



**City of  
Kalgoorlie  
Boulder**

# **AGENDA**

**for the  
Audit and Risk Committee Meeting**

**commencing at 6:00 PM**

**on**

**22 JANUARY 2024**

**at the  
Kalgoorlie Town Hall**

19 January 2024



## NOTICE OF MEETING

A Audit and Risk Committee meeting of the City of Kalgoorlie-Boulder will be held in the **Kalgoorlie Town Hall** on **Monday, 22 January 2024** commencing at **6:00 PM**.

Regards

A handwritten signature in black ink, appearing to read "Andrew Brien". The signature is stylized with a long, sweeping underline that curves upwards to the right.

**ANDREW BRIEN**

Chief Executive Officer

**Nature of Council's Role in Decision-Making**

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive Strategic:	The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative:	Includes adopting local law, town planning schemes and policies.
Review:	When Council reviews decisions made by officers.
Quasi-Judicial:	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

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## **Audit and Risk Committee Members**

Mayor Glenn Wilson  
Deputy Mayor Kirsty Dellar  
Cr Kyran O'Donnell  
Cr Nardia Turner  
Cr Terrence Winner  
Cr Wayne Johnson

## **1 DECLARATION OF OPENING**

## **2 RECORD OF ATTENDANCE**

### **2.1 Attendance**

**In Attendance:**

**Members of Staff:**

### **2.2 Apologies**

**Apologies – Elected Members:**

**Apologies - Members of Staff:**

**Leave of Absence:**

## **3 PRESENTATIONS**

## **4 DECLARATIONS OF MEMBERS' AND OFFICERS' INTEREST**

**4.1 Interest Affecting Impartiality City of Kalgoorlie-Boulder Code of Conduct**

**4.2 Financial Interest Local Government Act Section 5.60A**

**4.3 Proximity Interest Local Government Act Section 5.60B**

## **5 CONFIRMATION OF MINUTES**

That the minutes of the Audit and Risk Committee Meeting held on 16 November 2023 be confirmed as a true record of that meeting.

## **6 URGENT BUSINESS**

Nil

## 7 REPORTS OF OFFICERS

### 7.1 Chief Executive Officer

#### 7.1.1 Probity Review

<b>Responsible Officer:</b>	Andrew Brien Chief Executive Officer
<b>Responsible Business Unit:</b>	Office of the CEO
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Nature of Council's Role in Decision-Making:</b>	Review
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - Civic Legal Quote - Probity Review [7.1.1.1 - 3 pages]</li> <li>2. CONFIDENTIAL - Glen McLeod Legal Quote - Probity Review [7.1.1.2 - 11 pages]</li> <li>3. CONFIDENTIAL - HHG Legal Quote- Probity Review [7.1.1.3 - 4 pages]</li> </ol>

#### SUMMARY STATEMENT

The Audit and Risk Committee is requested to review the proposals and cost estimates received by the City in respect of a law firm undertaking a probity review of the process taken by the City in relation to the water supply contract between the City and Lynas Rare Earths Ltd.

#### REPORT

At the Ordinary Council meeting held on 30 October 2023, Council resolved as follows:

*That Council:*

1. *Request the Chief Executive Officer to seek quotes for the undertaking of a probity review in relation to the Water Supply Contract Arrangements;*
2. *Authorise a budget amendment in accordance with the preferred quote;*
3. *Following receipt of the quotes, refer the matter to the Audit and Risk Committee to review the final scope of works and costs; and*
4. *Delegate authority for the Audit and Risk Committee to approve the appointment of a qualified provider to undertake the Probity Review and following receipt of the Probity Report provide a final report to Council.*

The CEO has obtained quotes from a number of WALGA preferred suppliers to undertake the probity review in relation to process taken by the City to enter the water



supply contract with Lynas Rare Earths Ltd. The following proposals have been received:

- Civic Legal – Estimated costs \$35,000 (total engagement);
- Glen McLeod Legal – Stage 1 \$18,000 and Stage 2 \$57,000 (total engagement \$75,000); and
- HHG Legal – Stage 1 estimated at \$4,000-\$6,000 and Stage 2 estimated \$3,000-\$5,000 (total estimated engagement \$11,000).

Each of the three companies have provided a slightly different approach to the review and all of the proposals are contained as confidential attachments to this report. Civic Legal is the preferred supplier due to:

1. Its previous engagement in relation to this matter; and
2. The proposal being consistent with the requested approach; and
3. Cost estimate is considered reasonable for the proposal and scope of work required.

In accordance with the Council resolution, the Committee has been granted delegated authority to approve the appointment of a qualified provider to undertake the probity review.

### **Community Engagement Consultation**

No community consultation was considered necessary in relation to the recommendations of the report.

### **Budget Implications**

As per the Council resolution an amendment will be made to the budget and reflected in the mid-year budget review following the Committee decision on appointment of the preferred supplier.

### **Statutory Implications**

The Officer recommendation is consistent with the provisions of the Local Government (Functions and General) Regulations 1996.

### **Policy Implications**

There are no policy implications resulting from the recommendations of this report.

### **Community Strategic Plan Links**

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

**OFFICER RECOMMENDATION**

That the Audit and Risk Committee:

1. Note the proposals received for the undertaking of the probity review for Council;
2. Endorse Civic Legal's scope of work and proposed approach to undertake the probity review; and
3. In accordance with the authority delegated by the Council, engage Civic Legal to undertake the probity review.

## **8 DATE OF NEXT MEETING**

The next Audit and Risk Committee Meeting will be held on a date to be determined.

## **9 CLOSURE**