



**City of
Kalgoorlie
Boulder**

MINUTES

(unconfirmed)

of the

Audit and Risk Committee Meeting

held at 6:00 PM

on

22 JANUARY 2024

at the

Kalgoorlie Town Hall

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>

Table of Contents

1 DECLARATION OF OPENING	5
2 RECORD OF ATTENDANCE	5
2.1 ATTENDANCE	5
2.2 APOLOGIES.....	5
3 PRESENTATIONS	6
4 DECLARATIONS OF MEMBERS' AND OFFICERS' INTEREST	6
4.1 INTEREST AFFECTING IMPARTIALITY CITY OF KALGOORLIE-BOULDER CODE OF CONDUCT	6
4.2 FINANCIAL INTEREST LOCAL GOVERNMENT ACT SECTION 5.60A.....	6
4.3 PROXIMITY INTEREST LOCAL GOVERNMENT ACT SECTION 5.60B	6
5 CONFIRMATION OF MINUTES	6
6 URGENT BUSINESS	7
7 REPORTS OF OFFICERS	8
7.1 CHIEF EXECUTIVE OFFICER.....	8
7.1.1 Probity Review	8
8 DATE OF NEXT MEETING	11
9 CLOSURE	11

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

The Chairperson declared the meeting open at 6:00 PM welcoming those present.

2 RECORD OF ATTENDANCE

2.1 Attendance

In Attendance:

Mayor Glenn Wilson
Deputy Mayor Kristy Dellar
Cr Kryan O'Donnell
Cr Nardia Turner
Cr Terrence Winner
Cr Wayne Johnson

Members of Staff:

Andrew Brien	Chief Executive Officer
Alex Weise	Director of Development and Growth
Mia Hicks	Director of Community Development
Glenda Abraham	Director of Corporate and Commercial
Lui Camporeale	Director of Engineering
Frances Liston	Executive Manager Governance and Risk Services
Xandra Curnock	Executive Manager Finance
Jaymie Boyes	Governance Officer
Rajan Prajapati	IT Systems Administrator

Visitors:

Nil

2.2 Apologies

Apologies - Elected Members:

Nil

Apologies - Members of Staff:

Nil

Leave of Absence:

Nil

3 PRESENTATIONS

Nil

4 DECLARATIONS OF MEMBERS' AND OFFICERS' INTEREST

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

Councillor Winner has interest with item 7.1.1. as he is the CEO of GIFSA.

4.2 Financial Interest Local Government Act Section 5.60A

Nil

4.3 Proximity Interest Local Government Act Section 5.60B

Nil

5 CONFIRMATION OF MINUTES

Committee Recommendation

Moved By: Cr Nardia Turner

Seconded By: Deputy Mayor Kirsty Dellar

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

**CARRIED
(6 / 0)**

6 URGENT BUSINESS

Nil

7 REPORTS OF OFFICERS

7.1 Chief Executive Officer

7.1.1 Probity Review

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

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/ COMMITTEE RECOMMENDATION

Moved By: Cr Wayne Johnson
Seconded By: Cr Terrence Winner

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.

CARRIED
(6 / 0)

8 DATE OF NEXT MEETING

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

9 CLOSURE

There being no further business, the Chairperson thanked those present for their attendance and declared the meeting closed at 6:03PM.