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

REPORT AUTHOR	Manager Financial Services
EXECUTIVE	General Manager Corporate and Communities
DEPARTMENT	Corporate and Communities
TEAM	Financial Services
DATE	24 November 2026

RECOMMENDATION

That Council:

1. **Approve the revised Register of Sole and Specialised Suppliers under Section 235(a) and 235(b) of the *Local Government Regulation 2012* for the supply of goods and/or 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 or Specialised Suppliers subject to Council's normal procurement policies and procedures.**

EXECUTIVE SUMMARY

Council maintains a Register of Sole and Specialised Suppliers (RSSS) 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 or confidential nature.

A routine annual review of the RSSS has been undertaken by Financial Services. Two (2) suppliers that were nominated by Council officers for appointment to the RSSS have been reviewed and endorsed by the Executive Leadership Team. Five (5) suppliers previously appointed to the RSSS has been identified for removal.

PREVIOUS COUNCIL CONSIDERATIONS / RESOLUTIONS

At the Ordinary Meeting held 27 July 2026, 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 2026/27.

The RSSS was approved by Council to accommodate the appointment of one (1) supplier to facilitate the timely delivery of upcoming capital works projects.

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 RSSS 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.

The outcome of a routine annual review of the RSSS is:

- The addition of two Native Title Representative Bodies (NTRB) (**Cape York Land Council Aboriginal Corporation (CYLC)** and **North Queensland Land Council Native Title Representative Body Aboriginal Corporation (NQLC)**) due to their role in assisting, representing, and coordinating claims in determining native title under the Native Title Act 1993.

- The removal of:

    - **David Younger Psychology**, previously included due to the specialised psychology services provided in response to Tropical Cyclone Jasper, as well as **Cairns Local News**, **The Newsport Corporation Pty Ltd**. The market no longer demonstrates the characteristics necessary to support sole or specialised supplier classification for these suppliers. Instead, these services can be sourced through a competitive market and should therefore be subject to normal procurement requirements

    - **Local Government Association Qld** as under the General Procurement Policy, multiple quotes are not required for memberships.

    - **Queensland Fire & Rescue** as under the *Local Government Regulation 2012* a separate exemption (section 235(f)) exists for procuring from other Government agencies.

FINANCIAL AND RESOURCE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

By reviewing and approving the overall RSSS on a regular basis, Council is ensuring compliance with section 235 of the Regulation and maintaining an awareness of the nature of procurement activity within exemptions provided under the Regulation.

Suppliers have been reviewed and those deemed not to meet the exemption requirements as per the definition of sole supplier in the Regulation have been removed.

The financial risk to Council is mitigated by Council officers having assessed these products and services as being suitable and the suppliers as being the only reasonable option from which Council can obtain these relevant products and services.

If the RSSS is not approved by Council, there may be unnecessary delays in appointing suppliers and additional resources required to comply with the alternate methods of procurement.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this matter.

SOCIAL IMPLICATIONS

There are no social implications associated with this matter.

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*
- Procurement General Policy

CONSULTATION

Internal Consultation:

- Executive Leadership Team
- Manager Financial Services
- Procurement Administration Officer
- Relevant Council areas that have existing suppliers appointed to the RSSS

CONCLUSION

Approving the RSSS ensures that Council complies with the provisions of the *Local Government Regulation 2012* when entering into a medium or large sized contractual arrangement for goods and/or services, where the minimum quote or tender requirements cannot be adhered to.

ATTACHMENTS

1. Register of Sole and Specialised Suppliers [**7.7.1** - 3 pages]

Supplier Name	Category	Goods and/or Services	Comments / Justification
ABB	Specialised	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.
AquaManage Environmental Pty Ltd	Specialised	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.
Aquatec Maxcon Pty Ltd	Specialised	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.
Arkwood Organic Recycling	Specialised	Removal of beneficial reuse of biosolids generated at Mossman and Port Douglas wastewater treatment plants.	Only organisation offering this service in Queensland
Axicom	Sole	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.
Brightly Software	Specialised	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
Cape York Land Council Aboriginal Corporation	Sole and Specialised	- Native Title Consultation - Traditional Owner Representation - Cultural Heritage Engagement - Cultural Heritage Monitor Coordination - Cultural Protocol Services	The Cape York Land Council performs the function of a Native Title Representative Bodies (NTRB) for the Cape York region. NTRBs are organisations appointed under the Native Title Act 1993 to assist Traditional Owners with all aspects of their native title claims. Cultural Heritage representatives are based on appropriate claimant right holders, and are facilitated through approved and recognised authorities to provide advice and support on Cultural Heritage matters in their jurisdiction. The Cape York Land Council provides a unique and specialised service that cannot be sourced through a competitive procurement process.
Civica	Specialised	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
Commonwealth Bank of Australia	Sole	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.
Endeavour Foundation	Specialised	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.
Feraltech	Sole	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.
Hach Pacific	Specialised	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.
IDEXX Laboratories	Specialised	Colilert-18 detection of E.coli and coliforms	Council water quality compliance lab requires this equipment to meet our Drinking Water Quality Management Plan (DWQMP).
Ixom Operations Pty Ltd	Sole	Gas Chlorine Suppliers	Only supplier of gas chlorine for water and wastewater quality disinfection.
Jabalbina Yalanji Aboriginal Corporation RNTBC	Sole and Specialised	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 protocal services on behalf of the Eastern Kuku Yalanji People.

Supplier Name	Category	Goods and/or Services	Comments / Justification
Jackson Kinsey Contracting T/a Cairns Mulch	Sole	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.
Magiq Software Ltd	Specialised	Software Provider	Software developer and sole supplier for Council's Electronic Document Management (Records) system / software, InfoXpert
Momentum Safety and Ergonomics	Specialised	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.
Mossman Quarries	Sole	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.
Nambal Resources & Quarries Pty Ltd	Specialised	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.
North Queensland Land Council Native Title Representative Body Aboriginal Corporation	Sole and Specialised	- Native Title Consultation - Traditional Owner Representation - Cultural Heritage Engagement - Cultural Heritage Monitor Coordination - Cultural Protocol Services	The North Queensland Land Council performs the function of a Native Title Representative Bodies (NTRB) for its region. NTRBs are organisations appointed under the Native Title Act 1993 to assist Traditional Owners with all aspects of their native title claims. Cultural Heritage representatives are based on appropriate claimant right holders, and are facilitated through approved and recognised authorities to provide advice and support on Cultural Heritage matters in their jurisdiction. The North Queensland Land Council provides a unique and specialised service that cannot be sourced through a competitive procurement process.
Precisely	Specialised	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.
Pulse	Specialised	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.
QIT Plus	Specialised	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".
Realised Technology	Specialised	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.
Risk Management Technologies (RMT)	Specialised	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.
SAFEgroup Automation (formerly Welcon Technologies)	Specialised	Support for primary data transfer protocol (SCADA) PLC integrator	SAFEgroup Automation (formerly 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.
Safety Culture	Specialised	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.
Siemens Australia	Sole	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.
Soft link Australia P/L	Specialised	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.
Standards Australia	Sole	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.
Surf Life Saving Club Queensland	Sole	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.
Transponder Technologies	Specialised	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.
Uninet	Specialised	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.

Supplier Name	Category	Goods and/or Services	Comments / Justification
VendorPanel	Specialised	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
Water Treatment Services	Sole	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.