



Queensland Legislative Assembly	
Number: 551771244	
 08 AUG 2017	Tabled <input checked="" type="checkbox"/>
MP: <u>Pym</u>	By Leave <input type="checkbox"/>
Clerk's Signature: <u>[Signature]</u>	

27 July, 2017.

RE: OFFICIAL COMPLAINT : IPSWICH CITY COUNCIL.

I wish to make this formal complaint against Ipswich City Council for significant breaches of Workplace Health and Safety, and other improper conduct and issues. Due to the perceived threat of reprisal that many here in Ipswich have, I hope you appreciate my anonymity.

Attached is documented evidence released by RTI Ipswich in relation to a 'tender' for construction of 'Road 10' (Eden Station Road, Brookwater) and 'Brittains Road Landfill'. Unfortunately, due to a computer breakdown and 'loss' of disc, I have provided some sub-standard documents. The total RTI was released to the ABC News Ipswich as RTI 13-041 on 27 April, 2015, totalling 383 pages if you prefer the full version.

Please find attached the following:-

- EOI 12-13-051 Brokerage Services for the Provision and Disposal of Construction Spoil and Associated Materials on Tenders Online by 'then' CEO [Redacted], Ipswich, closing 28.8.12. with nominated contact as [Redacted] Management

Request for Offer 12-13-051 from [Redacted] Pty Ltd. (Director [Redacted])

NOTE: [Redacted] had two companies – [Redacted] Pty Ltd ACN 121 467 490 and [Redacted] (Qld) Pty Ltd ABN 521 446 291 12. Throughout all RTI documents, the Company name changes.

Mr [Redacted] 'tender' clearly shows he has no Workplace Health and Safety systems or plans. The RFO Conditions (attached) show the requirement of Work Health and Safety for Principal Contractor.

[Redacted] ' resume also shows that his Company have previously been involved with work for Ipswich City Council. (filling of Austin Street coal pit by providing material free of charge to reinforce the main road) and (constructed a racing precinct for motor vehicles and bikes at Willowbank out of recycled earth materials), of which no trace of awarded contract can be made.

There is also no trace of Tender 12-13-051 through LG Tenderbox (which ICC state closed 21 March 2013. Website Ipswich Council displays awarding 12-13-051 'Brokerage Services for the Provision of Disposal of construction spoil and associated material' on 17 June 2013 - \$6,300,000 * . Also attached is awarded 12-13-051 "Provision and working of Fill for Brittains Road Landfill" \$4,878,250 *which could only be found in RTI documents (not on public display). RTI shows that 12-13-051 was used for the construction of the Road 10

project, a 1km road in Brookwater (or Springfield). Mr. [REDACTED] even signed the "Principal Contractor Engagement for Construction Project" (attached) declaring that he was complying with the WH&S Act 2011 on 19.8.13.

Part of the Evaluation Plan was retrieved showing that the tender evaluation was managed by the IS Procurement Team. Panel – [REDACTED] (hired Consultant to ICC), [REDACTED], Business Manager, infrastructure, and [REDACTED], Project Manager, Infrastructure with plan dated 4 November, 2013. [REDACTED] resigned Council in June, 2013. Tender awarded June, 2013, although Department of Environment, Heritage and Protection can verify work commenced on Road 10 as early as February, 2013.

This evaluation plan states that no expression of interest was found to be non-compliant, no offer was submitted incomplete and the recommendation was that It was determined that [REDACTED] (Qld) Pty Ltd, had satisfied all evaluation criteria with no departures. It is clearly evident in Mr [REDACTED]' tender that a departure was made of \$10M Public Liability citing "Industry Standard" instead of the mandatory \$20 Million Public Liability. The Evaluation Panel recommended the Chief Executive Officer ([REDACTED]) be authorised to negotiate and finalise the terms of the fill removal agreement. Further documents (not attached) from Plan will show that Mr [REDACTED] was present with panel in interviewing Mr [REDACTED] and a Preferred supplier [REDACTED] but the panel and Mr [REDACTED] found Mr [REDACTED]' tender more appealing.

Significant evidence that Council ignored the regulation of WHS is in attached email sent from Chief Safety Officer [REDACTED], ICC, to 'then' Chief Financial Officer [REDACTED] on 21 November, 2013.

Mr [REDACTED] shows concern that [REDACTED] are engaged for the project but do not comply. Mr [REDACTED] also states that he had a meeting with [REDACTED] and [REDACTED] to make them aware of the RFO, and was trying to find out who approved the RFO. It was these two officers.

Mr [REDACTED] then suggests to Mr [REDACTED] that the questionnaire be resent to [REDACTED] for correct WHS Documents. Mr. [REDACTED] replies "Thanks".

A further email (can be retrieved in RTI) shows Mr. [REDACTED] emailing Mr. [REDACTED], Head Infrastructure, in February, 2014, advising that he had emailed Mr [REDACTED] in November, 2013, but had still not received any WHS documents from Mr [REDACTED].

Seven (7) breach notices of WHS from ICC were given to Mr [REDACTED] in late December 2013, January and February, 2014. (not attached but in RTI) Council then assisted Mr [REDACTED] with a 'generic' WHS Risk Form which was filled out by [REDACTED] in February 2014 and one (1) was attached to RTI.

Ipswich City Council decided to take over as Principal Contractor nearing the end of the contract. Documents differ but it appears changeover occurred either in April or May, 2014. Council then sub-contracted [REDACTED] (Qld) Pty Ltd, for the remainder of the contract, which is highly questionable.

Significant environmental risks were identified by the Department of Environment, Heritage and Protection, who visited the site on at least four (4) occasions. ICC approved a 95%-100%

variation to the initial \$1 Million to [REDACTED] Qld Pty Ltd (attached). An amount of between \$150,000-\$200,000 variation was recommended to remove previously deposited fill, followed by further removal of ground to reach a suitable founding material on the Eastern side of the creek on the 'Sports Field' from CH720 to near the SGC intersection CH 850 to a depth of 1-2 metres.

The concern here is that the 'Sports Field' was an old dump site. It is unknown whether this part of the sports field was contaminated.

RTI shows letter from DEPH requesting information if spoil had been removed from sports field. ICC informed DEPH that [REDACTED] had not removed any material from the Sports field – only taken material from one end of the field to the other. I do hope that CH720-CH820 was not in the contaminated area, as this material was taken to Brittain's Road landfill and could now be anywhere in the District. RFO shows Mr [REDACTED] had no license to remove contaminated materials.

After warnings by the DEPH of significant issues, in June, 2014, the Department wrote to now CEO [REDACTED] advising that [REDACTED] Pty Ltd were being issued a penalty infringement notice for not rectifying the appropriate erosion and sediment controls to road 10 and sports field.

The DEPH have fined the incorrect Company owned by [REDACTED]. The contract was made with [REDACTED] (Qld) Pty Ltd. Mr [REDACTED] deregistered the Company [REDACTED] Pty Ltd from two months after notification to ASIC in April, 2014.

Therefore, Mr [REDACTED] carries forward with [REDACTED] (Qld) Pty Ltd, without an environmental breach. It is unknown whether Mr [REDACTED] paid this infringement, nor if Mr [REDACTED] made the Department aware that they were charging the incorrect Company.

Finally, the last significant issue found was the concerns made by ICC Infrastructure Head and Head Laboratory Soil Tester [REDACTED] in relation to the Certifications, geotechnical reports, material quality assessments, as built drawings etc. for Road 10 supplied by [REDACTED] (Qld) Pty Ltd.

Throughout RTI, many emails were sent over a six month period, requesting reports, drawings and certifications from Mr [REDACTED]. When finally sent in June, 2014 (end of contract), Mr [REDACTED] (Chief Laboratory Head ICC) is asked by Chief Operating Officer Infrastructure [REDACTED] to review the report and send feedback on content and/or matters of concern. Mr [REDACTED] response (attached) as needing more information and "6. [REDACTED]' comment that test locations were not 'professionally surveyed' should be investigated further as a potential area of improving future operations".

No more information after this was included in RTI so it is unclear whether proper certifications were made on the project.

It is in the public interest to ensure that proper drawings, tests and certifications were made on this project. Otherwise, there is a potential risk to the public if any part of this road fails. I would trust that this road could not have been released to Main Roads if proper certifications had not been made.

There is compelling evidence that the above shows improper actions within Ipswich Council that require your immediate action. Though this contract was in 2013-2014, I trust you consider appropriate action as this is only one (1) contract that has been acquired and other contracts have appeared to have similar misconduct, issues and mismanagement.

A formal complaint was lodged, anonymously with CEO [REDACTED] who received it on 7 July, 2017. A further complaint was then lodged with Acting Mayor [REDACTED] and Acting Deputy Mayor [REDACTED] who would have received my complaint on 11 July 2017. It could be the case that one of these Officers has informed your Department, but, based on past performance with many complaints to Ipswich City Council, I am disillusioned that proper procedure would be made.

Mr [REDACTED] continued after ICC works in June, 2014, to be awarded works for Racing Queensland on the Eagle Farm tunnel project. He is currently being charged by the CCC for Fraud, Forgery and Uttering in connection with procurement of Racing Queensland.

Whistleblower.