



# **AGENDA**

**Notice is hereby given  
for the Special Council Meeting**

**commencing at 7:00 PM**

**on**

**28 APRIL 2025**

**at the**

**Kalgoorlie Town Hall**

24 April 2025



## NOTICE OF MEETING

An Special Council Meeting of the City of Kalgoorlie-Boulder will be held in the **Kalgoorlie Town Hall** on **Monday, 28 April 2025** commencing at **7:00 PM**.

The purpose of this meeting is to provide Council with reports in relation to the Chief Executive Officer's Anti-Social and Homelessness Research Project, the outcomes of the Chief Executive Officer's attendance at the Local Government Chief Officers Group conference and the Probity Review.

Regards

A handwritten signature in black ink, appearing to be "Lui Camporeale". The signature is fluid and cursive, with a large loop at the start and a long, sweeping tail.

**LUI CAMPOREALE**

Acting Chief Executive Officer

Council Chamber Seating Plan



**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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## **1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

## **2 DISCLAIMER READING**

The Mayor will read the disclaimer to those present.

Please note this meeting is being recorded and streamed live on the Council's website in accordance with the City's Public Participation in Council Meeting Policy, which can be viewed on Council's website.

All reasonable care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is assumed your consent is given if your image is broadcast.

The recommendations contained in this Agenda are Officer's Recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the Minutes of the Council Meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

## **3 RECORD OF ATTENDANCE**

### **3.1 Attendance**

**In Attendance:**

**Members of Staff:**

**Visitors:**

**Press:**

### **3.2 Apologies**

**Apologies – Elected Members:**

**Apologies - Members of Staff:**

### **3.3 Leave of Absence (Previously Approved)**

**Leave of Absence:**

Nil

## **4 PUBLIC ACCESS AND PUBLIC QUESTION TIME**

### **4.1 Public Access**

### **4.2 Public Question Time**

## **5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

## **6 NOTATIONS OF INTEREST**

### **6.1 Interest Affecting Impartiality City of Kalgoorlie-Boulder Code of Conduct**

### **6.2 Financial Interest Local Government Act Section 5.60A**

### **6.3 Proximity Interest Local Government Act Section 5.60B**

## **7 APPLICATIONS FOR LEAVE OF ABSENCE**

## **8 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

## 9 REPORTS OF OFFICERS

### 9.1 Chief Executive Officer

#### 9.1.1 Antisocial Behaviour and Transitional Aboriginal Homelessness Study Project Report

<b>Responsible Officer:</b>	Mia Hicks Director Advocacy and Strategy
<b>Responsible Business Unit:</b>	Advocacy and Strategy
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council's Role in Decision-Making:</b>	Advocacy
<b>Attachments:</b>	1. CONFIDENTIAL - Anti social Behaviour and Transitional Aboriginal Homelessness Study Project [9.1.1.1 - 218 pages]

#### SUMMARY STATEMENT

Council is asked to receive this report, endorse the City of Kalgoorlie-Boulder Anti-social Behaviour and Aboriginal Transitional Homelessness Study Project Report for public release, and support a follow-up stakeholder "Think Tank" to further discuss the report outcomes and additional approaches to benefit local governments across Australia.

#### REPORT

##### Background

At the 22 April 2024 Ordinary Council Meeting (OCM) Council approved the City's Chief Executive Officer (CEO) to undertake a study project focused on responses to anti-social behaviour and transitional Aboriginal homelessness.

The main objective of the research project was to acquire valuable insights into both the challenges and successes in addressing issues related to anti-social behaviours and transitional Aboriginal homelessness from a local government perspective. The intent was to actively engage with local and State government agencies, key service providers, and First Nations leaders and organisations, including Aboriginal Community Controlled Organisations (ACCOs).

The research project covered multiple locations within Australia that were carefully chosen based on the prevalence of transitional Aboriginal homelessness issues and the diversity of strategies employed.

The expected outcomes were:



- A comprehensive understanding of solutions implemented by local government to address the issues of anti-social behaviour associated with transitional homelessness in regional areas.
- A comprehensive understanding of the challenges associated with Aboriginal homelessness in each location.
- Identification of successful strategies and best practices that can be replicated or adapted for the City.
- Recommendations for refining or implementing new programs based on the findings.
- Improved collaboration and knowledge-sharing.

#### Research phase

CEO Andrew Brien and Director Advocacy and Strategy Mia Hicks visited three areas between October 2024 and March 2025, conducting interviews with agencies and organisations such as local government authorities, police, ACCOs, and service providers:

The following stakeholders were formally consulted as part of the study project:

#### **Trip 1 – 21 to 25 October 2024 (Broome, Port Hedland, Karratha, Carnarvon, Geraldton, WA):**

- Shire of Broome
- WA Police - Broome
- WA Police - South Hedland
- City of Karratha
- WA Police - Karratha
- Shire of Carnarvon
- WA Police - Carnarvon
- Gascoyne Development Commission
- City of Greater Geraldton
- Bundiyarra Aboriginal Community Aboriginal Corporation
- Centacare Geraldton

#### **Trip 2 – 4 to 6 February 2025 (Ceduna and Port Augusta, SA):**

- District Council of Ceduna
- Far West Community Partnerships
- SA Police – Ceduna
- Food Bank – Ceduna
- Ceduna Youth Hub
- Port Augusta City Council
- Department of Human Services

**Trip 3 – 10 to 14 March 2025 (Darwin, Palmerston and Alice Springs, NT and Kununurra, WA):**

- Town of Alice Springs
- NT Police – Alice Springs
- Community Housing Central Australia
- Mission Australia
- Aboriginal Hostels Limited
- Northern Territory Police – Darwin and Palmerston Regions
- City of Darwin
- City of Palmerston
- NT Shelter
- Shire of Wyndham-East Kimberley
- Binarri-binyja yarrawoo Aboriginal Corporation
- Wunan Foundation
- Territory Community Safety (conducted via Teams Meeting on 27 March 2025)

As part of the preparation of the City of Kalgoorlie-Boulder Anti-social Behaviour and Aboriginal Transitional Homelessness Study Project Report (Study Report), all participating stakeholders were contacted and provided with a copy of the draft content specific to their interview. This process was designed to ensure accuracy, transparency, and respectful representation of the perspectives and experiences shared.

Stakeholders were invited to review and provide feedback on their respective sections, including the opportunity to request amendments where necessary, with all requested amendments or clarifications having now been incorporated into the final version of the Study Report.

This consultative validation process reflects the City's commitment to appropriate engagement and to accurately reflecting the views and insights of those who generously contributed to the research. It also supports the integrity of the findings and reinforces the collaborative foundation upon which the study has been developed.

**Study Report and conclusions**

The Study Report records the data and interviews from the research phase, as well as background about each area, including but not limited to population demographics, crime statistics, liquor restrictions, and community approaches such as community surveys and safety plans; transport and patrol services; and transitional accommodation and sober up shelters.

The Study Report also has an extensive background section on Kalgoorlie-Boulder, covering the same topics.

As noted above, interviews with each stakeholder have been confirmed for accuracy.

The Study Report also includes observations and analysis for the areas covered in each trip, including in relation to initiatives that could be developed in Kalgoorlie-Boulder.

The Study Report concludes with an overarching summary statement and recommendations for the entire research project.

The strongest theme to emerge from the research project was the need for local solutions to transitional Aboriginal homelessness and associated anti-social behaviour, recognising the complex issues and background that surround this.

The research project observed multiple examples of authentic, powerful programs that were positively impacting Aboriginal and Torres Strait Islander people, and noted that some of the most successful were First Nations-informed, designed and delivered, including those of ACCOs. Local governments had varying degrees of involvement in terms of finding and/or delivering solutions to antisocial behaviour and transitional homelessness.

The Study Report noted that needs vary significantly between communities, and programs designed in Canberra often lack the flexibility required to address the most pressing issues on the ground. Additionally, the lack of bipartisan consensus in government leads to frequent changes in policies and programs, preventing long-term solutions from taking root.

When examining the role of local government in finding solutions to Aboriginal transitional homelessness and associated antisocial behaviour, it was noted that many local governments observed were conscious of involving themselves in cost-shifting activities that were the responsibility of State or Federal Governments. In many cases, the local governments were not leading the community in addressing antisocial behaviour and transitional homelessness.

In addition, the issues seen in regional areas are not mirrored in metropolitan areas, highlighting the need for region-specific approaches to tackling issues such as homelessness.

As cited by one local government CEO during the study, the “command-centre” approach from Perth has similarly proven ineffective. Effective policy solutions must be targeted and measurable, moving beyond generalised approaches. A common theme from the Study Report was the need for ongoing advocacy for more regionally informed policy development, and rejection of the “one-size-fits-all” approach often delivered.

The research project noted multiple programs and actions that aligned with Closing the Gap framework principles and priorities. However, the Study Report also noted that many valuable ACCO and other local programs had had funding cuts from Federal Government; others needed to keep reapplying for government funding year after year; and others needed volunteer support to keep operating.

There is a clear disconnect between the policy intent of State and Federal governments and the reality on the ground. Despite commitments under the Closing the Gap Agreement and through numerous state-based strategies, frontline stakeholders repeatedly reported an absence of effective coordination and a lack of visibility of government-funded services. There is an urgent need for an independent audit of State and Commonwealth investments to determine who is delivering what in regional communities, and whether these investments are meeting their intended outcomes.

The City submits that initiatives could be more closely aligned with Closing the Gap, and achieve greater results, if funding and policy better recognised the unique needs of small, regional communities, and assisted more local, grassroots initiatives.

Equally critical is the need for robust, place-specific data. In many jurisdictions, stakeholders identified the lack of reliable data as a barrier to designing and resourcing effective services. This gap undermines the Closing the Gap commitment to data transparency and shared accountability, and limits the ability of local governments to plan with confidence or advocate effectively.

In response to these issues, the City has drafted a motion for submission to the Australian Local Government Association (ALGA) National General Assembly. The motion calls on the Commonwealth Government to lead a nation-wide response, in partnership with First Nations leaders, to address transitional Aboriginal homelessness and high-risk behaviour. It recommends the development of culturally appropriate temporary accommodation models, funding for wrap-around support services, and formal recognition of the role local governments already play in this space.

Policymakers often search for a “silver bullet” solution, yet the reality is there is no “one-size-fits-all” solution, and a multi-faceted approach is required. Addressing these complex issues requires a collaborative, locally driven approach that respects the unique circumstances of each community. Ongoing engagement and coordination between all tiers of government, service providers, First Nations and other community members is critical to developing sustainable, effective, place-based solutions.

This Study Report recommends a new approach, where local organisations such as ACCOs have increased levels of funding and power to develop and deliver locally-informed solutions to antisocial behaviour and transitional Aboriginal homelessness. It recommends an increased role for local government in terms of facilitating and forming partnerships and projects with relevant organisations, potentially through new brokerage opportunities.

Action tables and formal recommendations arising from the research project have been included in the Study Report. The recommendations are in the areas of:

- Strengthening Partnerships with Indigenous Communities.
- Establishment of Integrated, Wrap-Around Service Hubs.
- Prioritisation of Stable and Appropriate Housing.
- Continuation and Expansion of Return to Country Models.
- Implementation of Harm Minimisation and Community Safety Measures.
- Advocacy for expansion of the \$10 million Local Services Plan Community Support Fund in lieu of the Cashless Debit Card.
- Standardisation of crime data availability across jurisdictions to enhance the quality of cross-jurisdictional research and support more targeted interventions in high-need communities.
- Strengthening Alcohol Management through the Kalgoorlie-Boulder Liquor Accord.

It is hoped the learnings and recommendations from this research project will inform conversations, initiatives and change at a local, regional, state and national level to

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find sustainable solutions for antisocial behaviour and transitional Aboriginal homelessness.

To further strengthen cross-jurisdictional collaboration, it is proposed that the City host a national think tank, inviting local government representatives from the study locations and key stakeholders to discuss the Study Report findings, share models of best practice, and jointly advocate for a national framework.

## **INTERNAL CONSULTATION**

The Advocacy and Strategy team has assisted with the preparation of the Study Report.

Members of the Executive Leadership Team have also been briefed on the Study Report.

## **COUNCIL CONSULTATION**

The proposal for the research project was taken to and approved at the City's OCM on 22 April 2024.

## **COMMUNITY ENGAGEMENT CONSULTATION**

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

## **STATUTORY IMPLICATIONS**

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

## **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:

SAFE: We will be safe and free from harm and crime.

SAFE: We will deliver a safe and activated community that can be used day and night.

SAFE: We support families and youth.

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

EMPOWERED: We are utilising diverse points of view to inform decision making and actions taken for the City.

## STRATEGIC CONTEXT

The Antisocial Behaviour and Transitional Aboriginal Homelessness Study Project directly supports the City's strategic objective to create a safer, more inclusive community while strengthening advocacy on complex regional issues.

The project aligns with the City's Strategic Community Plan under the "Safe" and "Empowered" themes, particularly the priorities of delivering a safe and activated community, supporting families and youth, and ensuring accountable leadership based on diverse perspectives.

The study also responds to national and state-level strategic frameworks, including:

- The National Agreement on Closing the Gap, which calls for shared decision-making with Aboriginal and Torres Strait Islander peoples and improved outcomes in housing, justice, and community safety.
- The WA Government's Aboriginal Empowerment Strategy and 10-Year Strategy on Homelessness 2020-2030, which emphasise locally driven solutions, culturally safe services, and the importance of place-based responses to housing insecurity and disadvantage.
- The *Local Government Act 1995*, which recognises the role of local government in supporting community wellbeing and advocating on behalf of constituents.

The research project builds upon the City's ongoing efforts to address homelessness, alcohol-related harm, and anti-social behaviour, including the implementation of the Safer Streets Patrol program, the Summer Response Strategy, and partnerships with service providers such as the Paupiyala Tjarutja Aboriginal Corporation. The project findings provide a critical evidence base to guide future investment, collaboration, and advocacy.

Through comparative analysis of local government responses in other regional jurisdictions, the project supports a more coordinated and effective role for local governments in addressing transitional Aboriginal homelessness. It reinforces the need for increased place-based service funding, better integration of government and non-government programs, and a national framework that empowers Aboriginal Community Controlled Organisations to lead culturally responsive solutions.

The findings of the study will also inform the City's future advocacy at both state and federal levels, including through motions to the Australian Local Government Association (ALGA) National General Assembly. The proposed national think tank, to be hosted by the City, will further support intergovernmental dialogue and sector-led innovation.

## RISK ASSESSMENT

The table below shows:

1. Council's adopted risk tolerance for each category; and

2. City officer's risk assessment of the recommendation to Council, undertaken using the City's Risk Management Framework and taking into account current controls.

	Assessment of consequence	Assessment of likelihood	Comments on Council's tolerance for any related risk, and controls where outside of tolerance
Health/injury	N/A	N/A	The risk of health/injury is not relevant to this report.
Financial loss	N/A	N/A	The risk of financial loss is not relevant to this report.
Service interruption	N/A	N/A	The risk of service interruption is not relevant to this report.
Legislative breach	N/A	N/A	The risk of legislative breach is not relevant to this report.
Reputational damage	Low	Rare	There is a risk that recommendations and conclusions in the research report may not be viewed positively by all. However, the report contains important information and analysis that it is hoped will assist to find solutions to antisocial behaviour and Aboriginal transitional homelessness; and facilitate conversations and change in this area; so this risk is considered acceptable.
Property damage	N/A	N/A	The risk of property damage is not relevant to this report.
Environmental damage	N/A	N/A	The risk of environmental damage is not relevant to this report.
Project time	Negligible	Rare	The research project was completed within the proposed timeframes, therefore there is no risk to project time.
Project cost	Negligible	Rare	The research project was completed within the allocated budget, therefore

			there is no risk to project cost.
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The overall risk to the City is low and likelihood for occurrence is rare.

**OFFICER RECOMMENDATION**

That Council:

1. Receive the report and endorse the Antisocial Behaviour and Transitional Aboriginal Homelessness Study Project Report for public release; and
2. Request that Mayor Glenn Wilson invite the local governments from the study locations, and other interested stakeholders, to a think tank in a host location to discuss the report findings, share further models of best practice, and jointly advocate for a national framework and funding to help find practical solutions to antisocial behaviour and transitional Aboriginal homelessness.



**9.1.2 Local Government Chief Officers Group Report**

<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>	Simple
<b>Nature of Council's Role in Decision-Making:</b>	Review
<b>Attachments:</b>	1. CONFIDENTIAL - LGCOG 2025 with attachments final [6.1.4.1 - 149 pages]

*This report was first brought to the CEO Performance Review Committee in April 2025 and then to the 22 April 2025 Ordinary Council Meeting where it was referred by resolution of Council to the 28 April 2025 Special Council Meeting in accordance with the following:*

**OFFICER/COMMITTEE RECOMMENDATION**

*That the Committee recommend that Council:*

- 1. Note the Chief Executive Officer's Report in relation to his attendance at the Local Government Chief Officers Group Meeting;*
- 2. Request that the report be referred to the Special Council Meeting to be held on 28 April to allow all Councillors to review the report; and*
- 3. Note that the key observations and recommendations will be the subject of a separate report to be provided to Council by June 2025*

**SUMMARY STATEMENT**

In accordance with the request of the CEO Review Committee and Council following the CEO's Annual Review, a report was requested on the outcomes of the CEO attendance at the Local Government Chief Officers Group Meeting held in Tauranga New Zealand in February 2025.

**REPORT**

A confidential report has been provided to the Committee for information along with copies of the presentations and high level findings. Whilst much of the meeting focused on leadership and professional development which have already been presented to the Executive Leadership Team, there are a number of specific matters which were identified which should be explored further by the City.

**Observations and Recommendations**

Organisational Culture and psycho-social safety

It is proposed to engage with an appropriate provider to further progress the development and implementation of a pulse survey process which can be used to off-set the risks associated with psychological safety in the workplace with this work commencing at the Executive Leadership Team level.

In order to progress this is, it is recommended that the organisation should engage with LGIS to identify suitable programs and objectives and to potentially use funding from LGIS as a trial program which may be suitable for other LGAs to reduce potential risks. The focus of this process is to build additional leadership capacity, resilience and at the same time reducing the potential for psycho-social claims.

This is a large piece of work and will build upon the work that has already been undertaken through the cultural change program and the recent resignation of the Executive Manager People and Culture will provide an opportunity for this work to be moved across into the governance area of the Council, ensuring that the focus will be consistent with the existing frameworks, policies and management procedures.

### ***CBD Revitalisation and Activation***

It is recommended that Council consider the formation of a City Reactivation Group (not a committee of Council) to consider options for the reactivation of the City centre and commercial precincts across the entire City.

In order to progress with the creation of the working group there is a need to develop and scope out appropriate terms of reference, membership arrangements, public awareness and other operational requirements. The following provides a high level summary of what would need to be considered:

- Terms of Reference – the group is tasked with developing a strategic vision for the reactivation of the main business centre of Kalgoorlie Boulder along with increased activation of each of the commercial precincts. At this stage the vision is not project specific, but more about the conceptualisation of the activation. Whilst it is proposed that the initial activation should be on the Kalgoorlie CBD, this is because the City has control of more land and buildings to enable implementation of activation strategies.
- Presence in the CBD is a key aspect of the success of the project and the working group should have a distinct and permanent presence in the CBD to enable effective community awareness and buy-in. Whilst this means sharing of information which is conceptual in nature in the first instance, it will ensure that as projects progress the community will be brought along for the journey. Given that the City already owns substantial property in the CBD (endowment block) it is considered appropriate to utilise one of the shops for the purpose of a front of house activation process.
- Group composition needs to be carefully considered and it is recommended that the following be considered in the make up of the group:
  - Key civic leaders (Mayor, Deputy Mayor and CEO)
  - Goldfields Esperance Development Commission
  - Development sector
  - Mining sector representatives
  - Commercial property owners
  - Retail traders
  - Hotel industry
  - KBCCI

Through the appropriate engagement with the above group, it is envisaged that many of the initiatives of the City could be progressed and garner more community support in an educated way, rather than fighting the constant rear-guard action being driven by social media.

Independent facilitation of the group is also seen as essential if the redevelopment process is going to work effectively. Ideally this should be someone that has experience in town planning, urban renewal or commercial redevelopment. This may need to be someone from outside of the local area to ensure that there is no perceived or actual bias in planning and conceptual projects.

### ***Mental Health and Well-being***

Further investigation will be undertaken in relation to the implementation of the “Man Walk” concept, either for the City staff or broader community approach. The first stage in this will be a feasibility review focusing on the desire to support the concept and the potential take up of the offer.

### ***AI opportunities***

The increased use of AI to assist with planning and community perception is something that needs to be investigated further and should become a strategic project for 2025/26 focused around a trial project using AI generated personas to test strategies and projects before taking to the community. This is a space that no-one appears to be working in local government at the present time and could provide significant benefits and cost savings for the City.

In order for the City to optimise the use of AI and drive improvements in this space across all areas of the City, there is a need to understand the capabilities and opportunities that AI can bring. This may range from interactive website, call centre and community engagement opportunities

## **INTERNAL CONSULTATION**

No internal consultation was considered necessary in the preparation of the report.

## **COUNCIL CONSULTATION**

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

## **COMMUNITY ENGAGEMENT CONSULTATION**

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

## **BUDGET IMPLICATIONS**

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

## **STATUTORY IMPLICATIONS**

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

**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 are utilising diverse points of view to inform decision making and actions taken for the City.

**CAPABLE:** We will have the resources to contribute to our community and economy.

**OFFICER RECOMMENDATION**

That the Committee recommend that Council:

1. Note the Chief Executive Officer's Report in relation to his attendance at the Local Government Chief Officers Group Meeting; and
2. Note that the key observations and recommendations will be the subject of a separate report to be provided to Council by June 2025.

### 9.1.3 Probity Review Findings

<b>Responsible Officer:</b>	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
<b>Responsible Business Unit:</b>	Office of the CEO Governance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council's Role in Decision-Making:</b>	Executive Strategic Quasi Judicial
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - 20250401 - 151578 - City of Kalgoorlie- Boulder - Report for Probity Review [9.1.3.1 - 111 pages]</li> <li>2. CONFIDENTIAL - 20250403 - 151721 - City of Kalgoorlie- Boulder - Letter to City (summary of findings) [9.1.3.2 - 2 pages]</li> <li>3. CONFIDENTIAL - 20250403 - 151721 - City of Kalgoorlie- Boulder - Letter of advice to City [9.1.3.3 - 14 pages]</li> </ol>

### SUMMARY STATEMENT

Council is asked to consider the findings of the Probity Review in relation to the entering into of a water supply agreement, associated administrative arrangements and advice provided to Council at the time to determine if there were any systemic or fundamental flaws in the process.

### REPORT

#### ***Background***

In late 2023 the Council resolved to undertake a probity review in relation to the entering into of a water supply agreement with Lynas Rare Earths (Water Supply Agreement). Quotes were sought in from a number of law firms for procurement compliance and to ensure that there were no conflicts of interest prior to entering into the contract for the probity review. The Audit and Risk Committee were delegated with authority from Council to consider the quotes and determine the preferred advisor.

Based on their submission and proposed methodology Civic Legal were engaged to undertake the Probity Review and presented a final draft of the confidential report to Council on 17 February 2025. The work undertaken by Civic Legal took significantly longer than was initially anticipated in late 2023 due to the volume of material sourced and reviewed.

The review identified a number of issues that are set out in Civic Legal's report in relation to informed decision-making in entered into the Water Supply Agreement.

***Summary of key findings***

The Probity Report (confidential attachment 1) specifically addressed five key questions which formed the basis of Civic Legal's findings. These questions are outlined below:

1. Was Council fully informed in relation to the Water Supply Agreement?
2. Was Council informed of the cost of providing the water under the proposed Water Supply Agreement?
3. Was Council informed of the sale price of water proposed under the Water Supply Agreement?
4. Was Council informed of the water banking and infrastructure required to provide water under the proposed Water Supply Agreement?
5. Was Council informed if sufficient water was available without water banking to supply Lynas under the Water Supply Agreement?

The overall findings of the report indicate that the contract was entered into without Council having full knowledge of the issues associated with questions 1, 2 and 5 above, whilst the Council was fully aware of the issues associated with questions 3 and 4.

There were no findings of misconduct or intentional wrongdoing in relation to any individual staff or elected officials. The report identifies issues relating to the internal processes and procedures leading to entry into the Water Supply Agreement.

***Implementation of changes***

The learnings from the report will need to be incorporated into the City's Governance Framework to help guide future decision making on major contracts and commercial agreements. The Governance Framework will set out in greater detail the responsibilities of City officers in providing information to aid Council decision-making, as well as Elected Member responsibilities to review reports and other material provided by City officers and attend briefings, Committee and Council meetings, and seek additional information if needed.

The City has already implemented changes to internal systems in relation to commercial agreements. Much of this work was completed with the development and adoption of the Governance Framework, the Councillor induction program, ongoing development opportunities to support strategic decision-making and reviews of policies and procedures. Additionally, the City's Executive Leadership Team undertake a detailed agenda settlement process and peer review of information provided in Council reports, and regularly update Council report templates to expand on information given to Council (including 2024 changes to include a high level risk assessment).

***Release of probity findings***

It is acknowledged that there is significant public interest in the outcomes of the report, however it is recommended that the report not be publicly released.

The ultimate findings of the report are disclosed above. However, the report itself contains information that is the subject of various contractual and confidentiality obligations owed by the City to third parties.

The City has also received confidential correspondence from Civic Legal, which has been provided to Council on a confidential basis (confidential attachments 2 and 3).

The correspondence contains background and context to assist Council in its consideration of the matter.

**INTERNAL CONSULTATION**

The entire probity report has been reviewed by the Executive Leadership Team to identify opportunities for further improvement in internal processes and reports on major projects and commercial ventures.

**COUNCIL CONSULTATION**

Council were briefed on the findings of the Probity Review by Civic Legal prior to the Ordinary Meeting held on 17 February 2025 and were provided with the opportunity to feed any questions back via the Chief Executive Officer.

**COMMUNITY ENGAGEMENT CONSULTATION**

Given the legal nature of the report community consultation was not considered appropriate nor in line with the legal advice received by the City in relation to the recommendations of the report.

**BUDGET IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no direct policy implications for the receipt of the Probity Report; however policy development will be required to address the findings including the updating of the Governance Framework for the City.

**COMMUNITY STRATEGIC PLAN LINKS**

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

EMPOWERED: We are utilising diverse points of view to inform decision making and actions taken for the City.

**STRATEGIC CONTEXT**

Obtaining independent legal advice in relation to City projects reduces risk to the City and Council in relation to decision-making and strengthens governance of the City.

**RISK ASSESSMENT**

The table below shows:

1. Council's adopted risk tolerance for each category; and
2. City officer's risk assessment of the recommendation to Council, undertaken using the City's Risk Management Framework and taking into account current controls.

	Assessment of consequence	Assessment of likelihood	Comments on Council's tolerance for any related risk, and controls where outside of tolerance
<b>Health/injury</b>	Negligible	Unlikely	Council has a low tolerance of risk in relation to occupational health and safety however this is a low risk in relation to the recommendations presented in this report, noting that this review was initially assessed to have potential psychosocial implications particularly if findings were made against individual City officers (which they were not).
<b>Financial loss</b>	Major	Unlikely	Council has a moderate tolerance of financial risk. If Council accept the recommendation to not release the report, the likelihood of this risk eventuating is significantly mitigated.
<b>Service interruption</b>	Minor	Unlikely	Council has a moderate tolerance of risk to service delivery however this is a low risk in relation to the recommendations set out in this report.
<b>Legislative breach</b>	Minor	Unlikely	Council has a low tolerance of risk to legislative and regulatory compliance however this is a low risk in relation to the recommendations set out in this report.
<b>Reputational damage</b>	Moderate - Major	Likely	Council has low tolerance of reputational and public perception risk. Irrespective of whether Council endorses the recommendation to not publicly disclose the report or decides to release the report, there may be



			reputational damage to the City and Council. Release of the ultimate findings of the report, above is a mitigator but will not entirely reduce either the likelihood or consequence of this risk.
<b>Property damage</b>	Negligible	Rare	Council has a moderate tolerance of risk to infrastructure however this presents low risk in relation to the recommendations set out in this report.
<b>Environmental damage</b>	Negligible	Rare	Council has a moderate tolerance of risk to environment however this is a low risk in relation to the recommendations set out in this report.
<b>Project time</b>	Negligible	Rare	Council has a moderate tolerance of risk to project delivery however this is a low risk in relation to the recommendations set out in this report.
<b>Project cost</b>	Negligible	Rare	Council has a moderate tolerance of risk to project delivery and to financial risk however this is a low risk in relation to the recommendations set out in this report.

The two most significant risks in relation to the probity review, and Council's decision regarding whether or not to release the Probity Report to the public are reputational and legal related risks.

As set out above, the reputational risks might eventuate irrespective of Council's decision – the public may be dissatisfied with a decision not to release it and this may cause negative perception of Council and the City. On the other hand, the risks with regard to the City's obligations to third parties outweigh any dissatisfaction that the public might express about not releasing the Probity Report.

Council is referred to the advice provided by Civic Legal in relation to legal risks.

#### **OFFICER RECOMMENDATION**

That Council:

1. Note the findings of the Probity Review as attached in the confidential report; and
2. Request the Chief Executive Officer to update the City's Governance Framework to address the key issues identified in the Probity Report.

## **10 CONFIDENTIAL ITEMS**

Nil

## **11 CLOSURE**