

# Minutes

## **Elector's General Meeting**

4 September 2025

To: Elector's General Meeting Members and Councillors.

Here within are the Meeting Minutes of the Elector's General Meeting, held on the above-mentioned date in the Morangup Community Centre, 3 Wallaby Way, Morangup WA 6083.

Aaron Bowman JP

CHIEF EXECUTIVE OFFICER

#### **Preface**

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the next Committee Meeting, where the Minutes will be confirmed subject to any amendments made by the Committee.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Meeting are incorporated into separate attachments to these Minutes.

#### **Unconfirmed Minutes**

These minutes were approved for distribution on 8 September 2025.

Aaron Bowman JP

**CHIEF EXECUTIVE OFFICER** 

#### **Received Minutes**

These minutes were received at an Ordinary Council Meeting held on 25 September 2025 pursuant to s.5.33 of the *Local Government Act 1995*.

Signed: MV M° Ka

Note: The Presiding Member at the meeting at which the minutes were received is the person who signs above.

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#### 1 OPENING AND ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 6.39pm and read aloud an Acknowledgement of Country:

I acknowledge the Ballardong Noongar people and the Yued and Whadjuk people, the traditional custodians of the land where we meet today within the Shire of Toodyay. I pay my respect to their elders, past and present.

#### ATTENDANCE AND APOLOGIES

2

#### **Electors**

Mr S Van Der Heyden

Mrs M McKeown

Mrs T Chitty

Ms K Barrack

M & T Taylor

Mr R & Mrs N Mills

Mr B Allan

Mr P & Mrs E Ruthven

G Cooper

Mr K & Ms S Maddrell

J & D Riley
Councillors

Cr M McKeown Shire President (Chair)
Cr M Dival Deputy Shire President

Cr J Prater Councillor

Staff

Mr A Bowman JP Chief Executive Officer

Ms V Crispe Executive Manager Infrastructure, Assets & Services

Mr A Hart Executive Manager Finance & Corporate Services

Mrs M Rebane Governance Coordinator

#### 2.1 APOLOGIES

Cr C Duri Councillor
Cr R Madacsi Councillor
Cr S McCormick Councillor
Cr D Wrench Councillor

Ms S Bossell

Mr S & Mrs S Gambelle

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#### 3 OFFICER REPORTS

#### 3.1 2023-2024 Annual Report Accepted by Council

Date of Report: 6 August 2025

Applicant or Proponent: Shire of Toodyay

File Reference: MTG7

Author: P Kaur – Executive Services Officer

Responsible Officer: A Bowman JP – Chief Executive Officer

Previously Before Council: 24 July 2025 OCM

Author's Disclosure of Nil

Interest:

Council's Role in the matter: Review

Attachments: 1. 2023-2024 Annual Report.

#### PURPOSE OF THE REPORT

To receive the 2023/2024 Annual Report (Attachment 1)

#### **BACKGROUND**

In accordance with s.5.27 of the *Local Government Act 1995*, a general meeting of the electors of a district is to be held once every financial year on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

The purpose of holding a general meeting is to discuss prescribed matters in accordance with r.15 of the *Local Government (Administration) Regulations 1996* which states that "the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business."

#### **COMMENTS AND DETAILS**

At the Ordinary Council Meeting held in July 2025, Council accepted the 2023/2024 Annual Report. This report is presented to be received.

#### IMPLICATIONS TO CONSIDER

#### Consultative:

Nil.

#### Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

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#### Policy related:

Governance.

#### Financial:

Nil.

#### Legal and Statutory:

s.5.27 Electors' general meetings - Local Government Act 1995

#### **Risk related:**

The risk in the Annual Report not being received by the Annual General Meeting of Electors is Insignificant. This report mitigates the risk.

#### **Workforce related:**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority

#### OFFICER'S RECOMMENDATION

That the Shire of Toodyay Annual Report for the 2023/2024 financial year, accepted by Council Resolution No.OCM141/07/25 on 24 July 2025, as presented, be received.

Ms N Mills moved the Officer's Recommendation.

Ms K Barrack seconded the motion.

Mrs E Ruthven objected to the motion.

Debate commenced.

The motion was put.

#### OFFICER'S RECOMMENDATION/EGM RESOLUTION NO.EGM001/09/25

MOVED Ms N Mills

**SECONDED** Ms K Barrack

That the Shire of Toodyay Annual Report for the 2023/2024 financial year, accepted by Council Resolution No.OCM141/07/25 on 24 July 2025, as presented, be received.

**MOTION CARRIED 8/2** 

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#### 4 GENERAL BUSINESS

#### 4.1 MOTIONS FROM ELECTORS

Nil.

### 4.2 QUESTIONS FROM ELECTORS

#### Mrs E Ruthven

Question	CEO Response unless otherwise specified.
Would you please explain why public questions about the annual report can only be asked after the meeting has voted to accept it (or not) rather than before voting?	Regulation 15 of the Local Government (Administration) Regulations 1996 requires in relation to Elector's Meetings that Matters to be discussed at a General meeting (Act s. 5.27(3)) are, firstly, the contents of the annual report for the previous financial year and then any other general business.  When the Agenda was put together, the words "Public questions about the annual report" were left in place when it had been supposed to read "Questions from Electors" under the heading of General Business.
	Shire President response:
	Clause 15 of the Admin Regs states that the financial report has to be done first before any general business and these questions are part of General business.
During the July agenda briefing, Cr Dival queried the inaccurate councillor payments figures in the Annual Report. The CEO replied that this is what has come out of the system so this is what we have to go on and said "We must take the figures out of the system".  When you knew it was wrong, and the Independent Auditor's Report states "Council is responsible for overseeing the Shire's financial reporting process", why was it not	Although it appeared wrong as it would be reasonable to expect that two councillors elected at the same time should receive the same sitting fee, this was not the case as one councillor, being the Deputy Shire President also gets a Deputy Shire President's allowance.  The councillor allowance provided to the Deputy Shire President was understated and the sitting fee was overstated however the total payment was correct and this was what was paid to Cr Dival.  Councillors are aware that they are responsible for overseeing the Shire's financial reporting processes together with the ARIC committee and this is why
corrected before the finalisation of the annual report?	changes are being implemented due to prior year's non-compliance.
In s7.12A of the Local Government Act:	Yes. We are aware of Section 7.12A

#### Question

(3)(a) and (b) state that the local government MUST determine and take action on any matters raised as requiring action by the auditors, and

(4)(a) and (b) state that the local government MUST prepare a report addressing significant matters raised by the auditor including actions taken/to be taken with respect to those matters and that report must be given to the minister within three months after the audit report is received by the local government.

Has the shire prepared a report addressing matters of significance in the audit report? If yes, has that report been given to the Minister as per the Act?

If no, why not and when will it be done?

#### CEO Response unless otherwise specified.

Section 7.12A of the Local Government Act 1995 states that a local government is to do everything in its power to — (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and (b) to ensure that audits are conducted successfully and quickly.

As a previous past chairperson of the Audit Committee, you would be aware that it is normal practice for anything to do with audit to go through the Audit Committee which is now called the Audit, Risk and Improvement Committee.

Shire Officers prepared correspondence to the Minister that contains the report addressing the significant matters identified in the Auditor's Financial Management letter and actions that will be taken to address those matters.

This item was an item on the ARIC agenda actually this morning.

The Audit, Risk and Improvement Committee met today where they considered the Section 7.12A Report on significant matters raised in audit. The Committee's Recommendations will now be presented in a report to Council being the next council meeting which is on 25 September 2025.

The report has not been provided to the Minister as it has not been endorsed by Council as yet. It will be done at the 25 September 2025 Ordinary Council Meeting.

The ARIC has received the Closing Report and the Final Management Letter for 2023/2024 and the draft audit opinion at their meeting held on 5 June 2025. These documents were received by Council on 26 June 2025. The Annual Report for 2023/2024 was adopted by Council on 24 July 2025.

As to the financial system of the Shire, it has been well publicised that there have been significant issues which are the same as those that have been continuously raised. The previous Council was in breach of section 7.12A of the Local Government Act when they failed to prepare a report and notify the minister.

Section 7.12A of the Local Government Act, (5) requires the local government, after giving the report to the Minister, to publish a copy of the report on the shire's

This will be done after Council adopts the report on 25 September 2025 assuming it does adopt the report.

I would also point out that for audits for the year ended 2021, 2022 and 2023 significant issues were raised by the auditor and compliance with Section 7.12 did not

#### Question

website.

Has this been done and, if so, where is it on the shire's website? If not, when will it be done?

#### CEO Response unless otherwise specified.

occur as there is no record of these items being presented to Council and reported to the Minister.

It was reported in the Compliance Audit Return lodged for 2024 in March 2025 that Council had received correspondence from the Auditor General pertaining to the Management Letter and Findings report for the 2021/2022 financial year (that was done at the 24/01/2024 Special Council Meeting) and the 2022/2023 financial year (at the 22 June 2024 Ordinary Council Meeting) that Shire did prepare a report addressing the significant matters. It is unclear whether the Shire gave a copy of any reports mentioned above to the Minister within 3 months after the audit report was received by the local government.

The Shire has had significant issues identified for the above years in a row which are the same issues having been raised however these issues were never properly addressed; hence the continuation of these issues being raised. The Shire Records indicate that in prior years the Shire has been in breach of the local government Act as it failed to comply with s.7.12A.

In respect to the report for the 2023/2024 financial year, this report will be published onto the Shire website on the page called "information published on official website"

There has been huge progress on Datascape.

The direct debit payments stopped being reported to Council in October 2022. This was found and corrected in 2025. I am unsure why this was not discovered earlier and corrected.

To answer the question as to why this practice was stopped – you would have to ask previous councillors and/or the members on the previous Audit Committee . The reason why this is stopped is uncertain. There are no records available to show why they decided to do so.

The Shires Auditors and the Office of the Auditor General have stated on several occasions that they have seen significant improvements and changes that had been put in place to address issues in the last year which makes us all confident that the Shire will receive an audit report by the statutory date of 31 December 2025 which has not been achieved for a number of years. The outcome of a future event cannot be predicted. The new management team has been working with the Auditor and Audit and Risk

Given that since late last year there have been many queries about missing payments from the monthly payments lists, it seems that there has been little, or no progress made with the Datascape financial records so is it likely that the shire will receive another disclaimer audit for 24-25?

Question	CEO Response unless otherwise specified.
	Improvement Committee to ensure that a favourable audit is achieved in the 2024-25 year.
Admin Regulation 15 provides the matters to be discussed at general electors' meetings, including "any other general business", meaning general business items other than the contents of the annual report. This is also stated within the officer report. Any new procedures or actions by the presiding member must act within the law.  Why is there no "any other general business" on the agenda as required by Admin Regulation 15?	There is and that is why we are having questions under general business now. The reason is that the original agenda published stated under the heading of "General Business" that Items 4.1 were Motions from Electors and as stated previously, section 4.2 was incorrectly worded and was supposed to read Questions from Electors.  Both Items 4.1 and 4.2 were under the heading of General Business on the Agenda.  We have had people that have submitted their questions, not only about the Annual Report, including yourself, on general business items.
The 2025-26 budget includes a figure in excess of \$2M for development near the Toodyay Recreation Centre.  Is the Shire planning to do the subdivision or will it be done by a developer?	The Shire.
Has the shire prepared a business plan for the development of this area and, if so, where can it be viewed?	When you refer to the Business Plan I assume you are referencing section 3.59(2) of the Local Government Act and if that is the case it is not required.  The Shire was successful with 10 other local governments in getting a share of approximately \$900,000 of grant funding for regional housing. It has been well publicized.  As part of the project we were successful with 10 other local governments in getting \$32 million dollars and that was tied to the Australian Labor Party's Federal \$32 billion homes for Australia Plan which aims to increase housing supply nationally and provides funding to states and territories, including Western Australia.  The Shire of Toodyay is involved in local housing projects and is seeking to implement planning reforms and amendments to increase housing supply, with some funding obtained through the Commonwealth's Housing Support Program to support planning capability.  As part of this process a detailed business case to justify the grant was undertaken, on behalf of all ten local

Question	CEO Response unless otherwise specified.
	governments which is separate to a section 3.59(2) Business Plan.
	It wasn't announced at the Ordinary Council Meeting but what was said verbatim was:
	President
	Do I have a mover? Cr Prater. Do I have a seconder? I'll second it
	Are there any objections?
	Cr McCormick
	I have a question.
	President
	Yes.
	Cr McCormick I have a question.
During last week's OCM it was	Is this implying that Mr Aldridge is employed as a CESM in replace of?
announced that Martin	CEO response
Aldridge is the shire's new CESM. Yesterday it was	Yes.
announced in the West	Cr McCormick
Australian newspaper that Martin Aldridge had been	Thank you.
appointed to the position of	President
commissioner in the Shire of Port Hedland for a period of six	I have the mover. I have the seconder. Do I have any objections. I will declare that carried. Thank you.
ort Hedland for a period of six nonths. As that period covers ne summer fire season, will nother new CESM have to be ppointed?	Just a little more detail about this. Although this question is an operational matter regarding the personal affairs of an employee I will advise that it is very encouraging to know that there is a high calibre of people wanting to work at the Shire of Toodyay at the moment which includes returning employees that previously left due to organisational culture. This is an example that illustrates the high calibre of people now wanting to work at the Shire of Toodyay and although this question is again an operational matter regarding the personal affairs of an employee— I will advise you that Mr Aldrige has been appointed for 9 weeks for long service leave relief. At the council meeting that you are referencing, a resignation was tendered in the morning of by the substantive CESM, and therefore a revised officer's recommendation of FCO appointments was provided to Council. The recruitment for a permanent CESM will commence shortly.

Question	CEO Response unless otherwise specified.
	Shire President response:
	I am not sure your question was answered. I think your question was or the implications of which is that he might not be available.
	CEO response:
	The Summer fire season starts on 1 November 2025. Mr Aldridge was appointed only for nine weeks till the end of October 2025 for a temporary cover and we will now be recruiting for a permanent CESM.
	First thing is that looking at the breach it was for published material on Facebook that was not factually correct regarding the Toodyay Recreation Centre operational costs.
Why has a code of conduct	The second thing is no you are not correct. I did not tell you that.
breach against Cr Madacsi been added to the shire's register and not the upheld breach against Cr Dival for her untruthful election campaign when I was told by the CEO verbally and in writing that it would be?	The third thing is that Cr Madacsi has been added to the shires register as she was found to be in breach of the shires Code Of Conduct Clause 9 Relationship with others As a representative of the Shire of Toodyay, a Council member, committee member or candidate - (c.) must not use offensive or derogatory language when referring to another person; and this is because she used derogatory language towards Cr Prater.
	Continuing on with that and I know you asked a question at the December 2024 Council meeting asking the same question about Cr Dival. That was because 1) Council had not adopted the policy and 2) moving forward it was that anyone that was found guilty would be added to it.
	If you like and if you indulge me I can read it out. This is correspondence from the CEO to Mrs Ruthven dated Thursday 2 January 2025 that was emailed where in response to your email, I provided the following:
	The current shire of Toodyay complaints policy states
I have it from you in writing that it would be done.	"It is an offence for a person to disclose that a complaint has been made and/or any details of a complaint unless Council have made a formal finding of a breach in respect of the complaint."
	In reference to your complaint that Council has made a formal finding, you should have received as per the current policy a written notice of the finding and the reasons for the finding and a copy of Council's decision including any reasons for the decision that were not part of the report.

Question	CEO Response unless otherwise specified.
	If you did not receive all of the above, please advise and I will ask the current complaints officer to provide to you.
	Please note - There is nothing that prevents you from now disclosing the details of the complaint as Council has made a formal finding.
	The proposed updated policy, which was item 9.5.2 of the December Council meeting, which council deferred once adopted, which also will appoint myself as the complaints officer.
	I will be including (disclosing) any division 3 code of conduct complaints in the register of complaints as per my answer to your question raised at the council meeting, when the complaint is upheld.
	Until Council has adopted the new Council policy and appoints me as the complaints officer the inclusion of upheld Division 3 complaints are not being included in the register.
	The inclusion of Division 3 complaints upheld on the shire's complaints register, then makes it very clear to all involved that there has been a "formal finding" and as such the non-disclosure provisions / offence is clearly then not applicable. The inclusion of these also provides a greater level of transparency.
	Regards
	Aaron.

The Shire President advised that questions were already received from Mr A Walker. The Shire President read these questions out for the benefit of the electors attending the meeting.

Question	CEO Response unless otherwise specified.
The outsider states the total revenue for this budget increases about \$460,000 and may not cover increased costs. My question is: how has the shire been able to keep the rate increase to 2.2% when some other local governments were much higher?	Yes Correct. There are other local governments that are much higher and a good example is Gingin started at 11%. There was nearly a riot in town. Then the rate went down from 9 to 7.  With us, how did we get 2.2% when the average around us has been about 5%?  Well there are quite a few things and we have answered this question quite a few times in the council meeting but I asked staff to just put together some dot points.

Question	CEO Response unless otherwise specified.
	Over the last 12 months, the Shire has saved over \$200,000 per annum on leasing expenses by purchasing heavy plant outright. So there were five large items of plant being leased.
	The Shire has also implemented changes and operational efficiencies that ensure:
	<ul> <li>less reliance on contractors and controlling wages growth. You would not in the budget adopted for this financial year the total employee cost was less than last financial year.</li> </ul>
	Staff doing the job they were employed to do.
	<ul> <li>leaks that had been ongoing are now fixed.</li> </ul>
	Making staff accountable.
	<ul> <li>equipment is only leased when it is required, and not for the whole period of a project.</li> </ul>
	Performance managing staff occurs to do their jobs.
	The Shire has also found that some lease agreements that had been rolled over, so for example, the cost of plant was twice the cost of the original purchase price. Another leasing example is solar panels at the depot and library. The originally cost \$16,000 and total lease payments were \$35,000.
	Shire President question
	Can you just explain how that happened? If the cost \$16,000 how did we end up paying \$35,000?
	Executive Manager Finance and Corporate Services response
	The lease agreement was taken out over a period of seven years and the total payments over that seven year period was \$35,000. The lease concluded on 31 October 2024.
	CEO response (continued)
	There were more things that we looked at. It has been well documented. Quite some

Question	CEO Response unless otherwise specified.
	big savings have also been achieved through no longer using scheme water at the full commercial rate and now using water from a bore at the depot and also farmers dams. Scheme water is also no longer used to water ovals.
	The Shire has repaired the existing bore and pumps and reinstated watering the ovals using the existing bores which would be savings upwards of \$100,000 per annum.
	The Shire has also disposed of surplus plant that was no longer used, including 4 x utilities, a street sweeper that never worked from new, the cherry picker, the side tipper (not economical to repair) and old plant machinery that was no longer usable or functional, horse float, traffic control trailers. This has returned approximately \$200,000 to the plant replacement reserve.
	The thinking was that currently the Clinton Street duplexes are 3 x 1's and can only house two staff members as male and female staff cannot share. Previously two male staff members would refuse to share due to issues. Therefore there were occasions where staff were driving after a significant days' work.
He/she has said the shire owns the Clinton St duplex which is being disposed of, and he/she wondered what the thinking was as worker accommodation is needed and why Clinton St can't be used. I'd like to ask what is the thinking?	The selling of the property allows the Shire to provide a benefit to the community by adding housing stock and it provides an opportunity to the Shire to construct single person worker accommodation which this transaction will allow the shire to reduce its ongoing operating expenses due to the current age and condition of the Clinton St duplex as the building requires significant maintenance, as Councillors all saw in the Building Maintenance condition report presented to Council. It will then allow a newer building which will be no additional cost to the ratepayer.
He/she says there was an extra \$500,000 provided for road maintenance and he/she expected to see a huge amount going on. Was the extra road maintenance done and	This is a similar question asked at a previous Council meeting.  The Shire graded all gravel roads with a number of roads receiving gravel for high

Question	CEO Response unless otherwise specified.
how did the Council find the extra \$500,000? Was something not done somewhere else?	risk sections in the Shire in the 2024/25 year which had not been done for many years. Gravel re-sheeting of telegraph road utilizing gravel supplied free by a local farmer with the Shire undertaking the extraction and crushing reducing the cost of purchasing gravel and freight costs.  A number of drains in the town site were cleaned out and unblocked including some mapping to ensure drains were functioning correctly. Street sweeping of the town site roads. Section of Anzac Ave re-asphalted. The majority of the funds were reallocated from Consultants Fees to Roads Maintenance.
	I am going to start with a Disclaimer note that given that the Audits for the years 20/21, 22/23 and 23/24 were disclaimer audits, the expenditures cannot be verified as accurate so we have taken these out of the Annual Report.
	From historical data expenditure on roads maintenance from 2021 is as follows;
The outsider has said that back in 2021 a	2020/21 \$566,000
start was made on improving financial management, increasing rate income going	2021/22 \$347,860
towards roads and restoring the depleted road reserve account, and said slow	2022/23 \$436,551
progress was being made. My question is,	2023/24 \$752,764
given this, and given Council recently allocated \$500,000 for urgent road	The Roads Reserve had the following balance at the end of each year:
maintenance, were the claims made about	2020/21 \$0
2021 followed through with? Was money allocated to roads increased? was the	2021/22 \$0
reserve account restored? and do the roads appear to have benefited from the 2021	2022/23 \$20,000
decision - that is, has the maintenance	2023/24 \$45,770
been adequate since then?	If we look at expenditure in 2024/2025 to start with it was only going to be \$463,244 but with the extra \$500,000 we repurposed from other savings we spent: \$963,244. You will recall, Mr Shire President, in Budget workshops it was put to you and the Councillors that we need to be spending at least \$1m on road maintenance as a minimum. That is just a basic amount because we also have a lot of catchup and

Question	CEO Response unless otherwise specified.
	you may recall Mr Shire President that in this year's 2025/26 budget there is \$1,128,433 (Budgeted Expenditure).
It's not any secret that the affairs of the Shire were an absolute mess, and we electors are now more aware of the depth of the mess with your candid responses to questions from the public at council meetings. We do see all the improvements that are happening, and I want to thank you for that. But, being continually harassed and attacked by the Herald and others must be difficult for everyone, from the CEO and President who bear the brunt of it, and other staff and councillors. I'd like to ask, does this affect your health and are you OK? Do you have strategies to keep you sane?	I am not going to go into the personal affairs of myself or individual staff. Working in local government can be a thankless task but it is great to see us making improvements and some residents and ratepayers are giving us compliments that are keeping us going. Just to let you know Mr President that all Employees have access to with TELUS Health Employee Assistance Program and that also includes Councillors.  Telus Health offers:  Confidential support, including counselling, that can help you find solutions to the challenges you face  TELUS Health One: an online wellbeing platform to access self-guided support, articles, resources and more  Work/life solutions including family support services, legal and financial support and more.  Shire President response:  Thank you Mr Walker for the question because I do have strategies that do keep me sane. Thank you for the comment. That is the end of general business.

#### 3 CLOSURE

The Shire President commented on the fact that the numbers at the elector's meeting tonight far exceeds the number of people that have turned up to previous meetings which was 4, 5 and 3 so we have exceeded that tonight. Thank you very much.

The Shire President declared the meeting closed at 7.18pm.