3.7.1 - Review and improve key financial and non-financial internal controls.

LEGISLATION AND POLICY

- *Local Government Act 2009*
- *Local Government Regulation 2012*

CONSULTATION

Internal Consultation:

- General Manager Infrastructure
- Manager Infrastructure Recovery

CONCLUSION

The addition of Jabalbina Yalanji Aboriginal Corporation RNTBC to Council's Register of Sole or Specialised Suppliers is justified under the provisions of the *Local Government Regulation 2012* and is necessary to support upcoming capital works and Traditional Owner engagement requirements.

Approval of the revised register will ensure Council remains compliant with legislative procurement requirements, mitigates identified operational and cultural heritage risks, and enables the efficient delivery of essential infrastructure projects.

ATTACHMENTS

1. Register of Sole and Specialised Suppliers [7.12.1 - 2 pages]

DOUGLAS

SHIRE

COUNCIL

Register of Sole and Specialised Suppliers

Local Government Regulation 2012
Section 235, 'Other Exceptions'
A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if :
(a) the local government resolves it is satisfied that there is only one (1) supplier who is reasonably available; or
(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.

Supplier Name	Supplier Account No	Category	Section	Goods and/or Services	Comments / Justification	Is this a Local Provider within Douglas Shire (Yes or No)	Can this service be offered by a Local provider within Douglas Shire (Yes or No)	Justification for not engaging with a Local Provider if one is available
ABB	395	Specialised	Water & Wastewater	Flow meters and equipment warranty (SCADA)	ABB is a leader in power and automation technologies that enable utility and industry customers to improve their performance. ABB produce flow meters and other equipment that are in service at several Council locations. All repairs of faulty equipment must be conducted by ABB to meet warranty requirements.	No	No	No, local suppliers cannot provide the service, however our local contractors work with these suppliers for installations, fault finding, service checks. Local suppliers cannot offer the specialist equipment.
AquaManage Environmental Pty Ltd	8944	Specialised	Water & Wastewater	UF Filtration Maintenance and Service	Technical expertise on the memcore ultrafiltration system. Aquamange installed the existing ultra-filtration cartidiges and are the manufacturers preferred installer and maintenance provider.	No	No	No local suppliers can provided these services. Local suppliers are engaged on a sub-contractual basis to provide electrical, metal fabrication and plumbing services.
Aquatec Maxcon Pty Ltd		Specialised	W&WW	Trojan UV systems supplies	This company was awarded the contract to install the new UV disinfection system and are currently the sole supplier in QLD for Trojan UV systems. Without voiding any warranty on the equipment the servicing should be carried out by this company to avoid extra expenses to rate payers if warranties are void by not using Aquatec Maxcon. They service what they sell without voiding warranty. All equipment failures within warranty are replaced through this sole supplier.	No	No	No suppliers, local or otherwise, provide this procut.
Arkwood Organic Recycling	1784	Specialised	W&WW	Removal of beneficial reuse of biosolids generated at Mossman and Port Douglas wastewater treatment plants.	Only organisation offering this service in Queensland	No	No	No suppliers, local or otherwise, provide this procut.
Axicom	3107	Sole	Building Facilities	Communications Tower Host	Axicom own the communication tower in Mossman which DSC have black Spot tower (TV) equipment on. It is the only tower in this area.	No	No	Axicom have a communications tower located at the Mossman Water Treatment Plant. Douglas Shire Council currently lease a space on the tower for their Black Spot Television equipment. Due to the location required for the Black Spot Tower equipment, the communication equipment needs to be located in a suitable area to provide the best coverage. The Axicom tower is the only tower in this area that is suitable for the equipment. There are no local suppliers providing this service .
Brightly Software	8630	Specialised	ICT	Web based Asset Management System "Assetic"	Unique item - The vendor is the developer and provider of this Web based service. The product is not available for sale through any other vendor	No	No	No suppliers, local or otherwise, provide this procut.
Cairns Local News	8288	Sole	People & Community Services - Media	Independent Free Newspaper Providing Locally Based Specific Content	Cairns Local News is the only independent, free newspaper specifically dedicated to local content for the Cairns and surrounding region. DSC is provided with a four page pull-out where Douglas Shire specific content and information can be published and distributed to a wide local audience who may not utilise or have access to other media channels.	No	No	There is still a desire from some ratepayers to read their community/council news in print form. - There is still a desire from some ratepayers to read their community/council news in print form.
Civica	893	Specialised	ICT	Enterprise Suite developer & vendor "Authority"	Unique item - The vendor is the developer and provider of this Web based service. The product is not available for sale through any other vendor	No	No	No suppliers, local or otherwise, provide this procut.
Commonwealth Bank of Australia		Sole	Finance	Banking	Commonwealth Bank Of Australia - The supplier, through a third party, specialises in capturing, measuring, and reporting consumer spend data with the Council iQ product. The supplier is the only vendor currently in the market that can measure granular spend categories. The Council iQ product is being adopted by Councils across Australia. CommBank has accessed to 380 spend categories. Other products in the market currently do not offer the depth of data analysis. The tool will be a valuable addition to our economic assessment of events, activities, developments and initiatives across the Shire.	No	No	This a specialised service that is not available from the local market. The supplier is the only vendor currently in the market that can measure granular spend categories. The Council iQ product is being adopted by Councils across Australia.
David Younger Psychology	9597	Specialised	Disaster Management Unit	Psychology Services	David is a clinical psychologist and national disaster consultant with over 15 years' experience supporting organisations, agencies, communities, as well as local and state government throughout Australia. He has been a trusted advisor after numerous events including bushfires, floods, droughts, cyclones, thunderstorm asthma, and the pandemic.	No	Yes	Other providers are local, however they don't have the appropriate as it may cause further harm to people's psychosocial recovery to bring in another psychologist now.
Endeavour Foundation	7441	Specialised	Resource Management	Mattress Recycling & Shredding	The Endeavour Foundation is a not-for-profit organisation with its primary purpose to support people with an intellectual disability. Endeavour Foundation provide a unique service, whereby mattresses are collected and dismantled by hand and components are recycled. It is a highly manual process and we are not aware of any other local providers offering the service. Mattresses are a problem waste for Council, and we are limited as to how many we can export to landfill (they make landfills unstable and can cause landfill fires), therefore engaging Endeavour Foundation will also improve our resource recovery rates.	No	No	No local providers available.
Feraltech	8973	Sole	Open Spaces	Remote Feral Pig Traps	FeralTech are the only supplier in Australia authorised to provide Jager Pro service and products. Council implemented Jager Pro remote activated traps in 2018. FeralTech are currently the only distributor of Jager Pro products in Australia, outside of this Council would need to source the products from the USA. The innovative technology sends SMS messages to Council's Pest Controller when activated by motion detected cameras. The officer is then able to review the images in live time and then trigger the trapping mechanism using their smart phone. This allows Council to safely manage the risk of trapping any off target animals such as cassowary's. It also greatly increases pig trapping efficiency by catching the entire mob through visual triggering of the gate mechanism.	No	No	Feral Tech are the only suppliers/dealers within Australia who supply JaggerPro hog control systems which is an American company.
Hach Pacific	5818	Specialised	Water & Wastewater	Control Equipment	Hach turbidity control equipment turbidity meters which are exclusively used at all of Council's treatment plants. Replacement units and/or parts can only be sourced via Hach Pacific.	No	No	No, local suppliers cannot provide the service, however our local contractors work with these suppliers for installations, fault finding, service checks. Local suppliers cannot offer the specialist equipment.
IDEXX Laboratories	4213	Specialised	Water & Wastewater	Collert-18 detection of E.coli and coliforms	Council water quality compliance lab requires this equipment to meet our Drinking Water Quality Management Plan (DWQMP).	No	No	No local suppliers cannot provide the service, however our local contractors work with these suppliers for installations, fault finding, service checks. Local suppliers cannot offer the specialist equipment.
Ixom Operations Pty Ltd	6281	Sole	Disater Management Unit	Gas Chlorine Suppliers	Only supplier of gas chlorine for water and wastewater quality disinfection.	No	No	Ixom are the only suppliers of gas chlorine in Australia of this service.
Jabalbina Yalanji Aboriginal Corporation RNTBC	6170	Sole and Specialised	Infrastructure - Civil	Eastern Kuku Yalanji; - Native Title Consultation - Traditional Owner Representation - Cultural Heritage Engagement - Cultural Heritage Monitor Coordination - Cultural Protocol Services.	Jabalbina is the Registered Native Title Body Corporate (RNTBC) and Body Corporate holder for the Eastern Kuku Yalanji (EKY) People. As the recognised representative organisation for the Traditional Owners of the region, Jabalbina provides a unique and specialised service that cannot be sourced through a competitive procurement process. Furthermore, Jabalbina is the only supplier reasonably available to undertake Native Title consultation, Traditional Owner representation, cultural heritage engagement, cultural heritage monitor coordination, and cultural protocol services on behalf of the Eastern Kuku Yalanji People.	Yes	Yes	N/A
Jackson Kinsey Contracting T/a Cairns Mulch	1669	Sole	Resource Management	Shredding and Removal of Green Waste	Provision of a tub grinder to process green waste (and occasionally timber pallets) into mulch at Council's transfer stations. Cairns Mulch are the only provider north of Townsville that will service this area and who has a tub grinder at the size that is required by Council to mulch the green waste. Because of this all other bordering and surrounding Council's also utilise this supplier.	No	No	No local providers available
Local Government Association of Queensland		Specialised	Finance	LGAQ Membership	LGAQ is the peak body for local government in Queensland. It is a not-for-profit association set up solely to serve the state's 77 councils and their individual needs. The LGAQ has been advising, supporting and representing local councils since 1896, enabling them to improve their operations and strengthen relationships with their communities.	No	No	No suppliers, local or otherwise, provide this procut.

Magiq Software Ltd	6295	Specialised	ICT	Software Provider	Software developer and sole supplier for Council's Electronic Document Management (Records) system / software, InfoXpert	No	No	No vendor offering these Products / Services within Shire.
Momentum Safety and Ergonomics	8746	Specialised	ICT & WHS	IT Service / Vendor of "Mango" eWHS software	Unique: The vendor is the software developer and only sells this software / system direct. Continuity: Council has subscribed to this server for over two years and has invested in configuring the software and rolling it out to staff.	No	No	No vendor offering these Products / Services within Shire.
Mossman Quarries	2809	Sole	Infrastructure - Civil	Supply of road-based crushed materials	Mossman Quarry is the only quarry within the Shire to produce the standard requirements for road-based, crushed materials.	Yes	Yes	N/A
Nambal Resources & Quarries Pty Ltd	9009	Specialised	Infrastructure - Civil	Supply of road-base materials	Nambal Quarries provide road base materials for Civil Works projects North of Emmagen Creek to the Shire's Northern most boundary. Located in Cooktown they are able to quickly respond to Council's needs for provision of road services on the Bloomfield Track & Donovan Range.	No	. Yes, Mossman quarry	The reason we have Nambal resources as a sole supplier is due to the distance between Mossman quarry and the northern end of our Shire. If we are grading roads around Wujal Wujal then Nambal is only just over an hour away whereas Mossman is around a two and a half hour drive. DSC only use Nambal when working closer to that area to alleviate carting times. Please see maps below.
Precisely	7994	Specialised	ICT	Providers of GIS applications	Unique: Council use a set of Geographic Information Systems (GIS) written by this software developer. From time to time, Council need to engage the vendor directly. In situations where only the developer can fix an issue, we have no choice of who to engage.	No	No	No vendor offering these Products / Services within Shire.
Pulse	9442	Specialised	ICT	Web based Human Resource Management System "Pulse"	Unique item - The vendor is the developer and provider of this Web based service. The product is not available for sale through any other vendor.	No	No	No suppliers, local or otherwise, provide this product.
Qld Fire & Rescue	6157	Sole	Building Facilities	Fire Alarm Monitoring	Sole Supplier - only provider of this service	No	No	Government Agency
QIT Plus	6300	Specialised	ICT	Developer & Supplier of Disaster Management systems "Guardian"	Unique item/ Continuity / Consistency - The vendor specialises in Library related systems. Currently systems are used to manage Disaster Incident Management and the related "Disaster Dashboard".	No	No	No suppliers, local or otherwise, provide this product.
Realised Technology	5784	Specialised	ICT	Website Hosting	Institutional Knowledge & Consistency / Continuity. Realised manage Council's many Web sites - both the hosting in a Sydney data centre and the software, providing specialised knowledge / support to Council's Media unit.	No	No	No vendor offering these Products / Services within Shire.
Risk Management Technologies (RMT)	4983	Specialised	ICT	ChemAlert, Mango (eWHS system)	Unique - RMT is a global leader in the provision of Chemical Safety Management and Enterprise Risk Management systems. The vendor also provides other WHS related systems. The 'Mango' system was selected to help council manage and report on its WHS obligation & is one of the few tools in the market offering the breadth and depth of functionality needed by Council. Consistency / Continuity - Council has used the ChemAlert system for some years and users are familiar with how the software works.	No	No	No vendor offering these Products / Services within Shire.
Safety Culture	7270	Specialised	ICT	iAuditor - eForms Cloud system	Unique - iAuditor is a general purpose Mobile application used to build forms for completion in the field e.g. Conduct inspections, perform audits using checklists and the like. iAuditor is a market leader now used 50,000 times a day in over 80 countries. Consistency / Continuity - Council has built many forms for ad-hoc needs for some years and users are familiar with how the software works.	No	No	No vendor offering these Products / Services within Shire.
Siemens Australia	1483	Sole	Water & Wastewater	Flow-meter repairs, parts and calibration & replacement units	Council currently have Siemens flow-meters installed throughout the Water & Wastewater system. There is a requirement to purchase spare parts and have existing Siemens Flow-meter units repaired by Siemens as the sole supplier and repairer in Australia. These meters also require calibration depending on the license requirements. Siemens currently have the only licensed tester for their flow-meters in Australia. From time to time there is a need to purchase additional flow-meter controllers to replace defective meters and the only supplier for these meters in Australia is Siemens.	No	No	No, local suppliers cannot provide the service, however our local contractors work with these suppliers for installations, fault finding, service checks. Local suppliers cannot offer the specialist equipment.
Soft link Australia P/L	New	Specialised	ICT	Aurora software	Softlink is the Vendor for the software as a service product "Aurora". This is the library management system - loans and returns books used by Council. Formally this product was procured via the State Library of Queensland (a government entity) / Local Buy. Unique item - The vendor is the developer and provider of this Web based service. The product is not available for sale through any other vendor.	No	No	No suppliers, local or otherwise, provide this product.
Standards Australia	8655	Sole	Procurement	Standards Australia construction contracts	Standards Australia are the only company that specialises in the development and adoption of internationally-aligned standards in Australia. As part of our FNQROC template suite of documents we utilise 4 Standards Australia contracts on a regular basis.	No	No	There are no local suppliers we offer these services.
Surf Life Saving Club Queensland	486	Sole	Infrastructure - Open Spaces	Community Life Saving Service for Four Mile Beach	SLSCQ manage the Life Guard Service for the Douglas Shire. Surf Life Saving Queensland, established with Council, has provided this service for many years performing well for Council and the community, with key performance indicators being met.	No	No	No provider available in Douglas.
The Newport Corporation Pty Ltd	4087	Sole	People & Community Services - Media	Local newspaper publication	Inclusion as Newport are once again printing a physical local newspaper.	Yes	Yes	N/A
Transponder Technologies	6121	Specialised	ICT	Software supplier and support	Consistency / Continuity - Transponder Technologies manufacture and supply the Transequal fuel management consoles and software utilised throughout Council's depots. The system has been in use since de-amalgamation from Cairns in 2014. Unique item - Transponder Technologies are the only supplier that can provide service to the software linked to the hardware used at the bowser.	No	No	No vendor offering these Products / Services within Shire.
Uninet	316	Specialised	Infrastructure - Open Spaces	Marine Stinger Net	Uninet is a specialised supplier providing stinger nets for beach safety. The nets reduce the risk of marine stingers by preventing dangerous box jellyfish from entering the netted areas, protecting swimmers. The nets are in operation from early November to roughly Mid-May (season dependent) to allow the provision of beach safety services at Port Douglas.	No	No	No provider available in Douglas.
VendorPanel	7926	Specialised	ICT	Developer & Supplier of Procurement Management systems "Vendor Panels" & ACM	Unique item/ Continuity / Consistency - The vendor specialises in Procurement systems. Currently systems are used to manage Disaster Incident Management and the related "Disaster Dashboard	No	No	No suppliers, local or otherwise, provide this product.
Water Treatment Services	7235	Sole	Water & Wastewater	Polymer products	Each delivery of the product is per pallet with an estimated cost between \$15,000-\$20,000. The additional quotations required would not drive value for Council considering the extensive site based testing and selection criteria that has already been done for this company providing a specialised polymer for biosolid removal.	No	No	This company supply a chemical for flocculation of bio solids. It is an extremely effective polymer that works best for the application relative to other suppliers and at a less expensive price per kg.
Welcon Technologies	989	Specialised	Water & Wastewater	Support for primary data transfer protocol (SCADA) PLC integrator	Welcon Technologies developed Council's primary data transfer protocol driver and Council has a support level agreement with them. They are the only supplier Council can use to provide support when required for our system. This protocol driver is used to integrate with software which enables consistent data interpretation from different componentry that is used in the SCADA system.	No	No	No, local suppliers cannot provide the service, however our local contractors work with these suppliers for installations, fault finding, service checks. Local suppliers cannot offer the specialist equipment.