SHIRE OF toodyay
place of plenty

Ordinary Council Meeting

24 April 2025

Minutes

To: The President and Councillors.

Here within are the Minutes of the Ordinary Council Meeting of the Shire of Toodyay held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

Aaron Bowman JP

CHIEF EXECUTIVE OFFICER

Our Vision, Purpose and Values

The Shire of Toodyay's Plan for the Future (Council Plan 2023-2033) is the Community's Strategic Plan outlining the direction that the Shire is undertaking to meet the needs and aspirations of its community.

Our Vision

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

Our Purpose

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Our Values

We conduct ourselves in line with values the local community cares deeply about:

- **Integrity** - we behave honestly to the highest ethical standard;
- **Accountability** – we are transparent in our actions and accountable to the community;
- **Inclusiveness** – we are responsive to the community and we encourage involvement by all people; and
- **Commitment** – we translate our plans into actions and demonstrate the persistence that will provide results.

Community Aspirations

There are five core performance areas in this plan: People, Planet, Place, Prosperity, and Performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Toodyay.

For each area, there is an overarching aspirational statement and desired outcomes, summarised in the Council Plan which is available on the Shire's website at: https://www.toodyay.wa.gov.au/documents/432/council-plan-plan-for-the-future-2023-2033

Disclaimer

Any discussion regarding a planning matter or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken a notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions *(Copyright Act 1998,* as amended*)* and the express permission of the copyright owner(s) should be sought prior to reproduction.

Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website

http://www.toodyay.wa.gov.au/Council/Council-Meetings

Agendas & Minutes are located under the heading "Council Meetings" at

http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes

Public copies are available by contacting the Shire on (08) 9574 9300.

CONTENTS

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS 6
2 RECORDS OF ATTENDANCE 6
2.1 APOLOGIES 6
2.2 APPROVED LEAVE OF ABSENCE 6
2.3 APPLICATIONS FOR LEAVE OF ABSENCE 7
2.3.1 Cr McKeown 7
3 DISCLOSURE OF INTERESTS 7
4 PUBLIC QUESTIONS 7
4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE 7
4.1.1 Questions taken on notice from March 2025 Ordinary Council Meeting 7
4.2 PUBLIC QUESTION TIME 15
4.2.1 TOODYAY HERALD 15
4.2.2 B Ruthven 15
4.2.3 P Ruthven 15
4.2.4 S Pearce 16
4.2.5 C Wroth 16
4.2.6 S Hefferon 17
4.2.7 B Ruthven 18
4.2.8 S Pearce 18
4.2.9 B Ruthven 19
4.2.10 S Hefferon 20
5 CONFIRMATION OF MINUTES 21
5.1 Ordinary Meeting of Council held on 27 March 2025 21
6 PETITIONS / PRESENTATIONS / SUBMISSIONS 21
6.1 PETITIONS 21
6.2 PRESENTATIONS 21
6.3 SUBMISSIONS 21
7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED) 21
8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) 21
9 OFFICER REPORTS 23

9.1 PLANNING AND REGULATORY SERVICES 23
9.1.1 Road Dedication - Donkey Crossing, Dumbarton 23
9.1.2 Amendment to Planning Approval P2024-31 - 33 Hamersley Street, Toodyay 28
9.2 FINANCE AND CORPORATE SERVICES 31
9.2.1 List of Payments - March 2025 31
9.2.2 Monthly Financial Statements - March 2025 34
9.2.3 Investment of Surplus Funds Policy 36
9.2.4 Related Parties Disclosure Policy 40
9.2.5 Amendments to the 2024/25 Annual Budget 44
9.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES 49
9.3.1 Tender for the management of the Toodyay Aquatic Centre 49
9.4 EXECUTIVE SERVICES 52
9.4.1 Adoption of Bush Fire Brigades Local Law 2025 52
9.4.2 Audit, Risk and Improvement Committee - Local Government Reforms 56
9.4.3 Cobbler Pool - Restriction of Camping 60
9.4.4 Financial Hardship Policy 65
9.4.5 Child Safety Awareness policy review 68
9.4.6 Reportable Conduct Scheme policy review 71
9.4.7 Standards for CEO Recruitment and Selection, Performance Review and Termination Policy 74
9.5 INFRASTRUCTURE, ASSETS AND SERVICES 76
9.5.1 Bushfire Risk Management Plan 76
9.6 COMMITTEE REPORTS 79
10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 79
10.1 Alternate Seating Plan for the Council Chambers 79
11 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING 84
12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN 84
13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING 84
13.1 MEMBERS 84
13.2 EMPLOYEES 84
14 CONFIDENTIAL BUSINESS 84
15 NEXT MEETINGS 84
16 CLOSURE OF MEETING 84

Preface

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

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 Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 30 April 2025.

Aaron Bowman JP

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 22 May 2025.

Signed: .....

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

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 5.30pm and read aloud an Acknowledgement of Country:

"*I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging.*"

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCE

Members

Cr R Madacsi	Councillor
Cr C Duri	Councillor
Cr S McCormick	Councillor
Cr M McKeown	Shire President
Cr D Wrench	Councillor (*arrived at 5.35pm)*
Cr M Dival	Deputy Shire President
Cr J Prater	Councillor

Staff

Mr A Hart	Executive Manager Finance and Corporate Services
Ms V Crispe	Executive Manager Infrastructure, Assets and Services
Mr P Nuttall	Executive Manager Planning and Regulatory Services
Ms S Watson	Executive Manager Economic Development and Community Services
Mrs M Rebane	Governance Coordinator

Visitors

P Ruthven

B Ruthven

S Hefferon

S Pearce

C Wroth

2.1 APOLOGIES

Mr A Bowman	Chief Executive Officer

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

2.3.1 Cr McKeown

Cr McKeown requested to be granted Approved Leave of Absence from Thursday 1 May 2025 until Tuesday 6 May 2025 inclusive.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM067/04/25

MOVED Cr C Duri

SECONDED Cr M Dival

That the Application for Leave of Absence by Cr McKeown from 1 May 2025 until Tuesday 6 May 2025 inclusive be granted.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick and J Prater

Voted Against: Nil

MOTION CARRIED 6/0

3 DISCLOSURE OF INTERESTS

Nil.

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Questions taken on notice from March 2025 Ordinary Council Meeting

The following responses (*in blue*) are from Shire Officers:

S Pearce (4.2.2)

Question 1

When were the asset management plans last revised?

How are the projects determined and presented to Council for consideration?"

EMIAS response:

The last Asset Management Plan that was done and is on file was undertaken in 2018.

Question 2

Since the delegation was approved in November 2024, how many planning variations for approval that did not comply with council policy have been dealt with by the delegation and of those how many planning variations did the CEO or his delegate decide without applications coming to Council.

CEO and EMPRS response::

The Development Application Delegation (DAR8) was previously an unlimited delegation before it was reduced to 50% in November 2024. The number of variations approved under delegated authority since November 2024 is 5.

Mrs De Soto Phillips (4.2.3)

Question 1

This Shire is flying the incorrect flags. One pole Australian flag. Two poles: Australian Flag and Western Australian Flag. Other flags not acceptable. Why are we flying the wrong flags at the Shire and the VC?

CEO response:

The federal government Australian flag protocol states " if there are only two flagpoles available it is at the discretion of the authority concerned to determine which flag should be flown with the Australian flag. The Shire's Reconciliation Action Plan (June 2023 - June 2026) which was endorsed by Council states at section 2.7(c) under the heading of Building respect for aboriginal culture and history that "the aboriginal flag to be flown at Shire administration". The Shire is flying the flags in accordance with the Australian flag protocol.

Question 2

There is a footpath that goes around the shire offices but you cannot on a gofer get off of it. It needs a ramp of at least two metres otherwise it is unsafe. Will that area be addressed?

EMIAS and EMPRS response:

It cannot be done due to the gradient of the land in front of the Shire's Administration Centre as the ramp would have to be constructed from the intersection and then a footpath would need to be built to come right up to the building on a gradient that is not cost effective to be done. For instance, the wall in front of the Shire building, which is a heritage building, would have to be removed, and the slope of the land would be difficult.

Question 3

There is no pedestrian crossing in Toodyay from the Duidgee Park to across road to the Stirling Park. People are crossing the road but there is no safety. What is the Shire going to do about that?

EMIAS response:

A pedestrian crossing in this location would not be a preferred possible because the road is used as a heavy haulage route for road trains and trucks. If there were a zebra crossing put in, a road train parked at the intersection would be parked at the crossing. There are already two ramps, and a path under the bridge is available for people to move from the Duidgee Park area to Stirling Park. A pedestrian crossing in this location would not be a preferred location.

P Ruthven (4.2.5)

Question 1

How many staff have left the Shire employment since 1 Oct 2024; divided into those who resigned and those who were removed.

EMFCS response:

2 terminated. 18 Resigned.

C Wroth (4.2.6)

Question 2

What is the total cost of the roadworks so far on Bindi-Bindi Road and not the budgeted cost for the roadworks?

EMFCS response:

As per March's monthly financial reports the actual spend is $1,974,092.

A Lamas (4.2.7)

Question 1

In regard to Item 4.2.8 on today's agenda, I have not received the responses to my questions sent in on 24 September 2024. I had received record D25/1049 which was an acknowledgement that the responses would be provided as normal business correspondence. At the time I acknowledged the email.

To date I have not received responses to my questions which were to provide further clarification in regard to the responses I received to my questions asked in August 2024.

In December 2024 you said that I did not ask any questions however I did submit 25 questions on 16 December 2024. I received an email acknowledging receipt of those questions. Also, the Shire President confirmed these questions were received at the December 2024 Ordinary Council Meeting, in the livestream recording. The same happened in February 2025 and I have received no reply as normal business nor are the responses in the minutes. Why are you making incorrect statements?

CEO response:

At the September 2024 meeting the President stated as there were no people in the gallery there are no questions.

Mr Lamas was present at the October 2024 meeting to ask 4 questions. Asked for information to be tabled (at 1.08pm) and 2 of those questions were taken on notice and responded at the November 2024 Council meeting.

Mr Lamas was not present at the November 2024 Council Meeting. The President stated some questions were asked previously. He did not say anything about normal business.

Mr Lamas was not present at the December 2024 Council Meeting. The President said that there were questions that had been submitted from Mr A Lamas but as he was not present, his questions were not considered. The President reminded people about question time procedures.

At the February 2025 Council Meeting the Shire President ruled as follows:

The Presiding Member ruled at 5.38pm in accordance with Standing Orders 5.7 (Other procedures for question time for the public) that the thirty (30) questions Mr Lamas has provided on notice be responded to as normal business correspondence in accordance with Standing Order 5.7(6).

The questions will be responded to once Officers have the time to do so as there are other matters that must take precedence.

Question 2

Why has the seal on the Bindi-Bindi Toodyay Road Project not been consistent with previous sealed works completed on Bindi-Bindi Toodyay Road? As an example, from the Cemetery to the Le Steere section. As per section 4.5.2 aggregate size of the tabled 4.3 express seal treatment between 7 and 10 ml aggregate size is used for lower traffic volume and lower speed environment and 10ml and 14ml is recommended for heavy traffic and highly stressed areas or roads which I believe would be the recommended aggregate size for this project as this section of the road is a tandem drive 4 network which allows prime mover combinations up to 27.5 m in length and 88.5 tonnes in capacity.

EMIAS response:

The Aus Roads Pavement Design guidelines are just guidelines and not rules.

Question 3

What were the delays with main road challenges as in previous email responses that I have received from the Shire this was highlighted as one of the issues?

EMIAS response:

We do not know the exact reason for the delays. The supplier advised that they had incurred delays with MRWA hence why they were delayed undertaking Shire of Toodyay works.

C Wroth (4.2.11)

Question 4

What process is being used to identify roads that need immediate action?

EMIAS response:

1. define the 'future state' of the network

2. evaluate the 'current state'

3. measure the gap between the future state and the current state

4. identify possible solutions to bridge the gap

5. prioritise solutions and interventions.

S Pearce (4.2.12)

Question 3

In the List of Payments, the 9/12/2024 Phillips Reid Consultants exploratory work for the Toodyay Memorial Hall was $1,480. Was this for the planned restoration for the memorial hall which was an election commitment for contribution grants to Arts Toodyay and if so what is the restoration progress and when can the $100,000 grant be expected to be acquitted?

EMEDCS response:

No. The work was to determine original colour scheme at Memorial Hall 2024.

The $100k grant was repurposed. It had not been a grant for Arts Toodyay. Restoration works are currently on hold.

A Lamas (4.2.13)

Question 4

Will the Bindi-Bindi Toodyay roadworks between One Man Road and Bejoording road project be completed this financial year? Yes or No, but if it is no will the Shire be returning the funds received from the regional road group as part of the grant approved for this project?

EMIAS response:

The project was not a regional road group project. It was a commodity route project.

This project is complete and was done before November 2024.

Question 5

With regard to the current Bindi-Bindi Toodyay Road project if there is a cost overrun will it be paid from the municipal funds which means ratepayers money?

EMIAS response:

Yes this will be coming from Municipal funds.

B Ruthven (4.2.16)

Question 5

In regard to Item 7.1 of tonight's agenda for the confirmation of minutes from the Special Council Meeting held on 13 January 2025. How was this meeting called and by whom?

CEO response:

The meeting was called by the Shire President. at 10.36am on 13 January 2025.

Question 8

There is nothing in the minutes to say that Council decided to close the meeting. If the meeting was not closed until item 6 which was a resolution to go behind closed doors, why was the public not notified of the meeting?

CEO response:

The public were not advised because it was not possible due to time constraints for the CEO to publish the meeting details for the meeting as per regulation 12(4) of the Local Government (Administration) Regulations 1996 which states:

(4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.

Council did decide at the Special Meeting, in accordance with s.5.23(2)(a) that they would close the meeting to the public pursuant to s.5.20 of the Local Government Act 1995.

S Hefferon (4.2.18)

Question 10

In the five months between October 2024 and February 2025, $75,000 has been spent on fleet maintenance and $40,000 on legal fees and $94,000 on planning consulting for $42,000 a month which over a 12-month period would be half a million dollars. This is when the rate base is around $8million. What is the Shire doing to reduce its external spend?

EMIAS response:

Servicing of fleet and plant to ensure they are maintained in the correct running order.

EMFCS response:

The expenditure listed in not reflective of what it is every month. Much of this expenditure is once off in nature; for example fleet maintenance is mainly once off for urgent repairs to heavy items and planning consultants such at $58,000 for the heritage consultant.

S Pearce (4.2.19)

Question 7

In the Agenda Briefing Notes dated March 16, 2021, Cr McKeown had asked "whether alcohol is illegal in any Shire Building. Is that right?" The response after the Agenda Briefing was "The Shire of Toodyay local law states that there is a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Licensing Act 1988."

As the Staff and Councillors have resumed post meeting drinks after meetings, how is this risk being managed by the Shire pursuant to the Local Government Property Local Law of 2001, section 3.4(h), where it says the consumption of liquor supply or sale is illegal on Shire premises?

CEO response:

The advice provided previously is incorrect and shows a lack of understanding of legislation and how to properly read local laws.

The Shire Property local law does state at

3.4(2) the following "a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Licensing Act 1988;" however this must be read in conjunction with 3.4(2) which states

"Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicates the type and content of the conditions on which a permit to hire local government property may be issued"

When read properly and in it's entirety the Shire of Toodyay property local law at 3.4(2) allows for the placement of condition(s) that can be placed on a permit that the local government issues, one of these is a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Licensing Act 1988;"

The Shire is not providing alcoholic drinks, (they are paid for and purchased by individuals). If the Shire was providing the drinks, the Shire has a qualified Responsible Service of Alcohol Manager who is licensed to serve alcohol.

B Ruthven (4.2.20)

Question 9

If the entire Special Meeting held in January 2025 was closed to the public, why did the agenda include public question time and public submissions?

Governance Coordinator response:

The sections specified are part of a template.

Question 11

Did the Council and the CEO breach the *Local Government Act 1995* by not notifying members of the public about the meeting and conducting the entire meeting in secret? If you say no, why do you think that?

Governance Coordinator response:

No. Whilst regulation 14(1) of the Local Government (Administration) Regulations 1996 states the following:

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

(1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —

(a) are to be tabled at the meeting; or

(b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public and published on the local government's official website from the time the notice papers, agenda or documents were made available to the members of the council or committee.

Regulation 14(2) of the Local Government (Administration) Regulations 1996 states the following:

(2) Subregulation (1) does not apply if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

On the day of the meeting, the same day on which the meeting was called, it was the CEO's opinion that the meeting would be likely to be closed to members of the public.

Question 13

At Item 9.2.1 List of Payments on page 100 EFT payment to Bolgart Rural Merchandise for $3036. The explanation is Parks and Gardens Kamba, Crucial, Yara Mila. What was that payment for?

EMIAS response:

The payment was for chemicals and fertiliser, and the supplier was chosen because they were cheaper and they provide the Shire with free agronomist advice.

Question 15

On page 106 why was $750 paid to Wheatbelt Property Care to transport art exhibition display panels from the CRC to the Coondle Fire shed?

EMEDCS response:

The payment of $750 was for the purchase of and transport of whiteboards from the Perth Expo to the Toodyay Shire. They were moved to the space at the old Coondle Fire Shed as this location had room to store the whiteboards.

Question 16

On page 108, the cost of $57,494.25 for Stephen Carrick Architects Pty Ltd for the Local Heritage Review and update. Was this amount included in the 2024/2025 budget?

CEO response:

Yes. Ref No. 116.339.10 - Heritage - Professional Services - Consultants, Survey, Design and Audits - Operating (Cash) for Heritage Survey carried forward the funding of $20,000 received in the 2023/2024 financial year as part of the Local Government Heritage Consultancy Grants Program.

Question 17

On page 125 the credit card payment listed as Reece's Plumbing for $1,984.76. What was that for?

CEO response:

A drinking water fountain.

Question 18

Item 9.2.2, on page 159 the graphs: please explain the approximately $4m increase in capital revenue in December 2024 and January 2025, and the equivalent decrease in capital revenue in January 2025 and February 2025.

EMFCS response:

Correction of an incorrect entry.

Question 20

Why does nothing show for February 2025? The graph shows December and January but it does not show February 2025 and we are now in March 2025.

EMFCS response:

The graphs include transactions for February. These reports are to 28 February 2025.

S Pearce (4.2.22)

Question 8

During research of budget for 24/25. Item 12, page 24 the item states airport landing and charges. There is a nil amount. Please explain where in the Shire of Toodyay there is an airport and what would warrant inclusion of this as a source of revenue in our budget?

CEO response:

The inclusion is from a template provided to the Shire for their financial statements.

4.2 PUBLIC QUESTION TIME

4.2.1 TOODYAY HERALD

Question 1

As it is the end of April when can Toodyay ratepayers expect to see proposed events in 2025?

Response: *When they are announced. They are announced once Council has decided on the funding for the 2025/2026 financial year.*

Question 2

Will the Shire be hosting any event at all on the weekend of the 2025 Avon Descent – if so what – if not, why not?

Response: *The Shire is currently considering a small event involving local businesses to be held on the Avon Descent weekend.*

4.2.2 B Ruthven

Question 1

Have the payments for rent at the Jubilee rental from Dec 2024 until 7 March 2025 and 21 March 2025 been made and if so why are they not shown in the list of payments?

EMFCS response: *The List of Payments refers to payments between the period 1 March to 31 March 2025. It has not included the payments made previously*

Question 2

Have the previous payments been made?

EMFCS response: *Yes*

Question 3

Why did they not appear in the list of payments.

EMFCS response: *I cannot answer that.*

Cr Wrench entered Council Chambers at 5.35pm.

4.2.3 P Ruthven

Question 1

Given most planning has been delegated to the CEO who, in this case, is the Shire of Toodyay? Is it the Council or the Administration? Is it saying that the CEO can appeal to the Minister to override a decision?

Shire President response: the question is taken on notice.

4.2.4 S Pearce

Question 1

Please confirm that the Shire Asset Management Plan - Land and Buildings had been implemented in the capital works program for 2024/2025.

The Shire President ruled that the question was out of order as it had been responded to.

Question 2

Because the minutes have recorded it, is that how they stand?

Shire President response: *the minutes can be changed pursuant to the Standing Orders Local Law 2008 which states in the section about confirmation of minutes that "if a council member is dissatisfied with the accuracy of the draft minutes he or she is to provide the CEO in writing a copy of the amendments to be made to the draft minutes no later than 3 clear working days before the meeting before they are to be confirmed." This is the procedure for amending the minutes. I will investigate whether the question was correctly recorded.*

Question 3

Following the response I received to 14.2.19 how is the Shire or the Council managing the use of alcohol on Shire premises?

Shire President response: *s.3.15 refers to persons and what persons can do on Shire property. The definitions section of the local law states when referring to "persons" makes it clear a person does not include the local government which means the local government does not have to have a permit to do anything on its own properties.*

4.2.5 C Wroth

Question 1

The budget relating to Bindi-Bindi roadworks is $3,033,000. Is that correct?

EMFCS response: *If Council approve the budget amendment at tonight's meeting.*

Shire President response: *Yes.*

Question 2

Given the original budget was $1,698,000 which is a difference of $1.35m where is that shortfall of money coming from?

EMFCS response: *this is detailed in the budget amendment report.*

Question 3

If it is proven that incompetence of an individual what matters will council take into consideration given there is a massive difference in the budgeted cost vs what it has costed on these roadworks?

Shire President response: *if it is an individual it would depend on what the incompetence amounting from or to. Council has no direct management control over Shire Officers.*

Question

Have Council been informed of this blowout all the way through?

Shire President response: *No. If you check the figures reported for end of August, September, October, November and December they do not indicate a blow out at that point. The financial statements do not indicate it.*

Question

When did Council become aware of it?

EMFCS response: *I will take that on notice.*

4.2.6 S Hefferon

Question 3

Given that the EMRC disperses funding for the festival why wasn't a conflict-of-interest declaration made by the CEO?

Shire President response: *There was no conflict of interest.*

Question 4

Given that the $5,000 for the alarms is proposed to be cut from the amended Budget is employee safety no longer a concern at the Visitors Information Centre?

Shire President response: *No. Employee Safety is still a concern.*

Question 5

In which year can Toodyay residents expect to have a fit for purpose video security network in this town?

Response: *This is a decision for Council. The Shire is seeking funding to reduce the impact on ratepayer funds.*

Question 7

The funding to fix the Toodyay St drainage is proposed to be cut from the amended Budget. By proposing to cut the funding is not the Shire at risk of being seen to not take the problem seriously and of ignoring ratepayer concerns.

Response: *No.*

4.2.7 B Ruthven

Question 4

How or have the electricity, water and gas accountants been paid since December 2024. If so how much are they and why were they not listed on the List of Payments?

Shire President response: *I will take that on notice.*

Question 5

Is the Presiding Member familiar with Standing Order 5.7.7 which says "A question may be taken on notice by the Council or committee for later response." Wouldn't that require a vote and a resolution of Council rather than a decision by the Presiding Member?

Shire President response: *Standing Order 5.7.7 says Council "may" take a question on notice and no other section of the Standing Orders refers to questions taken on notice. That section does not prohibit the Shire President from taking questions on notice if a response cannot be provided by the Executive Manager.*

Standing Order 16.2.1(b) says that in situations where "a matter is not regulated by the Act, the Regulations or the Standing Orders the Presiding Member is to decide questions relating to the conduct of the meeting."

Question 6

As the CEO and possibly other staff have been benefiting from the rental is the appropriate FBT being paid?

EMFCS response: *Yes.*

Question 7

Has the CEO contributed financially towards the cost of the rental?

Shire President response: *I will take that on notice.*

Question 8

Is the provision of accommodation included in the CEO's contract?

Shire President response: *I will take that on notice.*

4.2.8 S Pearce

Question 4

What was your understanding of the purpose for what the grant money was secured for and why was the grant for the Memorial Hall repurposed?

Shire President response: *The original grant was for repairs AND restoration of the memorial hall. It was repurposed because the grant was for $100,000 and the quotes we were getting for just repainting the hall were in excess of $100,000.*

Question 5

Please explain the response that there was no professional to do work?

Shire President response: *The question is taken on notice.*

4.2.9 B Ruthven

Question 9

What is the end date of lease of property of 42 jubilee street and will it be renewed?

EMFCS response: *16 May 2025 is the end date and we cannot answer if it will be renewed.*

Question 10

If it is renewed which account which the rental be charged to?

Shire President response: *that is a hypothetical question and we would have to answer that at a later point.*

Question 11

Why is the Shire paying a collection agent for a solicitors fee of $638.56?

EMFCS response: *That is legal expenses in relation to recovery of outstanding rates.*

Question 12

Description for payment to cloud collections and description is solicitors fee. Is it being paid to solicitors or cloud collection?

EMFCS response: Cloud Collections.

Question 13

Why are there two payments to IGA, the first cost being $1,419.90 and the second of $883.09. What are the items for which these costs were incurred?

EMFCS response: *as per the description.*

Question 14

Have Councillors been provided with the detail of payments?

EMFCS response: *Council does not need to be. As long as the description adequately describes the nature of the expense and in this case it is departmental expenses.*

Question 15

Why do we have so many payments to Toodyay Traders that describe the date and depot under $60. How is that a description of what the item is?

EMFCS response: *it is for purchases in relation to depot operating expenses under $60.*

Question 16

What legislative backing is there by not providing a description for something under $60.

EMFCS response: *this is the description in the list of payments report.*

Question 17

Is it responsible financial management for Councillors to receive a list with payments of thousands of dollars without knowing what you are voting for.

Shire President response: *We are only voting to receive a list of payments.*

Question 18

During the Agenda Briefing the CEO stated that payments for leasing plant and equipment had not been included in the monthly list for some time. Does that mean the monthly payment list is not accurate?

Shire President response: *Yes*

Question 19

How is it possible that reconciliation's have been done if EFT payments have not been included in the monthly list.

Shire President response: *that cannot be answered as we do not know.*

4.2.10 S Hefferon

Question 8

Toodyay – Bindi-Bindi road projects

The 2024-25 Budget listed 3 projects.

What are the actual costs of projects that have been completed?

Shire President response: *Only one project has been completed. SLK 20.35-SLK22.67. The actual costs for the entire project is $1,931,177 at the end of March.*

Question 9

The amended Budget shows a cost blowout of $700,000 on the Toodyay – Bindi-Bindi Road projects. What happened to cause this cost blowout and who is responsible for this blowout?

Shire President Response: *I will take this question on notice.*

Question 10

The original Budget for Road Infrastructure Maintenance-Contractors was $190,893 now increased to $690,893. What happened to cause this cost blowout?

Response: *There is no cost blowout. Since the budget was prepared we have realised there is more road maintenance to be done and we are providing for that.*

Question 11

What is the actual YTD costed date for road contract maintenance?

Shire President response: *If you look at page 14 of the financial statements you will find those figures to the end of March 2025.*

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 27 March 2025

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM068/04/25

MOVED Cr J Prater

SECONDED Cr M Dival

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 27 March 2025 be confirmed.

Voted For: Crs M McKeown, M Dival, S McCormick and J Prater

Voted Against: Crs R Madacsi, C Duri and D Wrench

MOTION CARRIED 4/3

6 PETITIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 SUBMISSIONS

Nil.

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Since the March Ordinary Council Meeting I have attended, as Shire President, the following:

On 2 April 2025 at the Toodyay Aquatic Centre I met with Shire Staff and representatives of the Shire of Cunderdin interested in seeing how the pool has successfully operated over the 24/25 season.

A Rural Water Council Meeting in Cunderdin on 7 April 2025.

On 8 April 2025 attended and spoke at the launch of the ‘Noongar Trail’ at the Visitor Centre which is the starting point of the trail which winds its way through the heart of the town and along the hills and river. Thanks go to the Noongar Kaartdijin

Aboriginal Corporation and the Shire of Toodyay staff for their cooperative efforts in bringing this project to fruition.

On 15 April 2025 together with the Shire Presidents from Northam and York questioned the ALP, Liberal and National Party candidates for the upcoming Federal Election in the seat of Bulwinkel; about what policies they may have that were particular to the Shires of the Avon Valley. As of the date of the meeting none of the candidates had any particular policy for the Shire of Toodyay.

I attended an Agenda Briefing on 17 April 2025;

On 19 April together with the Deputy Shire President, Cr Dival, I visited Mrs Mavis Rowles on the eve of her 101st birthday and on behalf of the Shire and residents of Toodyay we presented Mrs Rowles with flowers to mark the occasion.

I would like to at this point acknowledge the effort of Toodyay staff in fixing the reticulation system at the Toodyay showgrounds. Over the last couple of years Councillors and members of the public have been concerned about payments to Water Corporation for water use to irrigate the showgrounds. The irrigation system was installed to use water from two bores supplemented by water from the Water Corporation when necessary. This mixture being known as a shandying. The high usage of water purchased from Water Corporation more recently indicated a problem somewhere in the system. Early in this year investigations by the Shire staff discovered that due to pump issues neither of the bores were working. Repairs to bore pumps and other parts of the system were made in February 2025 and the grounds are now being watered by bore water alone without shandying. My thanks go to the staff of our Infrastructure, Assets and Services Team for their successful efforts to resolve this long-standing problem.

I think its noteworthy that the last day of opening of the Shire's Aquatic Centre for the season is next Wednesday and I would like to thank staff of the Contract Aquatic Services and the Shire of Toodyay who have made this swimming season such a great success.

9 OFFICER REPORTS

9.1 PLANNING AND REGULATORY SERVICES

9.1.1 Road Dedication - Donkey Crossing, Dumbarton

Date of Report:	22 March 2025
File Reference:	A3090/10DON
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	Nil

SUMMARY

Applicant: **Mr D Lee**

Owner: **State of Western Australia**

Proposal: **Dedication of a portion of Crown Land**

Location: **Donkey Crossing, Dumbarton**

PURPOSE OF THE REPORT

For Council to consider the dedication of a portion of land pursuant to 56(1)(b)(i) & Section 56(1)(c) of the *Land Administration Act 1977* (LAA) known as Lot 66 on Deposited Plan 17338 (*refer to sketch 1 below*). Which will become a minor extension of the road known as Donkey Crossing, Dumbarton.

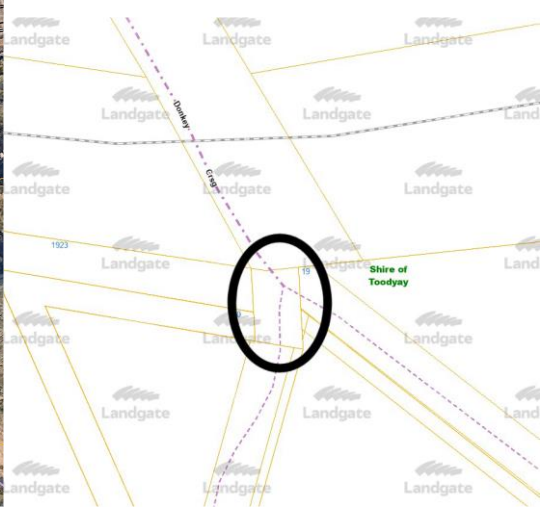
BACKGROUND

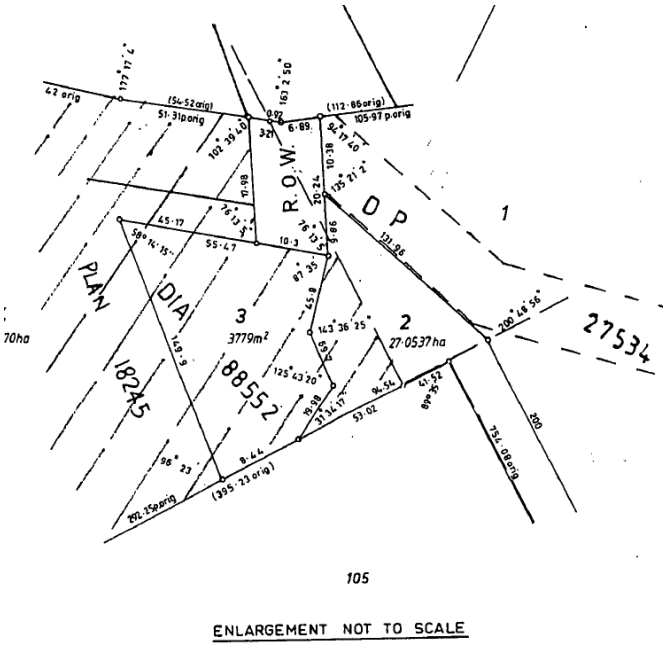
Mr Lee, (22 Donkey Crossing, Dumbarton) who will depend upon the dedication of this land as a public road, has gained consent from the Western Australian Planning Commission (WAPC) to subdivide his Lot 10 on Diagram 88552 to create two new lots and to extend the road known as Donkey Crossing, thus improving access to neighbouring properties and for both of his new lots shown on Deposited Plan 424249. The new portion of road will extend Donkey Crossing approximately 140m southward. (refer to sketch 2 below)

The subdivision has now progressed to the final point of approval but has encountered a stop point. The new proposed road (Donkey Crossing) on that plan is not connected to another portion of dedicated road, which is a requirement of the LAA. Without action by Council under the LAA the subdivision will not progress to completion.

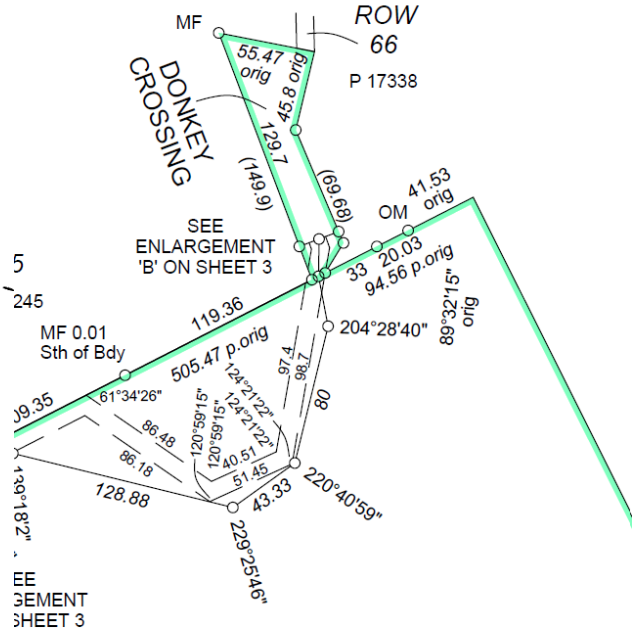
The maps below demonstrate the location of the 188m^2 lot to be dedicated as a public road. It should also be noted that due to the small size of Lot 66, and its location just over the level crossing, that phone calls received assumed that this was already a road reserve. It should also be noted that this portion of land has not been closed by a gate since its construction, satisfying Section 56(1)(c) of the LAA.







Sketch 1 - Portion of Diagram 88552, Lot 66 (ROW)



Sketch 2 - Portion of DP 424249 showing new road

Comments and Details

To resolve this problem the Shire proposes to support the subdivision by dedicating a portion of State-owned land of 188m^2 known as Lot 66 on Plan 17338 to enable that connection to be made. The subject land (Lot66) was created about 1990, as part of the original subdivision of the surrounding lots. Lot 66 was effectively created as a Right of Way to enable a common area where all the new lots could meet (for road frontage) before crossing the rail line and to connect to the dedicated road known as Donkey Crossing (this practice

has been discontinued). While the width of the proposed road dedication is only 10m wide this is deemed acceptable within the Western Australian subdivision guidelines.

Local Governments have the power to request the Minister for Lands to action a series of matters related to roads. In this case Council will be requested to request the Minister for Lands to utilise section 56(1)(b)(i) – *request by owner* and section 56(1)(c) - *uninterrupted use* of the LAA to dedicate a portion of land as a public road.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation of a period of not less than 35 days is a requirement of Regulation 9 of the *Land Administration Regulations 1998* (LAR) to allow for adequate time for respondents to consider a proposal. This consultation commenced 11 February 2025 and has now been completed with just two (2) responses tabled below. Advertisement has also been made on the Council website, and with letters to surrounding property owners and service providers who were identified through the Dial Before You Dig process. This consultation has also included Arc infrastructure. There have been two responses received.

Number	Responder	Comment	Officer Comment
1	Telstra	Please be advised that Telstra has **no objections** to the proposed dedication of right of way being Lot 66 on DP17338 - Donkey Crossing, Dumbarton. However, since there are assets in the area of concern please note: Telstra can utilise statutory notices in the future if it wants to access the land for the purposes of any inspection, maintenance and installation of low impact facilities.	Noted
2	ARC Infrastructure	Arc has been corresponding with Ella White regarding this proposal which provided suggestions for widening the road. This is a public road and after doing a search with Main Roads database it showed that there is an outstanding request for advanced warning signage. I would recommend consulting with Main Roads WA to gain more insight on their plans for this road	Noted

It has been deemed that these two responders have not objected to this proposal.

Strategic:

5.1 - Provide responsible planning and development.

The extension of this road southwards increases the legal street frontage to adjacent lots and provides an extended public corridor to this area. Being a dedicated road, the new Donkey Crossing will enable service authorities to extend their services if and when required.

Policy related:

No Shire policies associate with this action

Financial:

Nil.

Any incurred costs from the Department of Planning Lands and Heritage can be recovered from the Applicant.

Legal and Statutory:

Section 56 of the LAA sets out the requirements for requesting the Minister for Lands to action the dedication of land to be roads. Regulation 8 of the (LAR) further guides the process to successfully complete an action. Council must resolve to initiate actions under the LAA and these matters cannot be delegated to officers

Risk related:

In all cases and categories, the risk to the Shire is low. Consultation has not uncovered any objection. The proposed dedicated road has been used as if it were a road for more than 10 years, and that the size and location of this dedication would not be deemed to be within a high-risk environmental area. Lastly, the land was a private right of way, but owned by the State of Western Australia, so there would be no compensation paid to the landowner.

Workforce related:

All duties and functions have been undertaken within normal workforce requirements of shire staff.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Confirms that the portion of land known as Lot 66 on Plan 17338 has been used as a public road, with uninterrupted use, for a period greater than 10 years.
2. Requests the Minister for Lands to dedicate as a road pursuant to Sections 56(1)(b)(i) and 56(1)(c) of the *Land Administration Act 1997* being Lot 66 on Plan 17338 as a public road.
3. Indemnifies the Minister for Lands under Section 56(4) of the LAA against any claim for compensation that may arise under that section and all reasonable costs and expenses occurred in granting this request.
4. Requests the Chief Executive Officer to forward all information required under Regulation 8 of the *Land Administration Regulations 1998* to the Minister for determination.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM069/04/25

MOVED Cr M Dival

SECONDED Cr J Prater

That the meeting proceed to the next item of business (9.1.2 Amendment to Planning Approval P2024-31 - 33 Hamersley Street, Toodyay) at 6.29pm in accordance with Standing Order 10.1(a).

Voted For: Crs M McKeown, M Dival, C Duri, D Wrench, and J Prater.

Voted Against: Crs R Madacsi and S McCormick.

MOTION CARRIED 5/2

The reason cited for the procedural motion was that "there are some things not entirely laid out in the Officer's Report in terms of ongoing costs, what it means for crossovers, etcetera and what sections are of the Land Administration Act."

9.1.2 Amendment to Planning Approval P2024-31 - 33 Hamersley Street, Toodyay

Date of Report:	5 April 2025
File Reference:	A2024/181HAM
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. Proposed Front Fence Hamersley Street; and ⇨ 2. Toodyay Colour Palette. ⇨

SUMMARY

Applicant: **J Lacey**

Owner: **J Lacey**

Proposal: **To amend P2024-31 an existing planning approval.**

Location: **Lot 181, #33 Hamersley Street, Toodyay.**

PURPOSE OF THE REPORT

The owner of 33 Hamersley Street sought Council approval for the construction of a patio, carport, retaining wall and fence on the property. Only the change of colour of the front fence is a matter for this Council item, all other aspects of the original approval shall remain.

The front fence, as per the stamped plans dated 29 April 2024 **Attachment 1**, was to be clad with textured panels to comply with the Shires Heritage Guidelines – colours and texture requirements. Unfortunately, the required panels have proven to be elusive to source, and significantly more expensive than previously thought. The applicant is now seeking to amend the details of the front fence to an equivalent colour and texture.

BACKGROUND

The original application was made to construct a patio, carport, retaining wall and fence items on the property to both add value to the property and to the street scape. In undertaking of the construction component, the contractor constructed the front fence with materials that are not approved in the heritage precinct.

Normally this would not have been a problem as the limestone used for construction would have been disguised by the exterior panelling. As the proposed panelling has proven to be hard to source the owner has waited for panelling stock but has also been constrained by

price increases. This has resulted in the unfinished wall appearing to be the finished construction made of limestone.

As a result of this unfinished front fence (assumed to be complete) the Shire has been pursuing compliance action for the use of unauthorised materials in breach of the Shires Heritage policy (materials). Lengthy discussions with the landowner have enlightened Council officers and it has been decided that there is no breach of the planning approval, as the development has not technically been completed.

COMMENTS AND DETAILS

The shire has been liaising with the owner, who wishes to complete the project, with a different product and colour. The method agreed with shire staff is to render the limestone and then paint the front fence to an approved heritage colour *P09.f4* as shown in **Attachment 2**.

This alternative reasonably addresses the main concerns of the Shire related to the appearance of limestone, and a need from the owner to complete the construction. It has been agreed that subject to Council approval, the change in the type of exterior treatment and the allocated Colour agreed by Shire staff will be acceptable.

Attached is a colour swatch that identifies the agreed colour, which is closest to the original agreed colour of the approval granted 29 April 2024

IMPLICATIONS TO CONSIDER

Consultative:

There is no requirement for consultation as the proposed exterior colour is equivalent to that of the original approval.

Strategic:

5.1 – Provide responsible planning and development.

Policy related:

Local Planning Policy 20 – Central Toodyay Heritage Area

Financial:

Nil

Legal and Statutory:

Compliance with Local Planning Policy 20 – Central Toodyay Heritage Area

Risk related:

There is low risk associated with this proposal as both the Shire staff and the owner seek an agreed outcome that results in the completion of this project.

Workforce related:

Shire Officers have worked within their existing parameters.

VOTING REQUIREMENTS

Simple Majority

AMENDMENT /COUNCIL RESOLUTION NO. OCM070/04/25

MOVED Cr M McKeown

SECONDED Cr J Prater

That a point no. 2 is inserted to read as follows:

2. notes the owner of 33 Hammersley Street did not seek Council approval of the construction of patio carport retaining wall and fence and the development application was approved by a Shire Officer.

Voted For: Crs M McKeown, M Dival, S McCormick, D Wrench, C Duri and J Prater

Voted Against: Cr R Madacsi

MOTION CARRIED 6/1

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM071/04/25

MOVED Cr S McCormick

SECONDED Cr C Duri

That Council:

1. resolves to support the change in colour and texture of the front wall at 33 Hamersley Street, Toodyay. Using colour *P09.f4* as shown on the colour swatch Attachment 2; and that
2. notes the owner of 33 Hammersley Street did not seek Council approval of the construction pf patio carport retaining wall and fence and the development application was approved by a Shire Officer.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.2 FINANCE AND CORPORATE SERVICES

9.2.1 List of Payments - March 2025

Date of Report:	10 April 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	F Mayhew – Finance Officer Accounts Payable
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of Payments. ⇨

PURPOSE OF THE REPORT

To present to Council the list of payments for the months of March 2025.

BACKGROUND

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996.* A local government is to develop procedures for the authorisation of any payment of accounts to ensure that there is effective security for which money or other benefits may be obtained.

COMMENTS AND DETAILS

The schedule of payments has been compiled for the months of March 2025 and they are both attached. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

O9.1: Govern Shire finances, assets, and operations responsibly.

Policy related:

Purchasing Policy

Delegation CS1

Financial:

Expenditure is in accordance with s6.8(1) (a) of the *Local Government Act 1995*.

Legal and Statutory:

Local Government Act 1995

s.5.42 allows the local government to delegate its powers to the Chief Executive Officer.

s.6.8(1)(a) states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

Local Government (Financial Management) Regulations 1996

r.13 states that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared for each month and presented to Council.

Risk related:

There is a legislative requirement to present the list of payments to Council. Failure to do so would pose a minor compliance risk. This report and its attachments help to mitigate this risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

AMENDMENT/COUNCIL RESOLUTION NO. OCM072/04/25

MOVED Cr M McKeown

SECONDED Cr J Prater

That the words “subject to changing EFT591064 from “parts - batteries - P & G 3 x AP300S Stihl batteries” to “purchase of a four inch pump” be inserted after the words “for the month of March 2025”.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM073/04/25

MOVED Cr J Prater

SECONDED Cr M Dival

That Council receives the list of accounts as presented and listed below, for the month of March 2025 subject to changing EFT591064 from “parts - batteries - P & G 3 x AP300S Stihl batteries” to “purchase of a four inch pump”.

Municipal Cheques	$ 128,419.02
Electronic Funds Transfer Payments	$ 1,071,583.33
Payroll	$ 259,325.29
Purchasing Cards	$ 5078.16
Other (Including Direct Debits)	$ 29,920.97
Total	**$1,494,326.67**

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.2.2 Monthly Financial Statements - March 2025

Date of Report:	12 February 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil.
Council's Role in the matter:	Legislative
Attachments:	1. Monthly Financial Statements. ⇨

PURPOSE OF THE REPORT

To present to Council the Monthly Financial Reports for the months ended 31 March 2025.

BACKGROUND

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity including the sources and applications of funds, comparing actuals against annual budget and year-to-date budget.

A statement of financial activity and any accompanying documents are to be presented at an ordinary meeting of the Council within two months after the end of the month to which the statement relates.

COMMENTS AND DETAILS

Local governments are required to present to Council the Statement of Financial Activity to comply with Australian Accounting Standards (AAS) and the amended *Local Government (Financial Management) Regulations 1996.*

The Statement of Financial Activity, contained within the monthly financial statements, summarises the Shire's operating and capital activities and provides an indication of the Shire's financial performance as the year progresses. Officers have also provided additional supplementary information.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Financial Governance

Financial:

Financial implications are reported in accordance with the approved material variances reporting threshold as adopted by Council; (+) or (-) $10,000 or 10%, whichever is the greater.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM074/04/25

MOVED Cr J Prater

SECONDED Cr D Wrench

That Council receives the Monthly Financial Statements and Supplementary Information as attached for the month ending 31 March 2025 **(Attachment 1)**.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.2.3 Investment of Surplus Funds Policy

Date of Report:	17 December 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current policy; and ⇨ 2. Revised Policy (track changes included). ⇨

PURPOSE OF THE REPORT

To consider the adoption of the revised Investment of Surplus Funds Policy.

BACKGROUND

The Financial Management Review by Moore Australia in November 2023 proposed that the Shire review some of its policies. The Investment of Surplus Funds policy was not specifically mentioned however the maintenance of the register of Investments was mentioned.

The FMR review proposed that Officers review and update policies to consider the appropriate separation of the role of the Council and the CEO; and to articulate the strategic direction of Council and set out a high-level position to follow at an operational level, particularly where legislation does not provide such guidance.

COMMENTS AND DETAILS

The current policy was adopted on 21 December 2022 (**Attachment 1**).

The track changed policy (**Attachment 2**) reflects the changes made to the current policy.

Policies from other local governments were referred to in order to see what other governments were including in their policies.

It is good practice to review policies regularly, particularly when reviewing the delegations, because it ensures compliance. Financial regulations and standards can change frequently. This policy is included as a compliance link to instruments of delegation.

The proposed revisions to the Investment of Surplus Funds Policy (FIN09) reflect a comprehensive effort to enhance the Shire's financial management practices. Here are a few key reasons for the changes:

Alignment with Current Legislation and Standards:

The policy has been updated to ensure full compliance with all relevant statutory requirements, including the *Local Government Act 1995,* the *Trustees Act 1962*, and the *Local Government (Financial Management) Regulations 1996*. This alignment helps to safeguard the Shire's financial resources and ensures that investment practices are legally sound.

Risk Management and Security:

The revised policy places a strong emphasis on the preservation of capital, liquidity, and risk management. By setting clear guidelines on approved and prohibited investments, such as limiting investments to State and Commonwealth Government Bonds with a term of maturity not exceeding three years and prohibiting speculative investments, the policy aims to minimize risk and ensure the security of the investment portfolio.

Performance and Accountability:

The updated policy includes detailed performance benchmarks and reporting requirements. This ensures that the Shire's investments are regularly monitored and evaluated against predefined criteria, promoting transparency and accountability. The inclusion of an Investment Register and regular reporting to the Council helps maintain a high level of oversight and control over the Shire's financial activities.

Corporate Social Responsibility (CSR):

The policy now incorporates considerations for Corporate Social Responsibility (CSR), reflecting a broader commitment to ethical and sustainable investment practices. This change acknowledges the importance of social and environmental impacts in addition to economic returns, aligning the Shire's investment strategy with contemporary values and stakeholder expectations

Although there are a lot of track changes made to this policy the amendments reflect current business operational practice and governance requirements. The key changes in the policy are as follows:

1. **Introduction and Objective:**
    - The policy emphasises the importance of safeguarding the Shire’s financial resources and outlines the objectives of adopting a prudent investment approach.
2. **Scope and Definitions:**
    - The scope includes all Shire funds and provides definitions for terms such as "Authorised Institution," "Corporate Social Responsibility," "Counterparty Diversity," "Prudent Person Standard," and "Standard and Poor’s rating (S&P)."
3. **Policy Statement:**
    - Investments are to be managed with care, diligence, and skill, avoiding speculative deals.
    - Primary considerations include the preservation of capital, liquidity, and achieving a market average rate of return.

4. **Approved and Prohibited Investments:**
    - Lists approved investments such as government bonds and fixed-term deposits.
    - Prohibits speculative investments, derivative-based instruments, and investments in foreign currency, among others.
5. **Investment Risk Management:**
    - Details risk management practices, including ensuring sufficient funds for operating expenses and investing only with authorised institutions.
    - Specifies credit quality and counterparty credit framework.
6. **Performance Management and Reporting:**
    - Outlines performance benchmarks and the requirement to maintain an Investment Register.
    - Includes reporting requirements for the composition and performance of the investment portfolio.
7. **Borrowing:**
    - States that the Shire will exercise borrowing power prudently and generally will not borrow to fund operating expenditure.

The changes are considered minor and operational in nature because they are primarily clarifications and procedural enhancements. These changes ensure that our investment practices are more transparent and aligned with current legislative requirements. The core principles and responsibilities remain the same, but the updates provide clearer guidance on approved and prohibited investments, risk management, and reporting requirements. Essentially, these are minor adjustments aimed at improving the policy's effectiveness and compliance

It is recommended that the revised policy is adopted by Council (**Attachment 2**).

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Risk Management Policy.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995.

s.3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

Risk related:

The Financial Management Regulations require the investment of surplus funds (including cash reserves) to be in term deposits held by authorised deposit taking institutions or Treasury bonds. The risk is moderate (3) if this policy is not adopted. This report mitigates the risk.

Workforce related:

A Shire Officer will update the website and distribute the revised policy list to councillors and staff via email.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM075/04/25

MOVED Cr M Dival

SECONDED Cr J Prater

That Council:

1. adopts the revised Investment of Surplus Funds Policy as attached (**Attachment 2**); and
2. requests the Chief Executive Officer make any typographical amendments to the revised policy that are considered necessary prior to publication.

Voted For: Nil

Voted Against: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

MOTION LOST 0/7

9.2.4 Related Parties Disclosure Policy

Date of Report:	7 February 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Related Party Disclosures Policy. ⇨ 2. Revised Related Party Disclosures Policy; and ⇨ 3. Revised Policy without track changes. ⇨

PURPOSE OF THE REPORT

To consider the adoption of the revised Related Party Disclosures Policy (**Attachment 3**).

BACKGROUND

Recommendations from the November 2023 Financial Management Review were actioned by Officers who conducted a desktop review of this policy to ascertain whether this policy complied with the Australian Accounting Standards (AASB 124 Related Party Disclosures).

COMMENTS AND DETAILS

The current Related Party Disclosures policy was adopted in May 2022 (**Attachment 1**).

The policy was developed to provide guidance in complying with s.62 of the *Financial Management Act 2006*, which requires that *local government authorities* prepare financial statements referred to in section 61(1)(a) in accordance with the accounting standards and other requirements issued by the Australian Accounting Standards Board (AASB).

The Financial Management Review indicated that the content may be operational in nature. The policy was revised and put in order of how the operational guideline (for compliance with Australian Accounting Standard AASB1224 by Local Governments, published by the Department of Local Government, Sport and Cultural Industries) expects it to be.

The revisions made to the policy are identified in the track changed policy (**Attachment 2**). The changes made to the policy are primarily updates and clarifications to existing procedures, rather than substantial alterations to the policy's core principles. These changes

enhance the clarity, transparency, and comprehensiveness of the policy, ensuring better compliance with legislative requirements and ethical standards.

The timing from April to June is to bring it into the same compliance management process for Financial Interest Returns (e.g. Annual Returns) which in fact has been the timing that the process for Related Party Disclosures has happened each year. The definitions have been made as an attachment to the policy, as has the form for key management personnel to complete. They are included at Attachment 2 and 3.

The changes made to the Related Party Disclosures Policy are primarily updates and clarifications to existing procedures, rather than substantial alterations to the policy's core principles. These changes enhance the clarity, transparency, and comprehensiveness of the policy, ensuring better compliance with legislative requirements and ethical standards.

The key changes to the policy have been necessary to ensure compliance, transparency, and effective financial management within the Shire of Toodyay. These changes are detailed below.

1. **Introduction and Objective**:
    - The policy ensures compliance with Australian Accounting Standards for related party disclosures, aiming for transparency and proper documentation of transactions involving related parties.
2. **Scope and Definitions**:
    - Applies to all Shire Officers, employees, and Councillors involved in financial management.
    - Defines key terms such as "Related Party," "Key Management Personnel (KMP)," and "Ordinary Citizen Transactions (OCT)."
3. **Policy Statement**:
    - Emphasises the importance of disclosing related party transactions to maintain transparency and ethical standards.
    - Establishes a process for identifying and documenting related party transactions.
4. **Identification of Related Parties and Transactions**:
    - Details the process for identifying related parties, including KMP, their close family members, and entities they control.
    - Lists common related party transactions, such as paying rates, using Shire facilities, and entering into lease agreements.
5. **Disclosure Responsibilities**:
    - KMP must provide disclosures of related party transactions annually and upon certain events, such as employment changes or elections.
    - Specifies the information required for disclosures and the confidentiality of the information provided.
6. **Materiality and Reporting**:
    - Management will assess the materiality of transactions for inclusion in financial statements.
    - Disclosures are generally reported in aggregate, but individual transactions may be disclosed if necessary for understanding their impact.

7. **Review and Approval**:
    - The policy includes mechanisms for reviewing and approving related party transactions to ensure compliance and transparency.

The recent updates to the Related Party Disclosures Policy are primarily clarifications and procedural enhancements. These changes ensure that our disclosure practices are more transparent and aligned with current legislative requirements. The core principles and responsibilities remain the same, but the updates provide clearer guidance on identifying related parties, documenting transactions, and assessing materiality. Essentially, these are minor adjustments aimed at improving the policy's effectiveness and compliance.

The changes made to the Related Party Disclosures Policy are not substantial alterations to the policy's core principles. These changes enhance the clarity, transparency, and comprehensiveness of the policy, ensuring better compliance with legislative requirements and ethical standards.

It is recommended Council adopts the revised Related Party Disclosures Policy (**Attachment 3**)

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995.

Australian Accounting Standards Board (AASB).

The *Local Government (Model Code of Conduct) Regulations 2021.*

s.9.56 of the *Local Government Act 1995* (the Act).

s.3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

Risk related:

There would be moderate compliance risks associated with not adopting the revised Related Party Disclosures Policy presented with this report. This report mitigates these risks.

Workforce related:

A Shire Officer will update the website and distribute the revised policy list to councillors and staff via email.

VOTING REQUIREMENTS

Absolute Majority

AMENDMENT/COUNCIL RESOLUTION NO. OCM076/04/25

MOVED Cr M McKeown

SECONDED Cr R Madacsi

That the words "subject to clause 2(c) being changed from attending Shire functions open to the public" to "attending Shire functions not open to the public" be inserted after he words "(**Attachment 3**)"

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

AMENDMENT CARRIED 7/0

OFFICER'S RECOMMENDATION

MOVED Cr C Duri

SECONDED Cr D Wrench

That Council:

1. adopts the revised Related Parties and Related Party Disclosures Policy as attached (**Attachment 3**); and
2. requests the Chief Executive Officer make any typographical amendments to the revised policy or associated documentation that are considered necessary prior to them being published.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM077/04/25

MOVED Cr M McKeown

SECONDED Cr J Prater

That the meeting proceed to the next item of business (9.2.5 Amendments to the 2024/2025 Annual Budget) at 6.29pm in accordance with Standing Order 10.1(a).

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, D Wrench, and J Prater

Voted Against: Cr S McCormick

MOTION CARRIED 6/1

9.2.5 Amendments to the 2024/25 Annual Budget

Date of Report:	11 April 2025
Applicant or Proponent:	N/A
File Reference:	FIN32
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of Adjustments to the 2024/25 Annual Budget ⇨

PURPOSE OF THE REPORT

For Council to consider amendments to the 2024/25 Annual Budget

BACKGROUND

During the Course of the Financial Year, it is necessary for Council to amend the Annual Budget to more accurately reflect the financial activities of Council during the Year. Council adopted the 2024/25 Statutory Budget Review in March 2025, and Council resolved to undertake a more comprehensive review following the issue of the Final Audit Report and Annual Financial Statements.

COMMENTS AND DETAILS

Whilst the Council has not yet received the Final Audit Report and Annual Financial Statements for the 2023/24 Financial Year from the Office of Auditor General, the likelihood that the final end of year result will change is low. The audit has now been completed and the reports are currently with the Auditor General for signing.

Based on this, we can assume that no further changes to the Financial Statements will be made that affect the final result for the year ended 30 June 2024.

In the Draft Financial Statements, the surplus is reported as being, $3,006,679. This is $171,679 higher than estimated in the 2024/25 Annual Budget.

This adjustment will now form part of the amendment to the budget, and it is proposed that these additional funds be applied to funding either additional works or budget overspends on Capital Works.

Attached to this report is a detailed list of all budget adjustments being proposed and they can be summarised below:

Opening Position

The opening position on the 1 July 2024 is $171,679 higher than estimated in the 2024/25 Annual Budget.

Changes to Operating Income

The 2024/25 Annual Budget estimated that some user fees would be lower than what the Council has actually received to-date, the budget adjustments reflect the additional income received, along with reimbursements received during the year that are not budgeted for. The amendments to Operating Income will increase budgeted income by $288,500.

Changes to Non-Operating Income

Non-Operating income is made up of grant income for projects. Amendments to the grant funded projects will result in a net decrease in grants. Also included is the proceeds from the sale of surplus plant items. The net result of these adjustments is an increase in budgeted non-operating income by $168,240.

Changes to Operating Expenditure

Changes to operating expenditure in 2024/25 are mainly reductions in contractors and materials from various business units right across the organisation. These amounts are mainly being applied to fund additional expenditure required to maintain our road infrastructure. The net result of these adjustments is a reduction in Operating Expenditure of $220,371.

Changes in Capital Expenditure

There are a number of projects that were budgeted for in 2024/25 that have not yet commenced, in this review, it is proposed that the budgets for these projects be reallocated to fund overspends on projects that have either been completed or are ongoing and expenditure is expected to be greater than budgeted for in 2024/25.

There are also projects that are grant funded that will not proceed or have been reduced in scope to match the funding agreement. In this case there is a reduction in Capital Expenditure and Non-Operating Income. The net result of the changes to Capital Expenditure is an increase of $613,790.

Changes to Reserve Transfers

Included in this report in Non-Operating Income is the proceeds of Sale from surplus plant items. It is being proposed that this amount be transferred into the Plant Reserve. This will result in increasing the transfer to reserves by $235,000.

Taking the above into account, the effect on the Annual Budget will be as follows:

Detail	**$**
Current Budget Surplus (30/6/25)	$0
Increase in Opening Balance (1/7/24)	($171,679)
Increase in Operating Income	($288,500)
Increase in Non-Operating Income	($168,240)
Decrease in Operating Expenditure	($220,371)
Increase in Capital Expenditure	$613,790

Detail	$
Increase in Reserve Transfers	$235,000
Amendment to the estimated Closing Balance 30/6/25	**($0)**

As a result of the above amendments to the Annual Budget, there will an amendment to the closing balance at 30 June 2025 of $0.

IMPLICATIONS TO CONSIDER

Consultative:

The Executive were involved in this Budget Review

Strategic:

The way the Shire leads and operates:

O 2: Consistently improve our governance practices.

O 3: Ensure rigorous organisational systems.

Policy related:

F6 Significant Accounting Policy

F16 Financial Governance Policy

Financial:

The financial impact of the budget review is detailed in the report.

Legal and Statutory:

Local Government Act 1995

Section 6.2 Local government to prepare annual budget

Section 6.10 Financial management regulations Local Government (Financial Management) Regulations 1996

Part 2. Reg 5(g) CEO's duties as to financial management

Risk related:

Failure to monitor and financially manage budgeted projects exposes the Shire to significant financial risk. This report helps to mitigate this risk.

Workforce related:

The budget review process has been managed within current resources.

VOTING REQUIREMENTS

Absolute Majority

PROCEDURAL MOTION /COUNCIL RESOLUTION NO. OCM078/04/25

MOVED Cr R Madacsi

SECONDED Cr D Wrench

That Council suspend pursuant to Standing Orders 16.1 that Standing Orders 6.2 (questions during debate) and Standing Orders 7.9 (Speaking Twice) at 7.01pm.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, D Wrench, and J Prater

Voted Against: Cr S McCormick

MOTION CARRIED 6/1

MOTION/COUNCIL RESOLUTION NO. OCM079/04/25

MOVED Cr R Madacsi

SECONDED Cr M McKeown

That Council adjourn the meeting for a five minute period at 7.03pm.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, D Wrench, and J Prater

Voted Against: Cr S McCormick

MOTION CARRIED 6/1

The meeting resumed at 7.09pm.

The Governance Coordinator departed Council Chambers at 7.32pm and returned at 7.35.pm.

The meeting resumed at 7.36pm.

Cr Wrench moved an amendment to the motion at 7.47pm as follows:

That Council reinstate the WO.3041 Visitor Information Centre Duress Alarm budgeted spend to this financial year.

Cr Duri seconded the amendment.

Further clarification was sought.

Cr Wrench withdrew her amendment to the motion at 7.50pm.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM080/04/25

MOVED Cr J Prater

SECONDED Cr M Dival

That Council adopts the amendments to the 2024/25 Annual Budget as detailed in the attachment to this Report.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

MOTION/COUNCIL RESOLUTION NO. OCM081/04/25

MOVED Cr M McKeown

SECONDED Cr R Madacsi

That Council resume standing orders at 7.52pm.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

9.3.1 Tender for the management of the Toodyay Aquatic Centre

Date of Report:	31 March 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	TEN97
Author:	S Watson – Executive Manager Economic Development and Community Services
Responsible Officer:	S Watson – Executive Manager Economic Development and Community Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To approve the advertising statewide of the tender for the Management of the Toodyay Aquatic Centre in the West Australian newspaper on a date to be determined by the CEO.

BACKGROUND

When the Toodyay Recreation Centre opened in 2020, Clublinks Management Pty Ltd was awarded the tender to operate the facility, which included the aquatic centre, the hard courts (tennis, netball and basketball), the sporting fields and the recreation pavilion. There were a number of issues experienced with the management of the facilities during this period and while the contract was due to finish 31 December 2024, Clublinks sought an early exit from the contract by 30 June 2024.

At the 24 July 2024 Ordinary Council meeting, Council approved the management of the Toodyay Recreation Centre being undertaken inhouse by the Shire. A former Clublinks swimming pool manager was subsequently recruited to take over the management of the Toodyay Recreation Centre complex including the aquatic centre; however, this did not work out and the Shire was left with no manager and potentially being unable to open the aquatic centre in time for the start of the summer season 2024/25.

To address this, Contract Aquatic Services (CAS) were contracted on a short-term basis by the Shire for season 2024/25 (November 2024 to April 2025) to manage the aquatic centre only. CAS are a very experienced outfit who manage and operate a number of regional swimming pools including a number in the Wheatbelt. The contract with CAS is due to expire on 3 May 2025 and as a result, the Shire must begin the process of procuring, via a tender, the management services of an external provider for the aquatic centre for the summer season 2025/26 and beyond.

COMMENTS AND DETAILS

Under the management of Contract Aquatic Services (CAS) this last season (2024/2025) at the Toodyay Aquatic Centre has been a huge success with record attendances being experienced, plus additional events and programs taking place including three hugely popular 'Mega Splash' events, aqua aerobics, school swimming carnivals, swimming lessons and squad, and other initiatives. Reinforcing this, the Shire has received a great deal of positive feedback about the aquatic centre, the programs and the CAS management team from community members and pool patrons during the 2024/25 season. Given this and the fact that the Shire does not have the resources (financial or human) or the experience to manage the facility, it is preferred that the aquatic centre is managed by an experienced external contractor obtained through a public tender process. Accordingly, a tender package has been prepared for advertising which outlines a scope of works to be addressed over a three-year term with a two-year option following mutual agreement, with a commencement date of 1 September 2025. The suggested advertising process is state-wide advertisements in the West Australian Newspaper over a minimum two-week period.

Shire Officers have prepared a Tender document taking all feedback received during the 2024/2025 season into consideration, as well as research and consultation with other local governments and providers. In order to gain the maximum benefit from the total opening hours available and based on patron feedback this season, the tender scope of works for the forthcoming season at the Toodyay Aquatic Centre includes:

a) extended hours in the morning to better cater to lap swimmers;

b) the closing one day a week to allow for garden maintenance to be done with no conflict with pool users; and

c) extended hours in the evenings in the months of December, January, February and March to enable a better experience for pool patrons in the hotter months.

IMPLICATIONS TO CONSIDER

Consultative:

Shire executive team, current contractor and other local governments.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 1: A safe and healthy community

1.2. Facilitate community health and wellbeing

1.3. Grow participation in sport and recreational activities

Outcome 9: Responsible and effective leadership and governance

9.2. Govern Shire finances, assets and operations responsibly.

Policy related:

Shire of Toodyay Purchasing Policy.

Financial:

It is planned to undertake a public tender process to procure a contractor to manage and operate the Toodyay Aquatic Centre in accordance with the *Local Government Act 1995*, the *Local Government (Functions and General) Regulations 1996* and the relevant Shire policies and procedures. The tender purchasing decision will be based on the supplier's

response to a detailed specification and pre-determined selection criteria that assesses and evaluates all best and sustainable value considerations.

There will be some administrative costs for advertising. The cost of the advertising will be covered by the operating budget.

Legal and Statutory:

Local Government (Functions and General) Regulations 1996

r.11A Part 4 – Provisions of Goods and Services

Local Government Act 1995.

Part 6 – Financial Management

Risk related:

The management of the Toodyay Aquatic Centre by an external contractor will involve appropriate reporting mechanisms being established that balance the need for commercial efficiency with accountability to the Shire and the community, with particular emphasis on risk, including reputation, and public liability and safety.

Workforce related:

The CEO will establish a tender assessment panel prior to the advertising of the tender comprised of Shire officers with a mix of skills and experience relevant to the nature of the purchase.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the advertising statewide of the tender for the Management of the Toodyay Aquatic Centre in the West Australian newspaper on a date to be determined by the CEO.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM082/04/25

MOVED Cr M Dival

SECONDED Cr D Wrench

That the meeting proceed to the next item of business (9.5.1 Adoption of Bush Fire Brigades Local Law 2025) at 7.54pm in accordance with Standing Order 10.1(a).

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

The reason cited for moving on to the next item of business is that Councillors have not seen the tender package and do not know what the contractual terms are that will be advertised and deferral will allow the Executive Manager to provide the package to Councillors for feedback.

9.4 EXECUTIVE SERVICES

9.4.1 Adoption of Bush Fire Brigades Local Law 2025

Date of Report:	11 March 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW1
Author:	R Koch – Community Emergency Services Manager M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	27 Nov 2024 – Adoption of the 2024 Local Law OCM301/11/24
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Bush Fire Brigades Local Law 2024 presented to Council; ⇨ 2. Submissions to the 2024 Local Law; ⇨ 3. Bush Fire Brigades Local Law 2025 (Track changed 2024 version after feedback); ⇨ 4. Proposed Advertisement; and ⇨ 5. Bush Fire Brigades Local Law 2025 (track changes accepted). ⇨

PURPOSE OF THE REPORT

To consider the adoption of the *Bush Fire Brigades Local Law 2025* (**Attachment 5**).

BACKGROUND

Local laws can only be made when authorised by the *Local Government Act 1995* (the Act) or other written laws but cannot be inconsistent with any State or Federal law.

Under the *Bush Fires Act 1954* a local government may establish and maintain one or more bush fire brigades for the purpose of carrying out normal brigade activities. The *Bush Fires Act 1954* also prescribes that a local government may, and in another circumstance shall, operate its bush fire brigade in accordance with local laws.

Two Bush Fire Brigades Local Law entries in the government gazette have been located as follows:

- GG 15 July 1970, page 2101
- GG 6 Dec 1946, page 1499. By-laws Toodyay Rd Board.

Research indicated that neither of these have been repealed.

Council resolved at their November 2024 Council Meeting to adopt the Shire of Toodyay Bush Fire Brigades Local Law 2024. Part of the resolution and the process of adopting a local law was to send to the Minister a copy of (a) the proposed local law (**Attachment 1**) and a copy of the public notice. Submissions were received (**Attachment 2**).

COMMENTS AND DETAILS

The Community Emergency Services Manager, who is familiar with the Bush Fire Brigades Local Law and the Bush Fire Operating Procedures, made the amendments to the local law that is being presented to Council with this report (**Attachments 3 and 5**).

The amendments made to the local law were in response to the feedback received. These amendments are track-changed and commented on in **Attachment 3**.

Part of the feedback received centred on requesting the Shire consider the WALGA model local law as a template for its local law. The ranks and functions within the bush fire brigade, the Duties of the Chief Bush Fire Control Officer, and the procedures for Bush Fire Brigade meetings are detailed within the Bush Fire Operating Procedures, adopted by Council. Detail around the Bush Fire Advisory Committee is also contained in the legislation, so it need not be included in the local law as this is an administrative and compliance management process associated with section 67 of the Act. The appointment, dismissal and management of brigade members is also contained in the Bush Fire Operating Procedures.

The equipment of bush fires brigades and provision of PPE is an administrative process undertaken by the Shire which is why the process is not detailed in the local law.

It is considered more beneficial to keep the process within the procedures as it is more difficult to amend a local law than it is to amend the bush fire operating procedures, which are usually taken to a Bush Fire Advisory Committee meeting first for consideration who then make a recommendation to Council for adoption of the changes to the procedures.

The amendments made are considered significant, particularly as the year referred to in the local law will now be 2025 and a reference in the declaration did not include the *Bush Fires Act 1954*.

It was considered more beneficial to make further changes to the local law and have the local law readopted by Council in 2025. The Minister for Emergency Management did receive a copy of the 2024 local law but did not respond. Officers are unsure why there was no response however given the detailed response from DFES and DLGSC and the amendments made by Shire Officers through a more thorough desktop review, the Bush Fire Brigades local law is presented to Council for consideration to make it a local law.

A Pursuant to section 3.12 of the *Local Government Act 1995* (the Act) the Shire of Toodyay, in making a local law, must follow the procedure described, in the sequence in which it is described.

It is recommended that Council resolve its intent to adopt the Bush Fire Brigades Local Law 2025.

Section 3.12 (2) states:

> *"At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner."*

It is recommended that the Presiding Person read out the following:

Bush Fire Brigades Local Law

1. Pursuant to section 3.12 of the *Local Government Act 1995* and Section 62 of the *Bush Fires Act 1954*, the Shire of Toodyay resolves its intent to adopt the *Shire of Toodyay Bush Fire Brigades Local Law 2025*:

   (a) The **purpose** of which is to provide for the establishment, organisation and maintenance, administration and funding of bush fire brigades.

   (b) The **effect** of which will repeal the previous local laws and ensure that bush fire brigades will be organised and managed to comply with this local law.

   (c) The **justification** of which is that it will provide rules to a bush fire brigade governing the operation of a bush fire brigade pursuant to the *Bush Fires Act 1954* and the provisions of its subsidiary legislation.

IMPLICATIONS TO CONSIDER

Consultative:

National Competition Policy: Local Laws Review Guidelines

WALGA

Strategic:

Shire of Toodyay Council Plan 2023-2033

The Shire regulates compliance with legislation, regulations, local laws and policies.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Bush Fire Operational Procedures

Financial:

This proposal will require local notice/advertisement to the value of approximately $455.00.

Legal and Statutory:

Section 3.12 Procedure for making local laws of the *Local Government Act 1995*

Section 62. Local government may make local laws of the *Bush Fires Act 1954*.

Risk related:

If Council chooses to delay the making of this amended local law there would be moderate reputational and compliance risks. This report mitigates the risk.

Workforce related:

Shire Officers will implement Council's decision.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM083/04/25

MOVED Cr M Dival

SECONDED Cr J Prater

That Council, under absolute majority, pursuant to the provisions of section 3.12(3) of the *Local Government Act 1995 and* Section 62 of the *Bush Fires Act 1954:*

1. Resolves its intent to adopt as tabled, the *Shire of Toodyay Bush Fire Brigades Local Law 2025*:
   (a) The **purpose** of which is to provide for the establishment, organisation and maintenance, administration and funding of bush fire brigades.
   (b) The **effect** of which will repeal the previous local laws and ensure that bush fire brigades will be organised and managed to comply with this local law.
   (c) The **justification** of which is that it will provide rules to a bush fire brigade governing the operation of a bush fire brigade pursuant to the Bush Fires Act 1954 and the provisions of its subsidiary legislation.
2. Requests the CEO to advertise a local public notice (**Attachment 4**);
3. Requests the CEO to send to the Minister a copy of:
   (a) A copy of the public Notice – Refer to **Attachment 4**;
   (b) The proposed local law – Refer to the **Tabled Attachment**; and
4. Requests the CEO to provide a copy of the proposed local law, in accordance with the notice to any person requesting it.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

Attachments

1 Tabled Attachment - Bush Fire Local Law 2025 (tabled at 7.55pm)

9.4.2 Audit, Risk and Improvement Committee - Local Government Reforms

Date of Report:	28 March 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	No.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Division 1A – Audit, Risk and Improvement Committee excerpt containing the amendments proposed by the Local Government Amendment Bill 2024; ⇨ 2. ADOPTED ARIC Charter; ⇨ 3. ARIC Presiding Member transition memorandum. ⇨

PURPOSE OF THE REPORT

To consider the appointment by Council of the Chair and Deputy Chair of the Committee.

BACKGROUND

There are a number of changes in the process of being made to the *Local Government Act 1995* via the *Local Government Amendment Bill 2024*. The latest amendments proposed by the Bill (Pt 2) impact the Audit and Risk Committee and relevant documents that govern the activities of the committee.

Unlike most other local governments, the impact to the Shire is limited as the Shire already has an independent Chair, together with 2 other independent members.

At the March 2025 Ordinary Council Meeting Council resolved to:

1. approve and adopt the revised Audit, Risk and Improvement Committee Charter (***thereby approving the name change to the Committee***);
2. approve the amendment to the Committee Book (Attachment 3); and
3. receive and note the ARIC Presiding Member transition memorandum (that had explained that *New requirements are established for the position of Presiding and Deputy Presiding members*

The above memorandum also explained that in order to be compliant with the new requirements (required to be in place by 1 July 2025) that would provide the Shire with an effective and efficient transition to meeting the requirements, a transitional arrangement will be recommended with Council appointing the current Chair and one of the other current

independent members to Deputy Presiding Member for the period from 1 April 2025 through to 30 September 2027.

At the March 2025 Ordinary Council Meeting the audit committee recommendation to

4. Appoint Natalie Mills as the Chair of the Audit, Risk and Improvement Committee from the period from 1 April 2025 through to 30 September 2027; and

5, Appoint Simon Rutter as the Deputy Chair of the Audit Risk and improvement Committee for the period from 1 April 2025 through to 30th September 2027

This motion was lost 3/3. As it was a decision to be made by absolute majority the President could not cast a vote for the motion on this occasion.

COMMENTS AND DETAILS

The local government reform has changed the name of the Audit Committee to the Audit, Risk and Improvement Committee.

This report summarises the relevant changes to *Division 1A – Audit, Risk and Improvement Committee* proposed by the *Local Government Amendment Bill 2024* (Pt 2) from parliament.wa.gov.au provided as an excerpt (**Attachment 1**).

Appointment of Presiding Members and deputies

The *Local Government Act 1995* clearly states the following:

5.12. Presiding members and deputies

(1) The **local government must** appoint* a member of a committee to be the presiding member of the committee.

* Absolute majority required.

(2) The local government may appoint* a member of a committee to be the deputy presiding member of the committee.

* Absolute majority required.

The current Presiding Member was elected by the Audit Committee as the Presiding Member on 6 December 2023. There is no current Deputy Presiding Member appointed by the Committee. This means that currently, the Shire of Toodyay is not compliant with s.5.12 of the *Local Government Act 1995* (the Act).

The reason provided by Council at the March 2025 meeting for not accepting Points 4 and 5 of the Officer's recommendation was that this should occur after the local government election. Whilst that was Council's decision to make, Council inadvertently accepted the compliance risk even though there was no need to wait until after the local government elections to appoint the Presiding Member and the Deputy Presiding Member.

Technically, whilst under section 5.11 of the Act states that "where a person is appointed a member of a committee that person's membership continues until "the next ordinary elections day" the purpose of the report put to the March 2025 meeting was to appoint a Presiding Chair and Deputy Presiding Chair. The purpose was not to appoint a member to the Committee.

Both nominated appointees were already members of the Committee that Council had already appointed. It means that the appointment of current members of the Audit, Risk and Improvement Committee to the positions of Presiding Member and Deputy Presiding Member was possible; given that they were both current members of the committee.

Further to that, the previous resolution made by the Council at the March 2025 meeting approved and adopted the revised Audit, Risk and Improvement Committee Charter which states:

6.2 Appointment of Presiding and Deputy Presiding Member

6.2.1 Appointment made by Council

> *Council must appoint a member of a committee to be the Presiding Member of the Committee pursuant to section 5.12(1) of the Local Government Act 1995 however the Presiding Member must be an independent Presiding Member pursuant to section 7.1A(3);*
>
> *Council must appoint a member of the Committee to be the Deputy Presiding Member of the Committee (to chair the meeting if the independent presiding member is unable to do so) pursuant to section 7.1B(1) of the Local Government Act 1995 however the Deputy Presiding Member must also be an independent Deputy Presiding Member pursuant to section 7.1A(4);*

As Council is required to appoint the Presiding Member (Chair) and Deputy Presiding Member (Deputy Chair) for the purpose of being compliant with existing legislation, the appointment of the Presiding Member and Deputy Presiding Member is recommended.

Given the memo received at the last council meeting, it would be prudent for transitional purposes to elect a chair and deputy chair so that there is some continuity after the ordinary local government elections take place.

The appointment of the Presiding Member and Deputy Presiding Members for the specific period from 1 April 2025 through to 30 September 2027 is recommended.

IMPLICATIONS TO CONSIDER

Consultative:

DLGSC Act Review

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Local Government Amendment Bill 2024

Risk related:

The risk of not appointing the Presiding Member and the Deputy Presiding Member is moderate (3) as it will affect the Shire's compliance with local government reforms processes initiated by the *Local Government Amendment Bill 2024.*

Whilst s.5.12 indicates that the local government may appoint a deputy member, it is recommended that Council do in fact appoint a deputy member as there are more reforms to come with regard to the Committee and it would be prudent for the Shire to be prepared for those changes.

This report mitigates the risk.

Workforce related:

The website will be updated once these appointments are made.

VOTING REQUIREMENTS

Absolute Majority

Cr Madacsi moved an amendment as follows:

That Point 1 be removed.

The Shire President ruled that the amendment was lost for want of a seconder.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM084/04/25

MOVED Cr J Prater

SECONDED Cr D Wrench

That Council:

1. appoints Natalie Mills as the Presiding Member (Chair) of the Audit, Risk and Improvement Committee for the period from 1 April 2025 through to 30 September 2025; and
2. appoints Simon Rutter as the Deputy Presiding Member (Deputy Chair) of the Audit, Risk and Improvement Committee for the period from 1 April 2025 through to 30 September 2025.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

9.4.3 Cobbler Pool - Restriction of Camping

Date of Report:	9 April 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	RES1
Author:	M Rebane – Governance Coordinator W Sutton – Reserves Management Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

The purpose of this report is to recommend that the Council does not permit camping at Cobbler Pool Reserve unless it is for a special event approved by the Chief Executive Officer (CEO), with input from other Shire Officers. This recommendation is based on the significant risks and liabilities associated with unrestricted camping at the site.

BACKGROUND

Cobbler Pool Reserve has been a popular camping spot in Western Australia, particularly noted for its scenic views and peaceful atmosphere along the Avon River. Despite its popularity, the site lacks amenities and has been promoted on various social media platforms as a free camping site. This has led to an increase in the number of campers, which in turn has raised several concerns regarding safety, environmental impact, and compliance with regulations.

In late 2024, the Shire closed Cobbler Pool during the prohibited burning period due to significant fire risks and associated issues, such as the presence of 26 campfires and one bonfire over a single weekend. The Shire's insurer, LGIS, and representatives from the Department of Fire and Emergency Services (DFES) have also expressed concerns about the risks and liabilities associated with unrestricted camping at the site.

By not restricting camping at Cobbler Pool, the Shire has previously accepted significant risks and liabilities. The presence of numerous campfires poses a severe fire hazard, particularly during the prohibited burning period. Additionally, the lack of amenities and infrastructure increases the risk of environmental damage and public health issues.

The closure of Cobbler Pool was supported by various community members and organizations, such as the All Track 4WD Club, which acknowledged the fire risks and the unpleasant conditions during summer. Local environmental groups, including the Toodyay Friends of the River and Toodyay Naturalists' Club, support actions that reduce environmental impacts on the area.

COMMENTS AND DETAILS

Allowing camping at Cobbler Pool would require significant financial investment and ongoing costs to ensure compliance with the Caravan Parks and Camping Grounds Act/Regulations. This includes the installation of toilets, waste management systems, potable water supply, fire-fighting equipment, and other necessary infrastructure. Additionally, the Shire would need to manage and police the site to ensure compliance with regulations and maintain safety and amenity.

Unrestricted camping has led to issues such as littering, faecal matter, and overcrowding, which negatively impact the riparian ecosystem. Safety concerns include uncontrolled campfires, disputes between campers, and the presence of an active rail line at an uncontrolled crossing within the reserve. The Shire's Rangers and WA Police have been called upon to address disputes and clean up campsites, further straining resources.

Cobbler Pool is not a designated camping area under the *Caravan Parks and Camping Grounds Regulations 1997*. Camping is only permitted in designated caravan parks or camping grounds, on State land with permission, or on unallocated Crown land with ministerial approval. Allowing camping without proper designation and compliance with regulations exposes the Shire to legal risks.

Closing Cobbler Pool to camping has had several positive outcomes:

- The closure has reduced fire callouts to zero over the current fire season, significantly lowering the risk of escaped fires in a challenging environment for firefighting.
- There has been lower than expected opposition and forced entry, indicating community support for the closure.
- The closure allows the Shire to manage the site more effectively, including slashing and chemical treatments, without having to work around campers.

Keeping Cobbler Pool closed to camping will assist with:

- Reducing the likelihood of escaped fires in an area with steep slopes and limited crossing points.
- Continuing to reduce campfire-related callouts and removing firefighters from potential camper-to-camper conflicts.
- Minimising potential liabilities associated with the unofficial rail crossing and Aboriginal Cultural Heritage (ACH) near the river.
- Reducing rubbish and sanitation issues.
- Preventing conflicts with Arc Infrastructure's use of the site as a temporary works depot.

To ensure that any camping at Cobbler Pool is managed safely and effectively, it is recommended that special event permits be issued only for events that have been approved by the CEO. A condition of these permits should be that event organisers must submit an event management plan to the Shire for approval by the CEO. This plan should address all relevant safety, environmental, and logistical considerations to ensure the event is conducted in a manner that minimises risks and impacts.

IMPLICATIONS TO CONSIDER

Consultative:

The CEO consulted with other Shire Officers who provided information about the use of Cobbler Pool as a camping site as follows:

Environmental Health Officer (EHO)

The EHO provided the following for consideration:

If Cobbler Pool were to be classified as a nature-based caravan park (NBCP) the infrastructure required by the Shire would be:

- Toilets at a rate of 2 toilets per 20 sites, with hand basins and showers considered (not compulsory). Toilets must be disability accessible and within 90m of each site, with possible variations.
- If fewer toilets are provided, a communal chemical dump point connected to a wastewater holding tank is required, with ongoing costs for regular pump-outs.
- Additional infrastructure for toilets, such as composting/waterless toilets or onsite effluent disposal systems, requiring a water connection and ongoing servicing.
- Greywater treatment and disposal from hand basins and showers if composting toilets are installed.
- Showers and hand basins with hot water, considering alternative power sources like solar systems.
- Appropriate fire-fighting equipment in suitable locations.
- Centrally located tap for potable water unless otherwise approved.
- Camper washing up facilities within 90m or otherwise approved (not mandatory).

Other non-infrastructure considerations include:

- Policing compliance with the licence, legislation, safety, and amenity of the site, potentially requiring a caretaker to manage the park.
- Access roads into the site to be 6m wide; internal access roads 4m if one-way, 6m if dual, maintained but not necessarily sealed.
- Rubbish bins provided as approved, with a solid waste management plan detailing the number and location of receptacles and collection frequency.
- NBCP management plan covering market segment, amenities, site planning, environmental impact, waste management, traffic management, risk management, and intended length of stay.
- Management plans for public health impact consideration, addressing risks and adverse impacts on human health and the environment (e.g., RRV/Barmah Forest Virus).

Reserves Management Officer (RMO):

The RMO provided the following considerations:

- Cobbler Pool is not a designated camping area. According to the *Caravan Parks and Camping Grounds Regulations 1997*, Section 10 (& 11), camping is only permitted in designated caravan parks or camping grounds, on State land with permission, or on unallocated Crown land with ministerial approval.
- Toodyay Friends of the River and Toodyay Naturalists' Club support actions that reduce environmental impacts on the Cobbler Pool area.
- Some camping areas encroach on ACH-15979, which is primarily on unallocated Crown land (UCL). The Shire may have a role in protecting this area (Image showing ACH with camping areas overlayed (red hashing).

- Organised events (e.g., Avon Descent, Ferguson Reunion) that comply with the Shire's Event Management process are fully supported.

Past issues include:

- Hygiene**:** Unauthorised campers often leave rubbish and faecal matter behind.
- Safety**:** No control over the number of campers on site, leading to overcrowding and disputes. The presence of an uncontrolled level crossing within the reserve and unauthorized fires increases safety risks.
- Resources**:** Rangers or WA Police are often called to resolve disputes between campers, and the Reserves Management Officer is frequently required to clean up campsites.
- Environment: Overuse and overcrowding negatively impact the riparian ecosystem.

Community Emergency Services Manager (CESM)

The CESM provided the following considerations:

- Closing Cobbler Pool to camping has reduced fire callouts to zero over the current fire season.
- There has been lower than expected opposition and forced entry.
- Keeping Cobbler Pool closed to camping will assist with:
    - Reducing the likelihood of escaped fires in a challenging environment for firefighting (steep slopes, linear barriers such as rail and river with limited crossing points).
    - Continuing to reduce campfire-related callouts to volunteer firefighters and removing them from potential camper-to-camper conflicts.
    - Allowing the Shire to manage the site (slashing/chemical treatments) without having to work around campers.
- Other benefits include:
    - Reducing potential liability associated with the unofficial rail crossing and ACH near the river.
    - Reducing rubbish and sanitation issues.
    - Reducing potential issues where the site is utilized by Arc Infra as a temporary works depot.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 3. Our natural assets and ecosystems are being maintained and protected for future generations.

3.1. Preserve our land, water, and biological systems

3.1.2. Develop policies for retention and protection of biodiversity and mitigation of threats including uncontrolled access, bushfires, rubbish dumping, weeds, pests, and feral and domestic animals.

Policy related:

Caravan Park and Camping Grounds

Financial:

As per the Comments and Details section.

Legal and Statutory:

Caravan Parks and Camping Grounds Regulations 1997

Risk related:

Given the significant risks, liabilities, and costs associated with unrestricted camping at Cobbler Pool, it is recommended that the Council does not permit camping at the site unless it is for a special event that has been approved by the CEO, with input from other Shire Officers. This approach will help mitigate risks, ensure compliance with regulations, and protect the safety and wellbeing of the community and the environment.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM085/04/25

MOVED Cr C Duri

SECONDED Cr M Dival

That Council:

1. declares that camping is not permitted at Cobbler Pool Reserve effective immediately except for the holding of special events where written approval is given by the Chief Executive Officer; and
2. authorises the Chief Executive Officer to use discretion in approval of applications for special events subject to the event organiser submitting an Event Management Plan that addresses all relevant safety, environmental, and logistical considerations to ensure the event is conducted in a manner that minimises risks and impacts.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.4.4 Financial Hardship Policy

Date of Report:	17 December 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current policy; and ⇨ 2. Revised policy (with track changes). ⇨

PURPOSE OF THE REPORT

To consider the adoption of the revised Financial Hardship Policy.

BACKGROUND

The Financial Management Review by Moore Australia in November 2023 proposed that the Shire review some of its policies.

COMMENTS AND DETAILS

The current policy was adopted on 21 December 2022 (**Attachment 1**).

The track changed policy (**Attachment 2**) reflects the changes made to the current policy.

Policies from other local governments were referred to in order to see what other governments were including in their policies. It is good practice to review policies regularly because it ensures compliance. Financial regulations and standards can change frequently. The CEO already has a delegation from Council (CS4) to be able to arrange agreements as to the payment of rates and service charges which is why the words about "delegation" was removed from the policy.

The forms mentioned in the revised policy will be made available on the Shire's website, as recommended by the WALGA Guidance publication, once the adoption of the revised policy is adopted.

Although there are a lot of track changes made to this policy, some of the amendments are merely just moving paragraphs from one spot to another. The changes are considered minor and operational in nature because they are primarily clarifications and procedural enhancements. These changes ensure that our support for ratepayers experiencing financial hardship is more transparent and aligned with current legislative requirements. The core principles and responsibilities remain the same, but the updates provide clearer

guidance on financial hardship criteria, payment arrangements, and communication protocols. Essentially, these are minor adjustments aimed at improving the policy's effectiveness and compliance. Key changes in the policy are listed below:

1. **Introduction and Objective**:
   - The policy outlines the Shire's commitment to supporting ratepayers experiencing financial hardship, ensuring fair, equitable, and dignified support.
2. **Scope and Definitions**:
   - The scope applies to all ratepayers experiencing financial hardship, regardless of their status.
   - Definitions include terms such as "Financial Hardship" and "Vulnerable Ratepayer."
3. **Policy Statement**:
   - Emphasises the Shire's commitment to providing flexible payment arrangements, waiving penalty interest, and offering access to financial counselling services.
   - Lists examples of financial hardship, such as loss of primary income, unemployment, illness, and domestic violence.
4. **Financial Hardship Criteria**:
   - Details the criteria for assessing financial hardship, including recent unemployment, sickness, low income, and unanticipated circumstances.
   - Encourages ratepayers to provide relevant information for assessment.
5. **Debt Recovery and Payment Arrangements**:
   - Outlines the suspension of debt recovery processes while negotiating payment arrangements.
   - Specifies the conditions for payment arrangements, including the need for genuine effort to meet obligations and the requirement to inform the Shire of any changes in circumstances.
6. **Interest Charges and Deferment of Rates**:
   - Allows for the suspension or waiver of interest charges for ratepayers meeting the financial hardship criteria.
   - Details the conditions for deferment of rates for eligible pensioners.
7. **Communication and Confidentiality**:
   - Ensures confidential communication and respectful treatment of applicants.
   - Provides additional time and alternative formats for communication with applicants experiencing hardship.
8. **Review Process**:
   - Establishes a mechanism for reviewing decisions made under the policy and informs applicants of their right to seek review.

It is recommended that the revised policy is adopted by Council (**Attachment 2**).

IMPLICATIONS TO CONSIDER

Consultative:

WALGA Guidance regarding Rates: Financial Hardship Policy https://walga.asn.au/awcontent/Web/Documents/Association%20Governance/Financial-Hardship-Policy-Implementation-Guide-Revised-Dec-2023.pdf

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Risk Management Policy.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995. s.3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

Risk related:

By updating financial policies, risks can be identified before they become significant issues. This report mitigates the risk.

Workforce related:

A Shire Officer will update the website and distribute the revised policy list to councillors and staff via email.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM086/04/25

MOVED Cr J Prater

SECONDED Cr D Wrench

That Council:

1. adopts the revised Financial Hardship Policy as attached (**Attachment 2**);
2. requests the Chief Executive Officer make any typographical amendments to the revised policy that are considered necessary prior to publication.

Voted For: Crs M McKeown, M Dival, C Duri, S McCormick, and J Prater

Voted Against: Crs R Madacsi and D Wrench

MOTION CARRIED 5/2 BY ABSOLUTE MAJORITY

9.4.5 Child Safety Awareness policy review

Date of Report:	30 October 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Child Safe Awareness Policy; and ⇨ 2. Revised Child Safe Awareness Policy. ⇨ 3. Revised Child Safety Awareness Policy (track changes accepted). ⇨

PURPOSE OF THE REPORT

To consider the adoption of the Revised Child Safe Awareness Policy.

BACKGROUND

This policy was reviewed following the Financial Management Review by Moore Australia in November 2023.

The review proposed that version control be removed from policies. This policy was not mentioned as part of the review but has been reformatted into a new policy template format.

COMMENTS AND DETAILS

The current Child Safe Awareness Policy was adopted in Sept 2023 (**Attachment 1**).

The revised policy includes three new objectives, changes to the Scope, and the addition of a responsibilities section and tweaks to the definitions. These changes were made due to the "Child Safe Awareness Policy template for local government (May 2023)" publication which states that certain definitions and wording needs to remain unchanged when a policy is adopted by a local government. The track changed policy (**Attachment 2**) shows the minor amendments that have been made to this policy.

The updated policy emphasises the Shire's leadership role in the community which includes promoting the safety and empowerment of children across the community and supporting local organisations in adopting child safe practices.

While the Shire is not legally responsible for overseeing compliance with child safe practices, it is committed to encouraging and supporting organisations to align with the Child Safe Awareness policy. This proactive approach includes providing access to resources, raising awareness, and sharing relevant information to help reduce the risk of harm and abuse. The

policy also outlines the responsibilities of Shire officers, workers, volunteers, and other stakeholders in contributing to child safe environments.

The amendments address the need for clear guidelines and processes for identifying, documenting, and responding to child safety concerns. By defining key terms such as abuse, harm, and child safe organisation, the policy ensures that all stakeholders have a common understanding of their roles and responsibilities.

The amendments to the Child Safe Awareness Policy are primarily clarifications and procedural enhancements. These changes ensure that our commitment to child safety is more transparent and aligned with current best practices and legislative requirements. The core principles and responsibilities remain the same, but the updates provide clearer guidance on the roles and responsibilities of the Shire and its community partners. Essentially, these are minor adjustments aimed at improving the policy's effectiveness and compliance.

It is recommended that Council adopts this policy (**Attachment 3**).

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Risk related:

It is a legislative requirement for the Shire to have the Child Safety Awareness Policy in place and to ensure that it is kept up to date. It is seen as a moderate risk if Council were to not adopt this as a revised policy. This report mitigates that risk.

Workforce related:

A Shire Officer will update the website.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM087/04/25

MOVED Cr R Madacsi

SECONDED Cr D Wrench

That Council:

1. adopts the REVISED Child Safe Awareness Policy as attached (**Attachment 3**).
2. requests the Chief Executive Officer make any typographical amendments to the policy that is considered necessary prior to publication.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

9.4.6 Reportable Conduct Scheme policy review

Date of Report:	10 February 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Reportable Conduct Scheme Policy; and ⇨ 2. Revised Reportable Conduct Scheme Policy; and ⇨ 3. Revised Reportable Conduct Scheme Policy (Track changes accepted). ⇨

PURPOSE OF THE REPORT

To consider the adoption of the revised Reportable Conduct Scheme Policy.

BACKGROUND

This policy was reviewed following the Financial Management Review by Moore Australia in November 2023.

The review proposed that version control be removed from policies. This policy was not mentioned as part of the review but has been reformatted.

COMMENTS AND DETAILS

The current Reportable Conduct Scheme policy was adopted in Dec 2022 (**Attachment 1**).

The revised policy emphasises the protection of individuals who report allegations, safeguarding them from liability and victimisation, and prohibiting the publication of identifying information to protect the privacy of all parties involved.

The policy was reformatted to make it easier for people to refer to as most of the paragraphs contained dot points instead of letters or numbers (**Attachment 2**). As the changes are considered minor, the policy need not be workshopped because the key changes in the policy were:

1. **Introduction and Objective**:
    - The policy reiterates the importance of reporting child abuse and outlines the responsibilities of the CEO and employees under the Reportable Conduct Scheme.

2. **Scope and Definitions:**
    - The scope includes specific Shire facilities and defines key terms such as "Act," "Child," "Council," "Employee," "Ombudsman," "Procedural Justice," "Reportable Allegation," and "Reportable Conviction."
3. **Policy Statement:**
    - Emphasises the requirement for Shire employees to report any reportable allegations or convictions to the CEO.
    - Details the types of conduct considered reportable, including sexual offences, physical assault, significant neglect, and other prescribed offences.
4. **Protections and Investigation Process:**
    - Outlines protections for employees making reports and the confidentiality of investigations.
    - Describes the investigation process, including the principles of procedural fairness and natural justice.

The updates to the Reportable Conduct Scheme policy are primarily clarifications and procedural enhancements. These changes ensure that our reporting and investigation processes are more transparent and aligned with current legislative requirements. The core principles and responsibilities remain the same, but the updates provide clearer guidance on definitions, reporting timelines, and protections for those involved in the process. Essentially, these are minor adjustments aimed at improving the policy's effectiveness and compliance.

It is recommended that Council adopts this policy (**Attachment 3**).

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Risk related:

It is a legislative requirement for the Shire to have the Reportable Conduct Scheme Policy in place and to ensure that it is kept up to date. It is seen as a moderate risk (3) if Council were to not adopt this revised policy. This report mitigates that risk.

Workforce related:

A Shire Officer will update the website.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM088/04/25

MOVED Cr R Madacsi

SECONDED Cr S McCormick

That Council:

1. adopts the REVISED Reportable Conduct Scheme Policy as attached (**Attachment 3**).
2. requests the Chief Executive Officer make any typographical amendments to the policy that is considered necessary prior to publication.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

9.4.7 Standards for CEO Recruitment and Selection, Performance Review and Termination Policy

Date of Report:	22 November 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Standards for CEO Recruitment and Selection, Performance Review and Termination Policy; ⇨ 2. Revised Standards for CEO Recruitment and Selection, Performance Review and Termination Policy. ⇨

PURPOSE OF THE REPORT

To consider the adoption of the Standards for CEO Recruitment and Selection, Performance Review and Termination Policy.

BACKGROUND

The Financial Management Review by Moore Australia in November 2023 suggested the Shire review its policies and recommended that Officers remove version control information.

Policy is both an outcome of a decision-making process and a governance tool that guides decision makers in the exercise of discretion in future decisions.

Policy confers authority for the Local Government's Administration (via s.5.41(c)) to act and make decisions consistent with the policy's provisions.

COMMENTS AND DETAILS

The current Standards for CEO Recruitment and Selection, Performance Review and Termination policy was adopted on 23 November 2022 (**Attachment 1**).

This policy was reviewed in April 2024. It has to remain in line with the standards which are contained within the Admin Regulations and only minimal changes such as version control were made which included removing definitions that were not necessary for the policy to be understood. The wording is in line with the template provided by WALGA.

It is recommended that this policy (**Attachment 2**) be adopted by Council.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Appointment of Acting CEO

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995.

Local Government (Administration) Regulations 1996

Risk related:

The risk in not adopting the policy is insignificant, given that the amendments are typographical in nature. This report mitigates that risk.

Workforce related:

A Shire Officer will update the website.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM089/04/25

MOVED Cr S McCormick

SECONDED Cr M Dival

That Council:

1. adopts the revised Standards for CEO Recruitment and Selection, Performance Review and Termination Policy (**Attachment 2**); and
2. requests the Chief Executive Officer make any necessary minor typographical amendments to the policy, prior to publication.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

9.5 INFRASTRUCTURE, ASSETS AND SERVICES

9.5.1 Bushfire Risk Management Plan

Date of Report:	1 April 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIR1
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	V Crispe – Executive Manager Infrastructure, Assets and Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Shire of Toodyay Bushfire Risk Management Plan; and ⇨ 2. OBRM Endorsement Letter to CEO. ⇨

PURPOSE OF THE REPORT

To receive the Bush Fire Risk Management Plan 2025-2027 and consider an Officer's Recommendation for endorsement.

BACKGROUND

The requirement for a Local Government to have a Bushfire Risk Management Plan (BRMP) is contained in State Hazard Plan – Fire 2.2.8.

The BRMP is a guiding document considering bushfire in the local context and management approach for implementation.

From a practical perspective, an Office of Bushfire Risk Management (OBRM) endorsed, current BRMP, forms an eligibility requirement for Mitigation Activity Fund (MAF) grant funding from the Department of Fire and Emergency Services (DFES).

The Shire of Toodyay's previous BRMP was adopted in 2019 with a renewal requirement of May 2025.

COMMENTS AND DETAILS

Shire Officers' have completed a review using the current OBRM template. A draft was tabled with the Bush Fire Advisory Committee (BFAC) at their February meeting for comment. Following the BFAC feedback period, OBRM reviewed a draft and provided feedback. This feedback effected minor changes, after which OBRM endorsed the plan. The final step in the OBRM advised process is Council endorsement.

Both the BRMP and the OBRM endorsement letter are included as attachments to this report.

IMPLICATIONS TO CONSIDER

Consultative:

During the development of the BRMP both BFAC and OBRM were consulted.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

O4.3: Improve the ability to prepare for, respond to, and recover from the impacts of hazardous climatic events and other emergencies.

Policy related:

There are no policy implications of Officer's Recommendation.

Financial:

There are no financial implications of Officer's Recommendation.

Legal and Statutory:

Adoption of the BRMP ensures the Shire meets the relevant requirement of State Hazard Plan – Fire.

Risk related:

There is a risk that failure to endorse the BRMP, in line with OBRM requirements, could result in the Shire becoming uncompliant with the requirements of State Hazard Plan – Fire.

Likelihood: Rare (1)

Consequence: Major (4)

Calculated Risk: Low (4)

There is a risk that failure to endorse the BRMP, in line with OBRM requirements, could result in the Shire becoming ineligible for MAF funding resulting in financial loss to the Shire.

Likelihood: Rare (1)

Consequence: Catastrophic (5)

Calculated Risk: Moderate (5)

The adoption as per Officer's Recommendation address the above risks.

Workforce related:

There are no notable workforce related impacts of the Officer's Recommendation.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM090/04/25

MOVED Cr D Wrench

SECONDED Cr C Duri

That Council

1. endorses the Shire of Toodyay Bushfire Risk Management Plan; and
2. authorises the CEO to sign the endorsement on behalf of the Shire.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.6 COMMITTEE REPORTS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Alternate Seating Plan for the Council Chambers

Date of Report:	11 April 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Quote for wireless technology and voting buttons; (confidential) *Section 5.23(2)* *(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting* *(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)*

PURPOSE OF THE REPORT

To consider a notice of motion provided by Cr Dival to address the issues identified within the Council Chambers, specifically the lack of visibility for all Councillors due to the monitor placement, the tripping hazard posed by the microphone cord near the steps, and the cramped seating arrangement for Councillors and Executive staff.

BACKGROUND

On 19 March 2025 Councillor Dival provided the Chief Executive Officer notification of a notice of motion for the April 2025 Ordinary Meeting of Council as follows:

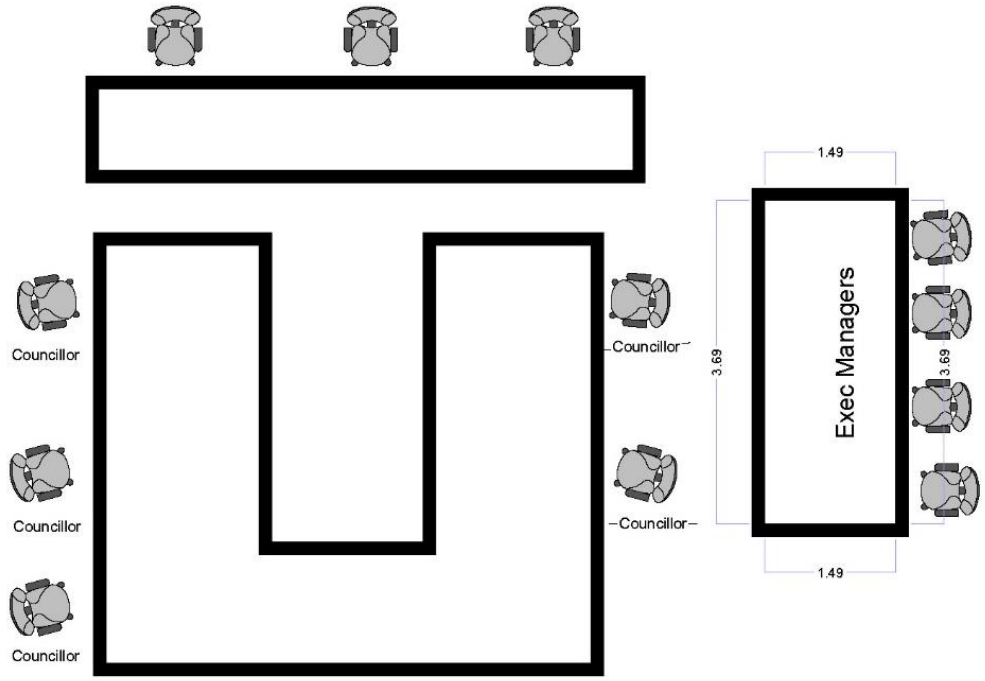
That Council requests the CEO provide Council with an alternative seating plan for the chamber in accordance with the Standing Orders Local Law 2008.

Clause 4.4(4)(c) of the Shire of Toodyay Standing Orders Local Law states that the Chief Executive Officer *"may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law*". This report is provided in accordance with such.

Standing Orders 7.1, titled "Members to be in their proper places," mandates that the CEO is to allot a position at the Council Table to each Member. This allotment is determined by a random draw, typically conducted at the first meeting following each ordinary election day. However, it has been noted that this process has not been strictly adhered to in recent times.

COMMENTS AND DETAILS

Clause 4.4(4)(c) of the *Shire of Toodyay Standing Orders Local Law 2008* states that the Chief Executive Officer (CEO) "may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget, and law." This clause empowers the CEO to offer insights and context that can aid the Council in making informed decisions. The current seating plan is provided.



The issues with the current layout of the Council Chambers include:

1. The monitor at one Councillor's seat obstructs the view, making it difficult for all Councillors to see each other clearly during meetings.
2. The microphone cord near the steps poses a tripping hazard, which has caused near-accidents despite awareness of its presence.
3. The current seating arrangement requires Councillors and Executive staff to squish past each other, leading to discomfort and inefficiency.
4. There are two seats at the table that have nobody sitting at them.

Councillor Dival's motion requests that the CEO provide an alternative seating plan for the chamber in accordance with the *Standing Orders Local Law 2008*. In response, the CEO has evaluated the current seating arrangement in the Council Chambers and has conducted a random draw to determine new seating positions as an option for Council to determine.

The options are below:

Option 1 - Expensive

a) **Use Smaller Monitors**: Replace existing monitors with smaller ones that provide the necessary functionality without blocking visibility. There would be a cost

involved with purchase of the new monitors (**between $150 and $250 approximately**)

b) **Move the table:** move to the table a little to the left of this picture. This may provide a little more room on the right of the table; however it would result in the table being off centre from where the President views it.

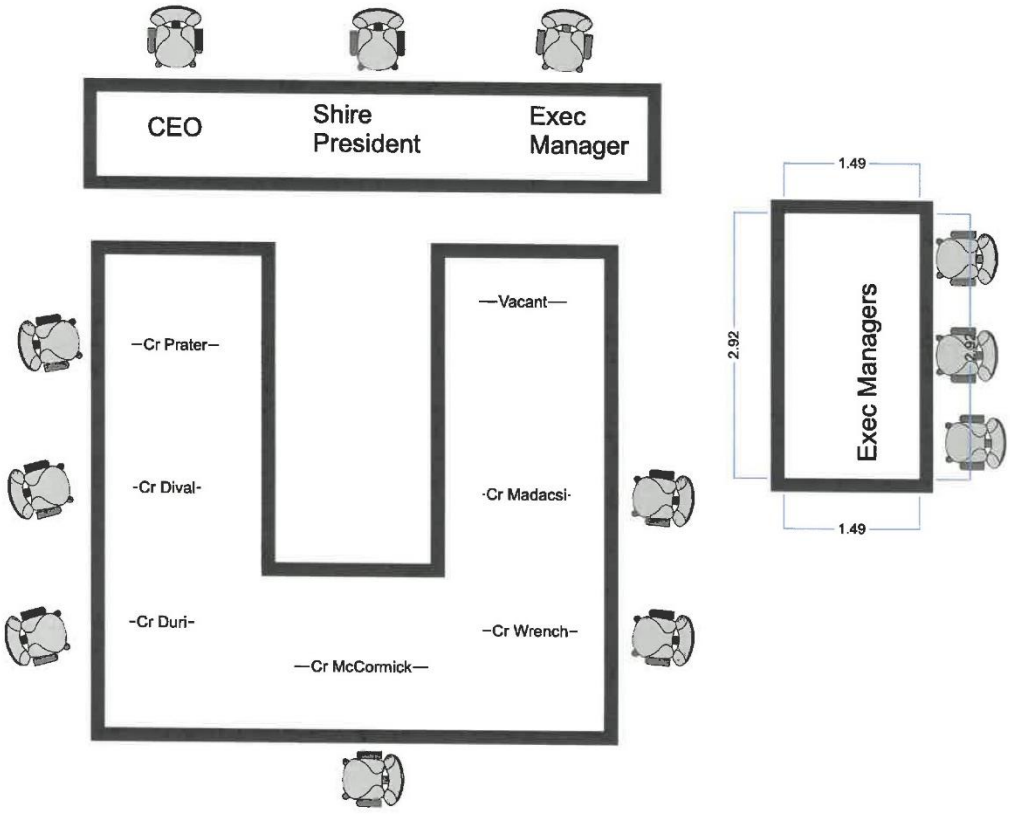
c) **Cord Management:** Implement cord management solutions such as cable covers or wireless microphones to eliminate the tripping hazard. This can be achieved if Council were to invest in a wireless system for the Council Chambers at a cost of approximately **$63,928.37 (attached quote).**

Option 2 – Free

The CEO has drawn random lots to establish a new seating arrangement. This plan proposes that Cr Dival will take a seat at the horseshoe shaped table, with her previous seat being allocated to an Executive Managerial position, which will alternate at each Council Meeting. This approach ensures compliance with the Standing Orders and provides a structured seating plan.

For efficiency and cost-effectiveness, it is recommended that Councillors consider moving the **Officer's Recommendation** instead of the Notice of Motion. This recommendation involves implementing **Option 2,** which entails:

- Removing the two chairs closest to the main table; and
- Placing six chairs around the horseshoe table for the Councillors as depicted in the picture below.



Option 2 is the most straightforward and cost-effective solution, allowing the seating arrangement to remain in place until the first meeting after the ordinary election day in October 2025.

In summary, the CEO has provided an alternative seating plan in accordance with the *Standing Orders Local Law 2008*. The proposed plan, supported by the Officer's Recommendation, offers a practical and efficient solution for the Council's consideration.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Council Plan 2023 to 2033

Outcome 9. Responsible and effective leadership and governance.

Policy related:

Risk Management Policy

Financial:

As the Officer's report proposes, there would be a cost with Option 1 and there would be no cost with Option 2.

Legal and Statutory:

Local governments in Western Australia are required to:

- Comply with the **Disability Access and Inclusion Plan (DAIP)** requirements, which mandate that public facilities, including council chambers, are accessible to people with disabilities.
- Adhere to the ***Work Health and Safety Act 2020*** and its accompanying regulations to ensure that all work environments, including council chambers, are safe and free from hazards.
- Develop and enforce local laws under the ***Local Government Act 1995*** to address specific needs and safety concerns within their districts.

Risk related:

The risk is insignificant (Low – 4) however this report mitigates the risk. Any improvements to the Chambers area could be considered at a later time during budget deliberations for the 2025/2026 Municipal Budget. For now it is recommended to make changes that will improve Councillor safety in the Council Chambers.

Workforce related:

Shire Officers would investigate alternatives of the layout of the chamber area.

VOTING REQUIREMENTS

Simple Majority

NOTICE OF MOTION – CR DIVAL

That Council requests the CEO provide Council with an alternative seating plan for the chamber in accordance with the *Standing Orders Local Law 2008.*

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM091/04/25

MOVED Cr M Dival

SECONDED Cr D Wrench

That Council authorises the CEO to implement **Option 2** as the necessary changes to improve the functionality and safety of the Council Chambers.

Voted For: Crs M McKeown, M Dival, R Madacsi, C Duri, S McCormick, D Wrench, and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

11 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil.

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS

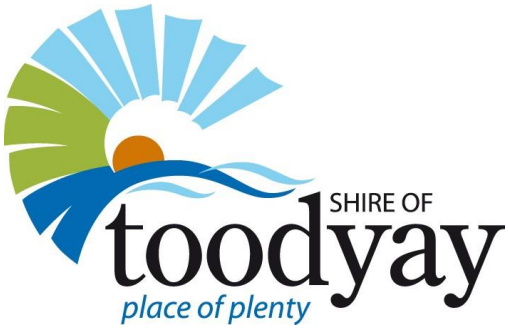
Nil.

15 NEXT MEETINGS

Meeting Type	Date	Start time
Bushfire Advisory Committee	1 May 2025	6.00pm
Local Emergency Management Committee	1 May 2025	10.30am
Agenda Briefing	15 May 2025	5.30pm
Ordinary Council Meeting	22 May 2025	5.30pm

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 8.41pm.



ATTACHMENTS MINUTES

Ordinary Council Meeting

Thursday, 24 April 2025

Table of Contents

9.4.1 Adoption of Bush Fire Brigades Local Law 2025

Attachment 1 Tabled Attachment - Bush Fire Local Law 2025 (tabled at 7.55pm) ..5

9.1.2 Amendment to Planning Approval P2024-31 - 33 Hamersley Street, Toodyay

Attachment 1 Proposed Front Fence Hamersley Street; and 15

Attachment 2 Toodyay Colour Palette. 16

9.2.1 List of Payments - March 2025

Attachment 1 List of Payments. 17

9.2.2 Monthly Financial Statements - March 2025

Attachment 1 Monthly Financial Statements. 33

9.2.3 Investment of Surplus Funds Policy

Attachment 1 Current policy; and 57

Attachment 2 Revised Policy (track changes included). 61

9.2.4 Related Parties Disclosure Policy

Attachment 1 Current Related Party Disclosures Policy. 68

Attachment 2 Revised Related Party Disclosures Policy; and 81

Attachment 3 Revised Policy without track changes. 118

9.2.5 Amendments to the 2024/25 Annual Budget

Attachment 1 List of Adjustments to the 2024/25 Annual Budget 142

9.4.1 Adoption of Bush Fire Brigades Local Law 2025

Attachment 1 Bush Fire Brigades Local Law 2024 presented to Council; 144

Attachment 2 Submissions to the 2024 Local Law; 153

Attachment 3 Bush Fire Brigades Local Law 2025 (Track changed 2024 version after feedback); 158

Attachment 4 Proposed Advertisement; and 168

Attachment 5 Bush Fire Brigades Local Law 2025 (track changes accepted). 169

9.4.2 Audit, Risk and Improvement Committee - Local Government Reforms

Attachment 1 Division 1A – Audit, Risk and Improvement Committee excerpt containing the amendments proposed by the Local Government Amendment Bill 2024; 179

Attachment 2 ADOPTED ARIC Charter; 184

Attachment 3 ARIC Presiding Member transition memorandum. 196

9.4.4 Financial Hardship Policy

Attachment 1 Current policy; and 197

Attachment 2 Revised policy (with track changes). 202

9.4.5 Child Safety Awareness policy review

Attachment 1 Current Child Safe Awareness Policy; and 209

Attachment 2 Revised Child Safe Awareness Policy. 214

Attachment 3 Revised Child Safety Awareness Policy (track changes accepted). 219

9.4.6 Reportable Conduct Scheme policy review

Attachment 1 Current Reportable Conduct Scheme Policy; and 224

Attachment 2 Revised Reportable Conduct Scheme Policy; and 229

Attachment 3 Revised Reportable Conduct Scheme Policy (Track changes accepted). 234

9.4.7 Standards for CEO Recruitment and Selection, Performance Review and Termination Policy

Attachment 1 Current Standards for CEO Recruitment and Selection, Performance Review and Termination Policy; 239

Attachment 2 Revised Standards for CEO Recruitment and Selection, Performance Review and Termination Policy. 248

9.5.1 Bushfire Risk Management Plan

Attachment 1 Shire of Toodyay Bushfire Risk Management Plan; and 257

Attachment 2 OBRM Endorsement Letter to CEO. 293

LOCAL GOVERNMENT ACT 1995

BUSH FIRES ACT 1954

Shire of Toodyay

Bush Fire Brigades Local Law 2025

Gazette Date: ....., page .....

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2025

CONTENTS

Declaration **3**

Part 1 - Preliminary 3

1.1 Citation and Application 3

1.2 Commencement 3

1.3 Repeal Provisions 3

1.4 Interpretation 3

Part 2 - Bush Fire Brigades 4

2.1 Existing Bush Fire Brigades and Establishment of Bush Fire Brigades 4

2.2 Name and Officers of Bush Fire Brigades 4

Part 3 - Dissolution of Bush Fire Brigades 5

3.1 Cancellation of Registration 5

3.2 New Arrangement After Dissolution 6

Part 4 - Organisation and Maintenance of Bush Fire Brigades 6

4.1 Local Government Responsible for Structure 6

4.2 Managerial Role of the Local Government 6

4.3 Functions of Chief Bush Fire Control Officer 6

4.4 Equipment and Maintenance of Bush Fire Brigades 7

4.5 Functions of Captain and Other Brigade Officers 7

Part 5 - Administration of Bush Fire Brigades 7

5.1 Local Government Appointments 7

5.2 Membership of a Bush Fire Brigade 8

5.3 Meetings of Bush Fire Brigades 9

Part 6 - General 9

6.1 Consideration in the Local Government Budget 9

AUTHORISATION **10**

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2025

Declaration

Under the powers conferred by the *Local Government Act 1995* and the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on _____ to make the following local law.

Part 1 - Preliminary

1.1 Citation and Application

This local law may be cited as the *Shire of Toodyay Bush Fire Brigades Local Law 2025* and applies throughout the district.

It is made in accordance with Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995 and Section 62 of Part V of the Bush Fires Act 1954.*

1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette.*

1.3 Repeal Provisions

This local law repeals the:

(i) By-laws of the Toodyay Road Board relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Road District of Toodyay as published in the *Government Gazette* on 6 December 1946 (page 1499); and

(ii) By-laws of the Toodyay Shire Council relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Shire or any part of the Shire of Toodyay as published in the *Government Gazette* on 15 July 1970 (page 2101).

1.4 Interpretation

(1) In this local law, unless the context otherwise requires –

Act means the *Bush Fires Act 1954*;

Brigade area means the area described in clause 2.2(1)(b);

Bush Fire Advisory Committee means the Shire of Toodyay Bush Fire Advisory Committee as formed under section 67 of the Act;

Bush Fire Brigade or ***Brigade*** means a bush fire brigade established by the Local Government under clause 2.1 and registered in a register kept pursuant to section 41 of the Act;

Bush Fire Control Officer means a bush fire control officer appointed by the Local Government under clause 5.1(1);

Bush Fire Brigade Member or ***Brigade Member***, in relation to a Brigade, means a fire fighting member, associate member or a cadet member of a bush fire brigade;

Bush Fire Brigade Officer or **Brigade Officer** in relation to a Brigade, means a person holding a position referred to in clause 2.2 (1)(c) or clause 2.2(5), whether or not he or she was appointed by the Local Government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position;

Bush Fire Operating Procedures means the Bush Fire Operating Procedures adopted by the Local Government as amended from time to time;

Chief Bush Fire Control Officer means the Chief Bush Fire Control Officer appointed by the Local Government;

Chief Executive Officer means the Chief Executive Officer of the Local Government;

Department means the Department of Fire and Emergency Services of Western Australia;

Deputy Chief Bush Fire Control Officer means the Deputy Chief Bush Fire Control Officer appointed by the Local Government;

district means the district of the Local Government;

Local Government means the Shire of Toodyay;

Normal brigade activities as defined in section 35A of the Act; and

Regulations means regulations made under the Act.

(2) In this local law, unless the context otherwise requires, a reference to –

(a) a Captain;

(b) a First Lieutenant;

(c) a Second Lieutenant;

(d) any additional Lieutenant;

means a person holding that position in a Bush Fire Brigade.

Part 2 - Bush Fire Brigades

2.1 Existing Bush Fire Brigades and Establishment of Bush Fire Brigades

(1) A bush fire brigade established by the Local Government prior to the day on which this local law comes into operation –

(a) is to be taken to be a bush fire brigade established under and in accordance with this local law; and

(b) the provisions of this local law apply to the bush fire brigade.

(2) The Local Government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.

(3) A bush fire brigade is established on the date of the Local Government's decision under clause 2.1(2).

2.2 Name and Officers of Bush Fire Brigades

(1) On establishing a Bush Fire Brigade under clause 2.1(1), the Local Government is to –

(a) give a name to the Bush Fire Brigade;

(b) specify the brigade area in which the Bush Fire Brigade is primarily responsible for carrying out the normal brigade activities; and

(c) appoint, in relation to the Bush Fire Brigade –

(i) a Captain;

(ii) a First Lieutenant;

(iii) a Second Lieutenant;

(iv) a Secretary; and

(v) a Treasurer.

(2) A person appointed to a position under clause 2.2(1)(c), is taken to be a Brigade Member.

(3) The term of office of a person appointed to a position under clause 2.2(1)(c) ends –

(a) at the completion of the first Annual General Meeting of the Bush Fire Brigade;

(b) when the person resigns from that position; or

(c) when the appointment, or the person's Bush Fire Brigade membership, is terminated under this local law;

whichever occurs first.

(4) At the first and each subsequent Annual General Meeting of a Brigade, the Brigade Members are to elect, from among the Brigade Members, persons to fill each of the positions of the Brigade as per clause 2.2(1)(c).

(5) At the first and each subsequent Annual General Meeting of a Brigade, the Brigade Members may elect, from among the Brigade Members, persons to additional brigade officer positions including:

(i) additional Lieutenants if the membership considers it necessary;

(ii) an Equipment Officer;

(iii) a Training Officer; and

(iv) additional Officers if the membership considers it necessary.

(6) If the position of a Brigade Officer of a Bush Fire Brigade becomes vacant at any time other than at the completion of an Annual General Meeting of the Brigade, then a Special Meeting of the Brigade may be held at which the Brigade Members may vote for a replacement Brigade Member to fill the position until the next Annual General Meeting of the Bush Fire Brigade.

Part 3 - Dissolution of Bush Fire Brigades

3.1 Cancellation of Registration

(1) In accordance with section 41(3) of the Act, the Local Government may cancel the registration of a Bush Fire Brigade if it is of the opinion that the Bush Fire Brigade is not complying with the Act or this local law; or is not achieving the objectives for which it was established.

(2) Upon a Bush Fire Brigade's dissolution, the equipment, assets and funds of the Brigade must be placed under the control of the Local Government and dealt with in accordance with the *Local Government Act 1995*.

3.2 New Arrangement After Dissolution

If the Local Government cancels the registration of a Bush Fire Brigade, the Local Government is to make alternative arrangements in respect of the Brigade Area.

Part 4 - Organisation and Maintenance of Bush Fire Brigades

4.1 Local Government Responsible for Structure

The Local Government is to ensure that there is an appropriate structure through which the organisation of Bush Fire Brigades is maintained.

4.2 Managerial Role of the Local Government

(1) Subject to any direction by the Chief Executive Officer, the Local Government has primary managerial responsibility for the organisation and maintenance of Bush Fire Brigades.

(2) Considering recommendations from the Bush Fire Advisory Committee, the Chief Executive Officer will appoint suitably qualified persons as Bush Fire Control Officers.

(3) The Local Government will report to the Chief Executive Officer not later than 30 April each year for the consideration and appropriate provision being made in the next Local Government budget, the status of a Bush Fire Brigade's –

(i) training and readiness;

(ii) protective clothing;

(iii) equipment; and

(iv) vehicles and appliances.

(4) The Local Government is to monitor Bush Fire Brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year or as directed by the Chief Executive Officer to the Chief Executive Office.

(5) The Local Government is to ensure that Bush Fire Brigades are registered, that the list of Brigade Members is maintained, and the Department informed of relevant changes as per the Act.

4.3 Functions of Chief Bush Fire Control Officer

(1) The functions of the Chief Bush Fire Control Officer are –

(a) to provide leadership to Bush Fire Brigades;

(b) to liaise with the Local Government concerning fire prevention / suppression matters generally and directions to be issued by the Local Government to Bush Fire Control Officers; and

(c) responsibilities and powers as conferred in the *Bush Fires Act 1954* and *Bush Fire Regulations 1954*.

(2) The Chief Bush Fire Control Officer or the Deputy Chief Bush Fire Control Officer may attend as a non-voting representative of the Local Government at any meeting of a Bush Fire Brigade.

4.4 Equipment and Maintenance of Bush Fire Brigades

(1) A Bush Fire Brigade is to report to the Local Government the quantity and quality of all appliances, apparatus and equipment of the Bush Fire Brigade when directed to do so.

(2) The maintenance, replacement and upkeep of all Bush Fire Brigade protective clothing, equipment and appliances is to be the responsibility of Local Government.

4.5 Functions of Captain and Other Brigade Officers

(1) The functions of the Captain of a Bush Fire Brigade are to –

(a) provide leadership to the Bush Fire Brigade;

(b) monitor the Bush Fire Brigade's resourcing, equipment and training levels;

(c) liaise with the Local Government concerning –

(i) fire prevention or fire suppression matters generally; and

(ii) the Brigade's Officers;

(d) ensure that a list of the Bush Fire Brigade's Members is maintained;

(e) report annually to the Local Government the office bearers of the Bush Fire Brigade in accordance with the Regulations; and

(f) arrange for normal brigade activities as authorised by the Act or by the Local Government.

(2) The functions of other Brigade Officers of a Brigade are to support the Captain of the Brigade in their role.

Part 5 - Administration of Bush Fire Brigades

5.1 Local Government Appointments

(1) The Local Government may appoint, and may suspend or terminate the appointment of, persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.

(2) A decision to suspend or terminate a person's appointment to a position under clause 5.1(1) must be made in accordance with the principles of procedural fairness.

(3) A person's appointment to a position under clause 5.1(1) ends –

(a) if the appointment is for a fixed term (on the expiry of that term);

(b) if the person dies (on the date of their death);

(c) if a person gives written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Chief Executive Officer); or

(d) if the appointment is terminated by the Local Government (on the date that written notice of the termination is given to the person),

whichever occurs first.

5.2 Membership of a Bush Fire Brigade

(1) The type of membership of a Bush Fire Brigade consists of the following –

(a) Fire Fighter – being those persons being at least 16 years of age who undertake all normal Bush Fire Brigade activities; and

(b) Auxiliary – being those persons being at least 16 years of age who are prepared to render other assistance required by the Bush Fire Brigade.

(2) A person wishing to be a Bush Fire Brigade Member may make an application for membership to the Captain of the Bush Fire Brigade.

(3) An application for membership of a Bush Fire Brigade –

(a) is to be assessed by the Captain of the Bush Fire Brigade who is to make a recommendation to the Local Government; and

(b) is to be determined by the Local Government who is to accept or reject the application.

(4) A person whose membership application is accepted is to be appointed as a Brigade Member of a Bush Fire Brigade.

(5) A person's membership of a Bush Fire Brigade under this clause 5.2 ends –

(a) if the person dies (on the date of their death);

(b) if a person gives the Captain of the Bush Fire Brigade written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Captain); or

(c) if the appointment is terminated by the Chief Executive Officer (on the date that the written notice of the termination is given to the person);

whichever occurs first.

(6) Subject to clause 5.2(8), the Chief Executive Officer may suspend or terminate the membership of a Brigade Member appointed under clause 5.2(4) if, in the opinion of the Chief Executive Officer, the Brigade Member is unfit to serve as a member of the Bush Fire Brigade.

(7) A decision to suspend or terminate a person's membership of a Bush Fire Brigade under clause 5.2(5) must be made in accordance with the principles of procedural fairness.

(8) If the Chief Executive Officer has a conflict of interest in considering and determining whether a person's membership should be suspended or terminated –

(a) the Chief Executive Officer must refer the matter to the Chief Bush Fire Control Officer; and

(b) the Chief Bush Fire Control Officer is to consider and determine the matter.

(9) At the end of the period of suspension imposed under clause 5.2(6) or 5.2(8), the Chief Executive Officer (or if clause 5.2(8) applies, the Chief Bush Fire Control Officer) must –

(a) extend the period of suspension;

(b) terminate the membership; or

(c) confirm the continuation of the membership.

5.3 Meetings of Bush Fire Brigades

(1) A Brigade may hold Ordinary Meetings on such days and at such times and places, as the Brigade considers appropriate.

(2) A Brigade should hold at least two Ordinary Meetings each year.

(3) A Brigade must hold an Annual General Meeting each year by the month of June.

(4) At the Annual General Meeting, the Brigade is to –

(a) elect Bush Fire Brigade Officers;

(b) receive the Captain's annual report;

(c) receive the Brigade Officers' annual report; and

(d) adopt the annual financial statements of the Brigade.

(5) Notice of the Annual General Meeting and any ordinary meeting must be given to all Brigade Members at least fourteen days before the commencement of the meeting.

(6) A Brigade may hold a Special Meeting to allow the membership to deal with a specific motion or business.

(7) A notice of a Special Meeting must be given at least 72 hours before the commencement of the meeting.

(8) The purpose of the Special Meeting must be included in the notice of meeting.

(9) Meetings are to be conducted in accordance with the requirements of the Bush Fire Operating Procedures.

Part 6 - General

6.1 Consideration in the Local Government Budget

In addition to funding made available through emergency services grants, the Local Government may provide further funding depending on the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995*.

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2025

AUTHORISATION

Dated this……day of ……2025

The Common Seal of the)
Shire of Toodyay was)
affixed by authority of a)
resolution of the Council)
in the presence of)

Cr Michael McKeown Shire President	Aaron Bowman JP Chief Executive Officer
Date	Date



Paint Colour Palette

Colours in Toodyay can be grouped into three broad sets; greens as found in native foliage and Toodyay stone, creams and pinks from the bush, and red-oranges found in the soil, historic buildings and natural stone. These colours harmonise well with each other, and used in the right proportions, can provide a choice of low key or lively colour palettes for the town. Where possible, colours used on heritage buildings should be based on original colours as determined by paint scraping. Please note, the colours shown are indicative (as the printing process is inaccurate), and advice from paint manufacturers and trial patches are recommended before colours are used.
The colours shown are from the Dulux Colour Specifier range.



Materials Palette

Materials in keeping with Toodyay's heritage character and setting are suggested below;



Cast & Wrought Iron | Timber; painted or oiled | Micaceous Paint | Toodyay Stone | Local Granite | Clay Bricks | Red Asphalt | Exposed Aggregate pavers

Colour & Material Palette



DRAFT

December 2005



Creditor Payment Report

01 March 2025 to 31 March 2025

Cheque Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.278	07-03-2025	13091	0035	WATER CORPORATION	Water account 9024679741 - TRC - 8 January 2025 to 5 February 2025	10,339.26
CP.279	14-03-2025	13092	0169-9007933744	WATER CORPORATION	Water Account 90079337444 - Connors Mill / VC 13 Dec 24 to 19 Feb 25	464.67
CP.279	14-03-2025	13092	0188-9007933760	WATER CORPORATION	Water account 9007933760 Northam-Toodyay Rd Avon Hills (standpipe) for the period 4 November 24 to 2 January 25	117,615.09
					Cheque Total	**128,419.02**

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.278	07-03-2025	EFT	2938501	AFGRI EQUIPMENT AUSTRALIA PTY LTD	Repairs - service and parts - Grader T007 -CYLINDER 670GP	16,665.06
CP.278	07-03-2025	EFT	2938499	AFGRI EQUIPMENT AUSTRALIA PTY LTD	Repairs - service - Grader T007	2,793.76
CP.278	07-03-2025	EFT	1013787478	AUSTRALIA POST	Postage - January 2025	1,666.62
CP.278	07-03-2025	EFT	00626	AVON VALLEY VINTAGE VEHICLE ASSOCIATION	Community funding for Vintage Swap meet 16th March 2025	3,000.00
CP.278	07-03-2025	EFT	INV-6875	AVON VALLEY WINDSCREENS	Repairs - windscreen - single cab tipper T6782	660.00
CP.278	07-03-2025	EFT	00000397	AVON-MIDLAND COUNTRY ZONE WALGA	Avon Midland Country Zone subscription - 2024-2025	2,420.00
CP.278	07-03-2025	EFT	487	BRODERICK WASTE SOLUTIONS	Management of waste transfer - Fixed rate of service per fortnight ending 4 February 2025	6,050.00
CP.278	07-03-2025	EFT	488	BRODERICK WASTE SOLUTIONS	Management of waste transfer - Fortnight ending 18 February 2025	6,050.00

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.278	07-03-2025	EFT	485	BRODERICK WASTE SOLUTIONS	Contractor - Approx 75 tonnes of waste carted to Northam per month - Cartage of e-Waste to Perth -	7,690.32
CP.278	07-03-2025	EFT	INV6302	C & F BUILDING APPROVALS	Contract - Contract building surveyor services provided by C & F Building Approvals 04/02/2025	1,595.00
CP.278	07-03-2025	EFT	00049626	CARRINGTON'S (WA) PTY LTD	VMB hire 21 days 1-21 February 2025 2 x VBM Boards	5,082.00
CP.278	07-03-2025	EFT	5682	CLOUD COLLECTIONS PTY LTD	Solicitor Fee - PSSO (goods) - WA - 1 November 2024-Rates Debt Recovery	919.60
CP.278	07-03-2025	EFT	30395	D&L STUDIO PTY LTD	Supplier - Name Plates Executive Managers	73.70
CP.278	07-03-2025	EFT	158898	DEPARTMENT OF FIRE & EMERGENCY SERVICES	2024/2025 ESLB 3rd quarter contribution 2024/2025	101,684.74
CP.278	07-03-2025	EFT	9328808	DOWNER EDI WORKS LIMITED	Contractor - supply 2 x 1000 litre IBC pods of Emulsion including pods	3,498.00
CP.278	07-03-2025	EFT	4905	EAG ELECTRICAL AIR-CONDITIONING & GAS	Supply and install 2 LED battens in Depot kitchen	534.28
CP.278	07-03-2025	EFT	4904	EAG ELECTRICAL AIR-CONDITIONING & GAS	Connect pump and test pump at Toodyay swimming pool	264.00
CP.278	07-03-2025	EFT	4898	EAG ELECTRICAL AIR-CONDITIONING & GAS	Find power fault in canopy rangehood at Recreation Centre kitchen	528.00
CP.278	07-03-2025	EFT	4914	EAG ELECTRICAL AIR-CONDITIONING & GAS	Check exposed wires at Duidgee Park near skate ramps.	132.00
CP.278	07-03-2025	EFT	J25006	JACOBUS CORNELIS NIEUWOUDT	Planning - Statutory planning service to assess Contractor - development applications - 5 February	4,950.00
CP.278	07-03-2025	EFT	IN0667	JOMAR (WA) PTY LTD	Contractor - Newcastle Bridge, Toodyay Footbridge Pile replacement and foundation - January 2025	42,845.00
CP.278	07-03-2025	EFT	IN0661	JOMAR (WA) PTY LTD	Replacement of guardrail posts - Bridge No. 4088 Coondle West Rd per Quote No. 0390-00	12,320.00
CP.278	07-03-2025	EFT	IN0668	JOMAR (WA) PTY LTD	Contractors - Repairs - Newcastle Bridge - supply and install 6 x 200 PFC HDG braces and walers.	12,672.00
CP.278	07-03-2025	EFT	IN0666	JOMAR (WA) PTY LTD	Contractor - Re propping the Newcastle footbridge, Toodyay.	4,070.00
CP.278	07-03-2025	EFT	38-25-0001163/1/AUSSHI111	KENNEDYS (AUSTRALASIA) PARTNERSHIP	Legal - Professional costs - CEO - telephone attendance, emails, letters to other party	2,312.20
CP.278	07-03-2025	EFT	38-25-0000954-1-AUSSHI111	KENNEDYS (AUSTRALASIA) PARTNERSHIP	Legal - Professional costs - CEO - drafting and responding to emails + interaction with other party	598.40
CP.278	07-03-2025	EFT	38-25-0001164/1/AUSSHI111	KENNEDYS (AUSTRALASIA) PARTNERSHIP	Legal - Professional costs - CEO - drafting and responding to emails + interaction with other party	3,873.10

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.278	07-03-2025	EFT	400735	LANDGATE	All valuations and land search for 2024/2025 -	50.32
CP.278	07-03-2025	EFT	INV-3615	LEYLAND ENGINEERING SERVICES	Contractor - Quote 0005 Komatsu loader service rego-1HBW405 2000hr service	4,304.00
CP.278	07-03-2025	EFT	INV-3625	LEYLAND ENGINEERING SERVICES	Repairs - service - T005 Backhoe - side shift repair	1,560.00
CP.278	07-03-2025	EFT	INV-3624	LEYLAND ENGINEERING SERVICES	Repairs - service - T6480 D-max @9,275km	423.00
CP.278	07-03-2025	EFT	INV-3623	LEYLAND ENGINEERING SERVICES	Repairs - Service - T020 D-max @40,327km	614.00
CP.278	07-03-2025	EFT	IN42928	LFA FIRST RESPONSE	BFS & SES AED replacement batteries and pads	8,445.06
CP.278	07-03-2025	EFT	00085493	M A LALLI & ASSOCIATES	Contractors - building inspection - Medical Centre 24-3371	2,530.00
CP.278	07-03-2025	EFT	INV-7744	METROPOLITAN CASH REGISTER COMPANY	VC - Annual IT support for IdealPos at the Visitors Centre	495.00
CP.278	07-03-2025	EFT	00004907	MM MECHANICAL PTY LTD	BFS - CESM UTE - vehicle service - Quote 4907	753.61
CP.278	07-03-2025	EFT	00004997	MM MECHANICAL PTY LTD	Repairs - Depot - Hino Truck 1IGT417 call out fee 24v system not working	187.00
CP.278	07-03-2025	EFT	INV_20250121_0992	MORRIS PEST AND WEED CONTROL	Pest management including termite inspection for 19 Clinton Street Duplex both sides.	780.00
CP.278	07-03-2025	EFT	INV-3869	MORRIS PEST AND WEED CONTROL	Contractor - termite Inspections for various bridges in Toodyay - 10 February 2025	4,934.60
CP.278	07-03-2025	EFT	00002276	ROAD RAIL & MINE PRODUCTS PTY LTD	Emergency repairs - replacement of 8m damaged guard rail on railway bridge at 445 Julimar Rd	7,535.00
CP.278	07-03-2025	EFT	253736	SAPIO PTY LTD	Inspection for link and CCTV	286.00
CP.278	07-03-2025	EFT	260430	SAPIO PTY LTD	Develop customisable CCTV unit to meet Western Power specifications	5,984.00
CP.278	07-03-2025	EFT	292974	SAPIO PTY LTD	Supply and install 2 x replacement 6TB HDD for Shire depot CCTV	1,585.32
CP.278	07-03-2025	EFT	SIN-4011237	STEWART & HEATON CLOTHING CO PTY LTD	37334265	183.68
CP.278	07-03-2025	EFT	3000232788	SYNERGY	Electricity grouped account - 802970900 - 23 November 2024 - 23 January 2025	7,174.32
CP.278	07-03-2025	EFT	2046345021	SYNERGY	Electricity Account 149993610 Lot 301 Railway Rd - 8 January 2025 to 11 Feb 2025	1,682.78

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.278	07-03-2025	EFT	16829 and 16828	TABORDA CONTRACTING PTY LTD	Contractor - Julimar Road - grading roadworks - traffic management	9,511.34
CP.278	07-03-2025	EFT	INV# 91 - 30/11/2024	THE COLA CAFE	EMC - 24+25 August 2024 - 8 x meals	450.00
CP.278	07-03-2025	EFT	INV# 92 - 30/11/2024	THE COLA CAFE	BFS - SUN OCT 13 - 7 x meals	175.00
CP.278	07-03-2025	EFT	INV# 93 - 30/11/2024	THE COLA CAFE	BFS - 12 x meals (Sat 14/09) 8 x meals (Sun 15/9)- BFS training machine supervision	500.00
CP.278	07-03-2025	EFT	1014	THE TRUSTEE FOR THE KFARMS TRUST	Everlasting seed packs to sell in Visitors Centre	213.00
CP.278	07-03-2025	EFT	00000423	TLCWA PTY LTD - SAFE ROADS WA	Contractors - 7mm emulsion seal - Toodyay Bindi Bindi Rd BLACK SPOT	83,036.25
CP.278	07-03-2025	EFT	INV-9183	TOODYAY TYRE & EXHAUST	BFS - Coondle 1.4 - replace truck tyre + disposal of tyre	182.00
CP.278	07-03-2025	EFT	INV-9188	TOODYAY TYRE & EXHAUST	BFS - Julimar 2.4 second hand tyre replacement ((R 22.5) and disposal fee	628.00
CP.278	07-03-2025	EFT	INV-9129	TOODYAY TYRE & EXHAUST	Puncture repair - puncture repair 1HQF952	35.00
CP.278	07-03-2025	EFT	INV-0129	TOODYAY WATER CARTING	Depot - 2 x 30,000 water delivery to oval Showgrounds - 13 February 2025	1,320.00
CP.278	07-03-2025	EFT	INV-0144	TOODYAY WATER CARTING	30000 ltrs water for Showgrounds oval quoted standard rate - 19 February 2025	660.00
CP.278	07-03-2025	EFT	INV-0157	TOODYAY WATER CARTING	30,000 water for oval Show grounds 24 February 2025	1,320.00
CP.278	07-03-2025	EFT	INV17362	TOTAL GREEN RECYCLING	Waste transfer station - eWaste recycling 2024/2025 January 2025	1,042.14
CP.278	07-03-2025	EFT	UDLA4336	UDLA	Contractors - project fee - Newcastle foot bridge	550.00
CP.278	07-03-2025	EFT	22000050-1	UNIFORMS @ WORK	Depot - admin uniform - staff uniform for 2024-2025	114.90
CP.278	07-03-2025	EFT	22000056	UNIFORMS @ WORK	Planning - staff uniforms - administration shirts for staff 2024-2025	389.55
CP.278	07-03-2025	EFT	INV-1785	VAPOUR PLUMBING AND GAS	Contractor - clean mobile toilet - Toodyay Bindi Bindi Rd	220.00
CP.278	07-03-2025	EFT	INV-1842	VAPOUR PLUMBING AND GAS	Tap fix - Vapour Plumbing and Gas - Duidgee Park	148.85
CP.278	07-03-2025	EFT	INV-1846	VAPOUR PLUMBING AND GAS	Contractor - mens change rooms - plumbing - Showgrounds	1,045.00

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.278	07-03-2025	EFT	INV-7511	VAPOUR PLUMBING AND GAS	Repairs - toilet seats - Duke St, Toilets	379.50
CP.278	07-03-2025	EFT	INV-1869	VAPOUR PLUMBING AND GAS	Contractor - plumber - Toodyay pool - men's toilet	830.50
CP.278	07-03-2025	EFT	INV-1806	VAPOUR PLUMBING AND GAS	Contractor - backflow testing - swimming pool	220.00
CP.278	07-03-2025	EFT	INV-1888	VAPOUR PLUMBING AND GAS	Contractor - repairs as per quote 0180 for CRC toilets, memorial hall, shire admin	605.00
CP.278	07-03-2025	EFT	INV-1878	VAPOUR PLUMBING AND GAS	Contractor - inspection ice machine due to not working	110.00
CP.278	07-03-2025	EFT	INV-1871	VAPOUR PLUMBING AND GAS	Contractor - repairs at Toodyay Medical Centre quote 0178 toilet repair	214.50
CP.278	07-03-2025	EFT	INV-1843	VAPOUR PLUMBING AND GAS	Contractor - water filters - Depot	922.94
CP.278	07-03-2025	EFT	9711	VERNICE PTY LTD	Contractor - maintenance - water cart hire Toodyay Bindi Bindi Road RRG + Black Spot - June through to	33,649.00
CP.278	07-03-2025	EFT	9708	VERNICE PTY LTD	Contractor - road works - Toodyay Bindi Bindi Road 2.5 days TW030 Vehicle	1,375.00
CP.278	07-03-2025	EFT	9714	VERNICE PTY LTD	Contractor - Davies Rd 2 loads of gravel 50 tonne drop off to old oval Julimar Road - Gravel Toodyay	2,699.57
CP.278	07-03-2025	EFT	9713	VERNICE PTY LTD	Contractor - gravel - Davies Rd	649.84
CP.278	07-03-2025	EFT	WS-2816	WESTERN STABILISERS PTY LTD	Contractor - wetmixing - Toodyay Bindi Bindi Rd	45,064.05
CP.278	07-03-2025	EFT	95	WRIGHT EXPRESS AUST PTY LTD	SES fuel card fees January 2025	23.07
CP.278	07-03-2025	EFT	INV-0070	XAV GROUP PTY LTD T/AS CONTRACT AQUATIC	Pool management contract - February 2025	28,930.00
CP.279	14-03-2025	EFT	18396	AVON SKIP BINS	Memorial Hall skip bin hire and empty for 2024-25	105.00
CP.279	14-03-2025	EFT	18398	AVON SKIP BINS	Depot skip bin hire and empty for 2024-25	105.00
CP.279	14-03-2025	EFT	18474	AVON SKIP BINS	Depot skip bin hire and empty for 2024-25	120.00
CP.279	14-03-2025	EFT	18397	AVON SKIP BINS	Sportsground skip bin hire and empty for 2024-25	105.00
CP.279	14-03-2025	EFT	18473	AVON SKIP BINS	Sportsground skip bin hire and empty for 2024-25	300.00

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.279	14-03-2025	EFT	18472	AVON SKIP BINS	Memorial Hall skip bin hire and empty for 2024-25	300.00
CP.279	14-03-2025	EFT	12448	AVON SKIP BINS	Delivery of front lift bin (3 x 4.5m3) Toodyay Ag Show 2023	550.00
CP.279	14-03-2025	EFT	SOT052-5	AVON YARD & MAINTENANCE SERVICES	Contractor - maintenance for rest area (Northam-Toodyay & Toodyay Rds) - February 2025	687.50
CP.279	14-03-2025	EFT	SOT051-5	AVON YARD & MAINTENANCE SERVICES	Contractor - February 2025 maintenance - Pelham lookout	687.50
CP.279	14-03-2025	EFT	SOT056	AVON YARD & MAINTENANCE SERVICES	Contractor - hazard reduction work (whipper snipper) for R6605 (Henry St), R51619 & R53674 (Drummond	2,400.00
CP.279	14-03-2025	EFT	00039634	CLEANFLOW ENVIRONMENTAL SOLUTIONS	Contractor - 2 days of pressure cleaning culverts within the Shire of Toodyay	4,002.90
CP.279	14-03-2025	EFT	23789024	COATES HIRE	Lighting towers for Toodyay Christmas Street Party 2024, Fri 13 Dec	2,449.93
CP.279	14-03-2025	EFT	Crossover Reimbursement for 20 Clinton Street, Toodyay	Dorothy Ivy CHITTY	Crossover reimbursement for 20 Clinton Street, Toodyay	1,240.60
CP.279	14-03-2025	EFT	Crossover Reimbursement for 22 Clinton Street, Toodyay	Ian David CHITTY	Crossover reimbursement for 22 Clinton Street, Toodyay	1,240.60
CP.279	14-03-2025	EFT	IN-743568	LADELLE PTY LTD	Giftware to sell at the Visitors Centre - February 2025	640.62
CP.279	14-03-2025	EFT	INV-0130	LAND EFFECTS DESIGN & LANDSCAPING PTY LTD	Contractors - reticulation - Parks & Gardens	6,324.23
CP.279	14-03-2025	EFT	INV-0124	LAND EFFECTS DESIGN & LANDSCAPING PTY LTD	Contractor - audit of reticutlaion - 25-26th February 2025	5,532.29
CP.279	14-03-2025	EFT	INV-2882	LAND INSIGHTS	Consultant - Landinsights - strategic planning services - job 1201	9,547.08
CP.279	14-03-2025	EFT	399699	LANDGATE	All valuations and land search for 2024/2025 - schedule number: G2024/12	40.46
CP.279	14-03-2025	EFT	A98 - Rebate refund to Lynette Jordan	Lynette Evelyn JORDAN	A98 - rebate refund to Lynette Jordan	801.50
CP.279	14-03-2025	EFT	INV-0201 - 1st PO	Mandy WYNNE	Provision of financial services February 2025	1,320.00
CP.279	14-03-2025	EFT	INV-0201 - 2nd PO	Mandy WYNNE	Provision of financial services February 2025	247.50
CP.279	14-03-2025	EFT	INV-0201 - 3rd PO	Mandy WYNNE	Completion of FY24 annual financial statements	3,423.75
CP.279	14-03-2025	EFT	Northam feed Hire - Toodyay Garden + Outdoor #72 + #73 -	Misty Nitoska ROGERS	Northam feed hire - Toodyay Garden + Outdoor #72 + #73 - Misty Ridge Plant Farm Inv 00005792	377.00

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.279	14-03-2025	EFT	33412M	PROFESSIONAL PC SUPPORT PTY LTD (XL2)	Managed IT Services agreement - March 2025	12,302.76
CP.279	14-03-2025	EFT	12146	RELIABLE ASSET MAINTENANCE	Contractor - repairs to admin building - February 2025	1,452.00
CP.279	14-03-2025	EFT	11069	RELIABLE ASSET MAINTENANCE	Contractor - quote# 11069 - kitchen leak - 117 Stirling Terrace	4,752.00
CP.279	14-03-2025	EFT	12760	RELIABLE ASSET MAINTENANCE	Contractors - repairs - Duke Street toilets	707.30
CP.279	14-03-2025	EFT	Inv 12666	RELIABLE ASSET MAINTENANCE	Wednesday maintenance 13th February 2025	867.90
CP.279	14-03-2025	EFT	12049	RELIABLE ASSET MAINTENANCE	Contractor - repairs - install flashing and seal to prevent water leaking at Heartland Vets	2,722.50
CP.279	14-03-2025	EFT	RLSSWA INV2590	ROYAL LIFE SAVING WESTERN AUSTRALIA	Recreaton Centre - certificates for swimming lessons and postage - December 2024	132.00
CP.279	14-03-2025	EFT	2030361807	SYNERGY	Streetlights, electricity account - 174585790 - 25 January 2025 to 24 February 2025	4,848.69
CP.279	14-03-2025	EFT	2002412812	SYNERGY	Electricity account 321395980 - 775 Bindi Bindi Tooodyay - 04 December 2024 to 05 February 2025	666.23
CP.279	14-03-2025	EFT	3000234277	SYNERGY	Electricity grouped account - 802970900 - 23 November 2024 - 28 January 2025	9,080.39
CP.279	14-03-2025	EFT	01708780	TAGSAT PTY LTD	Contractor - repairs - Duke Street North Pavement marking	3,838.67
CP.279	14-03-2025	EFT	37	THE MEF AND MJF TRUST T/A ACTIVATE SAFETY	Evacuation diagrams for Shire buildings updates	2,495.00
CP.279	14-03-2025	EFT	00000422	TLCWA PTY LTD - SAFE ROADS WA	Contractors - 7mm Emulsion - Toodyay Bindi Bindi Rd	86,006.25
CP.279	14-03-2025	EFT	10701577	TOODYAY HARDWARE & FARM	Purchases - February 25 - Depot under $60	36.25
CP.279	14-03-2025	EFT	10700650	TOODYAY HARDWARE & FARM	Purchases for January 2025 under $60	17.75
CP.279	14-03-2025	EFT	10700069	TOODYAY HARDWARE & FARM	Purchases for January 2025 under $60	41.80
CP.279	14-03-2025	EFT	10699998	TOODYAY HARDWARE & FARM	Purchases for January 2024 under $60.00	53.85
CP.279	14-03-2025	EFT	10704540	TOODYAY HARDWARE & FARM	Supplier - EM - helmets and marking paint	56.80
CP.279	14-03-2025	EFT	99500	URL NETWORKS PTY LTD	URL networks - SIP trunks - 7 February 2025 to 6 March 2025 & calls	254.44

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.279	14-03-2025	EFT	98214	URL NETWORKS PTY LTD	Calls - Shire of Toodyay business numbers - linked to our phone management system - SIP trunks	257.57
CP.279	14-03-2025	EFT	100792	URL NETWORKS PTY LTD	Calls - Shire of Toodyay business numbers - linked to our phone management system - SIP trunks	283.10
CP.279	14-03-2025	EFT	202500537203	VALVE WAREHOUSE AUSTRALIA	BFS - Fire Emergency Water - plumbing fittings CSWP grant, 3xSites: Coondle Drive, parkland x	8,623.15
CP.279	14-03-2025	EFT	9700	VERNICE PTY LTD	Contractor - dry hire of multi tyred roller for road maintenance	7,260.00
CP.279	14-03-2025	EFT	INV-19290	WEST WIDE AUTO ELECTRICS	Repairs - mezzanine flooring - Depot	2,845.00
CP.279	14-03-2025	EFT	INV-19229	WEST WIDE AUTO ELECTRICS	Repairs - inverter - Isuzu DMax - T0024	1,672.50
CP.279	14-03-2025	EFT	9047067178	WINC AUSTRALIA P/L	Depot, Library, Admin	263.12
CP.279	14-03-2025	EFT	4321131003	WURTH AUSTRALIA P/TY LTD	Freight for invoice 4321131003, not paid on original PO6825.	18.87
CP.279	14-03-2025	EFT	INV-1272	ZONE 50 ENGINEERING SURVEYS PTY LTD	Contractors - surveys - Toodyay Bindi Bindi Road. SLK 5.63 - 7.02 progress Claim 3	1,855.70
CP.280	24-03-2025	EFT	INV-0262	ASCENTIVE PTY LTD	Consulting - buildings assessment framework and review -	1,852.84
CP.280	24-03-2025	EFT	INV-7085	AVON VALLEY WINDSCREENS	Replacement windscreen for T000	1,144.00
CP.280	24-03-2025	EFT	0004656	BRIGHTMARK GROUP PTY LTD	Cleaning consumables - February 2025	1,645.84
CP.280	24-03-2025	EFT	0004574	BRIGHTMARK GROUP PTY LTD	Contractor - contract cleaning - 1 year for Shire buildings - 28 February 2025	13,861.47
CP.280	24-03-2025	EFT	489	BRODERICK WASTE SOLUTIONS	Management of waste transfer - fortnight ended 4 March 2025	6,050.00
CP.280	24-03-2025	EFT	491	BRODERICK WASTE SOLUTIONS	Management of waste transfer - fortnight ending 18 March 2025	6,050.00
CP.280	24-03-2025	EFT	INV-6385	C & F BUILDING APPROVALS	Contract building surveyor - building permits - 6 March 2025	2,860.00
CP.280	24-03-2025	EFT	INV-6354	C & F BUILDING APPROVALS	Contract building surveyor services - building approvals - 26 February 2025	1,650.00
CP.280	24-03-2025	EFT	INV-6431	C & F BUILDING APPROVALS	Contract building surveyor services - 07/03/2025	5,940.00
CP.280	24-03-2025	EFT	Councillor Allowances - March 2025	Charmeine Gail DURI	Councillor allowances - March 2025	1,504.50

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.280	24-03-2025	EFT	5871	CLOUD COLLECTIONS PTY LTD	Solicitor Fee - attendance to LG Act 6.64	638.55
CP.280	24-03-2025	EFT	CINS3180340 + CINS3180373	CTI SECURITY	Alarm monitoring - Community Centre and Connors Mill (next to visitors centre)	405.84
CP.280	24-03-2025	EFT	Councillor Allowances - March 2025	Danielle Kim WRENCH	Councillor allowances - March 2025	1,504.50
CP.280	24-03-2025	EFT	15747058	EQUIFAX	Fit to work integrity checks - February 2025	112.09
CP.280	24-03-2025	EFT	85012	FRONTLINE FIRE & RESCUE EQUIPMENT	EMC - reflective name sticker - code: 66849 - 17 January 2025	11.00
CP.280	24-03-2025	EFT	85068	FRONTLINE FIRE & RESCUE EQUIPMENT	EMC - supply code - 63392 - 14 x pacific clip on visor to suit BR9WB helmet	943.93
CP.280	24-03-2025	EFT	063412	HAVE A GO NEWS	VC - advertising in Have A Go News for their April edition	533.61
CP.280	24-03-2025	EFT	29907	HESPERIAN PRESS	VC - various books to sell in the Visitors Centre - 20 February 2025	322.35
CP.280	24-03-2025	EFT	43742	JASON SIGNMAKERS	EMC - fire truck signage stickers - 16/01/2025	577.51
CP.280	24-03-2025	EFT	44008	JASON SIGNMAKERS	Depot - "No camping signage" - Cobblers Pool - 28/01/2025	1,125.60
CP.280	24-03-2025	EFT	42614	JASON SIGNMAKERS	EMC - Fire Truck signwriting/stickers - 23 November 2024	2,090.47
CP.280	24-03-2025	EFT	Councillor Allowances - March 2025	John Anthony PRATER	Councillor allowances - March 2025	1,504.50
CP.280	24-03-2025	EFT	00105416	KLEEN WEST DISTRIBUTORS	Roll towel for Admin building	69.52
CP.280	24-03-2025	EFT	IN-744226	LADELLE PTY LTD	VC - giftware to sell at the Visitors Centre 3 March 2025	2,034.62
CP.280	24-03-2025	EFT	INV-0039	LEYLAND ENGINEERING SERVICES	Vehicle service - For - T0019 - Hino truck - 13 March 2025	1,130.00
CP.280	24-03-2025	EFT	INV-3617	LEYLAND ENGINEERING SERVICES	Depot - service Holden Colorado Ute T0003 - 26 February 2025	1,687.00
CP.280	24-03-2025	EFT	Councillor Allowances - March 2025	Michael Vincent MCKEOWN	Councillor allowances - March 2025	3,025.08
CP.280	24-03-2025	EFT	Councillor Allowances - March 2025	Michelle Louise DIVAL	Councillor allowances - March 2025	2,212.67
CP.280	24-03-2025	EFT	00005029	MM MECHANICAL PTY LTD	Contractor - repairs - pressure cleaner hose replacement	840.94

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.280	24-03-2025	EFT	00005032	MM MECHANICAL PTY LTD	Mechanical - service - mulcher	561.00
CP.280	24-03-2025	EFT	INV_20250312_1211	MORRIS PEST AND WEED CONTROL	Pest control - Shire buildings - Julimar Rd, Hall Rd, Cobbler Pool Rd, Toodyay West Rd, Telegraph Rd,	5,935.60
CP.280	24-03-2025	EFT	46628	NORTH STAR SECURITY NOMINEES PTY LTD	Security service for Toodyay Aquatic Centre - 31/1/2025	465.39
CP.280	24-03-2025	EFT	47096	NORTH STAR SECURITY NOMINEES PTY LTD	12 months security for Toodyay Aquatic and Toodyay Pavilion - April to June 2025	314.60
CP.280	24-03-2025	EFT	47054	NORTH STAR SECURITY NOMINEES PTY LTD	Security services for Toodyay Recreation Centre	157.30
CP.280	24-03-2025	EFT	DINV-31813	OFFICEASY PTY LTD	Depot - suppy 3 x OPCWS18L - Orion Plus corner work station Left 1800	1,137.00
CP.280	24-03-2025	EFT	P568377	PENTANET LIMITED	NBN business unlimited data for Shire Office 15 Fiennes St, 67 Stirling St, 96 Stirling Terrace, 5 Piesse	926.90
CP.280	24-03-2025	EFT	12873	RELIABLE ASSET MAINTENANCE	Contractors - repairs - leaking roof - 19B Clinton Street	1,031.80
CP.280	24-03-2025	EFT	Councillor Allowances - March 2025	Rosemary June MADACSI	Councillor allowances - March 2025	1,504.50
CP.280	24-03-2025	EFT	137696 and 137697	SECURUS	Security - service - Old Mill - Visitor Centre - Community Resource Centre - 27 February 2025	1,166.39
CP.280	24-03-2025	EFT	701099111	SEEK LTD	Advertisements for vacant CDO and Librarian roles.	1,034.00
CP.280	24-03-2025	EFT	701080893	SEEK LTD	Advert - Seek - Infrastructure Assets and Services Technical Officer	396.00
CP.280	24-03-2025	EFT	5219379	SHERRIN RENTALS PTY LTD	Water truck hire from 1/02/2025 - 21/02/2025 water - damage waiver - 1/02/2025 - 28/02/2025	10,373.00
CP.280	24-03-2025	EFT	5218881	SHERRIN RENTALS PTY LTD	Contractors - plant hire - water truck - 1-21/02/2025 - 1-21/02/2025 waiver and fees and duties	7,933.75
CP.280	24-03-2025	EFT	31633	SHIRE OF NORTHAM	Contractor - tip fees - Old Quarry Rd tipping fees - January 2025	30,384.00
CP.280	24-03-2025	EFT	31498	SHIRE OF NORTHAM	Contractor - tip fees - Old Quarry Rd tipping fees - December 2024	28,734.95
CP.280	24-03-2025	EFT	3552409	SONIC HEALTHPLUS PTY LTD	Pre-employment medical for Staff - Traineeship	232.10
CP.280	24-03-2025	EFT	185	STALLION BUILDING CO PTY LTD	BFS - Coondle Fire Station shed damage repair (Insurance)	2,915.00
CP.280	24-03-2025	EFT	Councillor Allowances - March 2025	Steven John MCCORMICK	Councillor allowances - March 2025	1,504.50

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.280	24-03-2025	EFT	99 - 2025	THE COLA CAFE	BFS - drinking supplies - 20 x boxes of mixed flavour powerades	740.00
CP.280	24-03-2025	EFT	iNV 0001	TONY MADDOX REAL ESTATE	Property management - plumbing, replace HWS, 19B Clinton Street	2,725.00
CP.280	24-03-2025	EFT	Department Expenses - November 2024	TOODYAY IGA	Department expenses - November 2024 - VC, CRC, Councillors, Admin, Library, BFB, Depot, Planning	1,419.90
CP.280	24-03-2025	EFT	Department Expenses - December 2024	TOODYAY IGA	Department expenses - December 2024 - VC, CRC, Councillors, Admin, Library, BFB, Depot, Planning	883.09
CP.280	24-03-2025	EFT	590854	TOODYAY TRADERS	Supplier - Davey Pump Power Master 200 water pump - atock	1,299.00
CP.280	24-03-2025	EFT	590126	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	45.00
CP.280	24-03-2025	EFT	591620	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	22.00
CP.280	24-03-2025	EFT	591624	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	29.00
CP.280	24-03-2025	EFT	591623	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	43.80
CP.280	24-03-2025	EFT	590125	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	45.00
CP.280	24-03-2025	EFT	591733	TOODYAY TRADERS	Parts - batteries - P & G 3 x AP300S Stihl batteries. @ $379.00 each inc GST	1,137.00
CP.280	24-03-2025	EFT	591064	TOODYAY TRADERS	Parts - batteries - P & G 3 x AP300S Stihl batteries. @ $379.00 each inc GST	6,995.00
CP.280	24-03-2025	EFT	591087	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	19.50
CP.280	24-03-2025	EFT	591177	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	19.50
CP.280	24-03-2025	EFT	591059	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	29.50
CP.280	24-03-2025	EFT	591053	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	47.25
CP.280	24-03-2025	EFT	591028	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	27.90
CP.280	24-03-2025	EFT	590712	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	17.50
CP.280	24-03-2025	EFT	590537	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	23.00

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.280	24-03-2025	EFT	591120	TOODYAY TRADERS	Purchases - February 25 - Depot under $60	40.40
CP.280	24-03-2025	EFT	INV-9280	TOODYAY TYRE & EXHAUST	BFS - Morangup 2.4 - 2 x Hankook 275/70 22.5R	1,352.00
CP.280	24-03-2025	EFT	INV-9288	TOODYAY TYRE & EXHAUST	Vehicle repairs - T0013 new tyres x 4	1,399.00
CP.280	24-03-2025	EFT	inv-9292	TOODYAY TYRE & EXHAUST	Depot - vehicle tyres - wheel balance on T0016 and refit - 12 February 2025	209.00
CP.280	24-03-2025	EFT	INV-9300	TOODYAY TYRE & EXHAUST	Depot - vehicle tyre repair on hire water truck - 14 February 2025	75.00
CP.280	24-03-2025	EFT	INV-9303	TOODYAY TYRE & EXHAUST	Depot - vehicle - new tyres and wheel balance T0000 - 14 February 2025	851.00
CP.280	24-03-2025	EFT	INV-9277	TOODYAY TYRE & EXHAUST	Repairs - replace 2 tyres - prime mover T0011	1,322.20
CP.280	24-03-2025	EFT	INV-9241	TOODYAY TYRE & EXHAUST	Repairs - tyres - fuel truck 1 tyre - small truck wheel balance - tyre disposal - 23 January 2025	482.00
CP.280	24-03-2025	EFT	INV-9217	TOODYAY TYRE & EXHAUST	Repairs - tyres - Isuzu MU - X T000, CEO 4 x tyres - disposal	1,372.00
CP.280	24-03-2025	EFT	9593	TUDOR HOUSE (WA) PTY LTD	Purchase of Australian and Aboriginal flags to hand out the front of the Visitors Centre	263.00
CP.280	24-03-2025	EFT	9694	VERNICE PTY LTD	Supply and delivery of gravel for road reconstruction work - Toodyay Bindi Bindi Black Spot project - 14-25	137,940.00
CP.280	24-03-2025	EFT	9747	VERNICE PTY LTD	Contractor - water cart hire - Toodyay Bindi Bindi Rd 19/01/2025 - 45000 litres $6.70	1,704.00
CP.280	24-03-2025	EFT	9746	VERNICE PTY LTD	Contractor - wages - Toodyay Bindi Bindi Rd 26.5 hours KIETH	2,186.25
CP.280	24-03-2025	EFT	9756	VERNICE PTY LTD	Vernice - gravel - Toodyay Bindi Bindi Rd - 17 February 2025	25,504.27
CP.280	24-03-2025	EFT	9757	VERNICE PTY LTD	Contractor - dry hire roller 17-21 February + fuel and demobilse	2,017.36
CP.280	24-03-2025	EFT	9776	VERNICE PTY LTD	Contractor - water tanker hire February 2025 $230 + GST day x 6 days	1,518.00
CP.280	24-03-2025	EFT	00001160	WACWIL LANDSCAPING & EARTHWORKS PTY LTD	Wacwil - mulch delivery misc town sites - newcastle park, recreation centre and medical centre -	3,080.00
CP.280	24-03-2025	EFT	INV-19674	WEST WIDE AUTO ELECTRICS	Repairs - lights - trailer T4708	603.75
CP.280	24-03-2025	EFT	9046833942	WINC AUSTRALIA P/L	All departments - stationery - December 2024	1,062.43

Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.280	24-03-2025	EFT	INV-1281	ZONE 50 ENGINEERING SURVEYS PTY LTD	Contractors - surveys/design - Bindoon Dewars Pool Road - SLK16.00-24.60 1077-022A variation	5,368.00
					EFT Total	**1,071,583.33**

Payroll Payments			
	Date	Description	Amount
	05-03-2025	PPE Payroll - 05-03-2025	-$16,196.85
	12-03-2025	PPE Payroll - 12-03-2025	-$98,981.89
	17/03/2025	Superchoice P/L - 17-03-2025	-$18,525.76
	26-03-2025	PPE Payroll - 26-03-2025	-$105,824.40
	27/03/2025	Superchoice P/L - 27-03-2025	-$19,796.39
		Payroll Total	**-$259,325.29**

Credit Card Payments				
Payment Number	Date		Invoice Description	Inclusive Amount
	14/02/2025	Credit Card - CEO - Aaron Bowman	Adobe - subscription	$559.86
			Seek - advertising - staff	$467.50
			Adobe - subscription	$21.71
			Wilson Parking - Perth	$12.15
			Bloomy's -	$80.00
			Department of Transport - John Deere Grader	$273.80
			Adobe - subscription	$597.85

Credit Card Payments					
Payment Number	Date			Invoice Description	Inclusive Amount
				Card Fee	$4.00
	14/02/2025	Credit Card - EMAS - Vanessa Crispe		Subaru Wangara - Service on EMEDCS car	$1,529.65
				Subaru Wangara - Service on EMEDCS car	$764.82
				Dormakaba - Security Call out - Visitors Centre	$242.00
				Lone Rangers - Lokaway replacement key set	$269.95
				Department of Transport - disclosure of information fee	$9.10
				Card fee	$4.00
	14/02/2025	Credit Card - EMDR - Paul Nuttall		ASIC search for company proof of ownership	$10.00
				Card Fee	$4.00
	14/02/2025	Credit Card - EMFCS - Alan Hart		Fuel - 1HQF-952	$105.43
				Card Fee	$4.00
	14/02/2025	Credit Card - CESM - Rob Kosh		Smartsheet - subscription	$114.89
				International Transaction Fee	$3.45
				Card Fee	
				Other Total	**$5,078.16**

Other Payments (including Direct Debits)					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	03-03-2025	FTS DE PROCESS GST	Bendigo Bank	Bendigo 0388171096	$3.50
	3/03/2025	Merchant fee 788	Commonwealth Bank of Australia	Merchant fees	$63.79

Other Payments (including Direct Debits)					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	03-03-2025	Merchant fee 422	Commonwealth Bank of Australia	Merchant fees	$480.61
	3/03/2025	Merchant fee 421	Commonwealth Bank of Australia	Merchant fees	$182.58
	03-03-2025	Merchant fee 789	Commonwealth Bank of Australia	Merchant fees	$95.07
	3/03/2025	Merchant fee 788	Commonwealth Bank of Australia	Merchant fees	$63.79
	3/03/2025	FTS DE PROCESS GST	Bendigo Bank	Bendigo 0388171096	$3.50
	6/03/2025	Bank fee - 6/3/25	Bendigo Bank	Bank fee	$0.11
	6/03/2025		QPC Group	Freight charges - toner	$33.00
	6/03/2025		QPC Group	Photocopier lease	$3,165.05
	7/03/2025		QPC Group	Freight charges - toner	$33.00
	7/03/2025		BC+AL Copley	Rent - 42 Jubilee Street	$500.00
	10/03/2025	Bank fee - 10/3/25	Bendigo Bank	Bank fee	$4.51
	11/03/2025	Paymate	Paymate	Community Standpipe controller usage fee	$0.49
	12/03/2025	CNHi Australia	CNHi Australia	Iveco truck lease March 2025	$3,207.70
	13/03/2025	Bank fee - 13/3/25	Bendigo Bank	Bank fee	$6.82
	14/03/2025	Bank fee - 14/3/25	Bendigo Bank	Bank fee	$3.19
	14/03/2025		BC+AL Copley	Rent - 42 Jubilee Street	$500.00
	17/03/2025	Bpoint	Bpoint	Transaction Fee	$58.37
	18/03/2025		Gear Select Pty Ltd	Drum roller lease March 2025	$2,296.91
	18/03/2025		SG Fleet Australia	Hino 2023 Tip Truck lease T0010	$8,801.37

Other Payments (including Direct Debits)					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	24/03/2025	Bank fee - 24/3/25	Bendigo Bank	Bank fee	$4.95
	24/03/2025		Komatsu Australia	Grader lease March 2025	$4,560.99
	26/03/2025		QPC Group	Freight charges - toner	$33.00
	26/03/2025	Bank fee - 26/3/25	Bendigo Bank	Bank fee	$7.04
	28/03/2025		BC+AL Copley	Rent - 42 Jubilee Street	$500.00
	31/03/2025		CHG-Meridian Australia	Solar Lease Payout - Library + Depot	$2,635.05
	31/03/2025		CHG-Meridian Australia	Solar Lease Payout - Library + Depot	$148.19
	31/03/2025		QPC Group	Photocopier lease	$2,528.39
				Other Total	**$29,920.97**

SHIRE OF TOODYAY

MONTHLY FINANCIAL REPORT

(Containing the required statement of financial activity and statement of financial position)

FOR THE PERIOD ENDED 31 MARCH 2025

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Statement of Financial Activity	2
Statement of Financial Position	3
Basis of Preparation	4
Net Current Assets Information	5
Explanation of Variances	6

SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2025

	Adopted Budget Estimates (a) $	Amended Budget Estimates (aa) $	YTD Budget Estimates (b) $	YTD Actual (c) $	Variance* $ (c) - (b) $	Variance* % ((c) - (b))/(b) %	Var.
OPERATING ACTIVITIES							
Revenue from operating activities							
General rates	8,024,667	8,024,667	8,024,667	**8,039,366**	14,699	0.18%	
Grants, subsidies and contributions	1,026,310	1,026,310	769,733	**930,500**	160,768	20.89%	▲
Fees and charges	1,736,696	1,736,696	1,302,522	**1,659,457**	356,935	27.40%	▲
Interest revenue	275,310	275,310	206,483	**71,736**	(134,747)	(65.26%)	▼
Other revenue	298,915	298,915	224,186	**351,135**	126,949	56.63%	▲
	11,361,898	**11,361,898**	**10,527,590**	**11,052,194**	**524,604**	4.98%	
Expenditure from operating activities							
Employee costs	(5,330,344)	(5,330,344)	(3,997,758)	**(3,172,809)**	824,949	20.64%	▲
Materials and contracts	(4,899,838)	(4,899,838)	(3,674,879)	**(4,248,028)**	(573,150)	(15.60%)	▼
Utility charges	(607,721)	(607,721)	(455,791)	**(507,474)**	(51,683)	(11.34%)	▼
Depreciation	(3,813,166)	(3,813,166)	(2,859,875)	**(4,245)**	2,855,630	99.85%	▲
Finance costs	(133,467)	(133,467)	(100,100)	**(58,505)**	41,595	41.55%	▲
Insurance	(479,211)	(479,211)	(359,408)	**(523,240)**	(163,832)	(45.58%)	▼
Other expenditure	(271,693)	(271,693)	(203,770)	**(221,313)**	(17,543)	(8.61%)	
	(15,535,440)	**(15,535,440)**	**(11,651,580)**	**(8,735,614)**	**2,915,966**	25.03%	
Non cash amounts excluded from operating activities	3,813,166	3,813,166	2,916,982	**33,313**	(2,883,669)	(98.86%)	▼
Amount attributable to operating activities	**(360,376)**	**(360,376)**	**1,792,992**	**2,349,893**	**556,901**	31.06%	
INVESTING ACTIVITIES							
Inflows from investing activities							
Proceeds from capital grants, subsidies and contributions	3,698,230	3,698,230	2,773,673	**955,731**	(1,817,942)	(65.54%)	▼
Proceeds from disposal of assets	247,000	232,000	232,000	**416,781**	184,781	79.65%	▲
	3,945,230	**3,930,230**	**3,005,673**	**1,434,890**	**(1,570,783)**	(52.26%)	
Outflows from investing activities							
Payments for property, plant and equipment	(1,814,308)	(1,799,308)	(742,217)	**(49,995)**	692,222	93.26%	▲
Payments for construction of infrastructure	(4,308,914)	(4,308,914)	(3,231,685)	**(2,704,489)**	527,196	16.31%	▲
	(6,123,222)	**(6,108,222)**	**(3,973,902)**	**(2,754,484)**	**1,219,418**	30.69%	
Amount attributable to investing activities	**(2,177,992)**	**(2,177,992)**	**(968,229)**	**(1,319,594)**	**(351,365)**	(36.29%)	
FINANCING ACTIVITIES							
Inflows from financing activities							
Transfer from reserves	448,061	488,061	0	**0**	0	0.00%	
	448,061	**488,061**	**0**	**0**	**0**	0.00%	
Outflows from financing activities							
Payments for principal portion of lease liabilities	(247,680)	(247,680)	(185,760)	**0**	185,760	100.00%	▲
Repayment of borrowings	(287,014)	(287,014)	(108,249)	**(108,249)**	0	0.00%	
Transfer to reserves	(210,000)	(210,000)	(3,133)	**(3,133)**	0	0.00%	
	(744,694)	**(744,694)**	**(297,142)**	**(111,382)**	**185,760**	62.52%	
Amount attributable to financing activities	**(296,633)**	**(256,633)**	**(297,142)**	**(111,382)**	**185,760**	62.52%	
MOVEMENT IN SURPLUS OR DEFICIT							
Surplus or deficit at the start of the financial year	2,835,000	2,835,000	2,835,000	**2,021,596**	(813,404)	(28.69%)	▼
Amount attributable to operating activities	(360,376)	(360,376)	1,792,992	**2,349,893**	556,901	31.06%	▲
Amount attributable to investing activities	(2,177,992)	(2,177,992)	(968,229)	**(1,319,594)**	(351,365)	(36.29%)	▼
Amount attributable to financing activities	(296,633)	(256,633)	(297,142)	**(111,382)**	185,760	62.52%	▲
Surplus or deficit after imposition of general rates	**0**	**0**	**3,362,621**	**2,940,513**	**(422,108)**	(12.55%)	▼

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data outside the adopted materiality threshold.
▲ Indicates a variance with a positive impact on the financial position.
▼ Indicates a variance with a negative impact on the financial position.
Refer to Note for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF TOODYAY
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 31 MARCH 2025

	Actual 30 June 2024	Actual as at 31 March 2025
	$	$
CURRENT ASSETS		
Cash and cash equivalents	7,067,436	6,381,866
Trade and other receivables	2,160,270	3,719,009
Inventories	117,342	123,871
Other assets	15,216	14,875
TOTAL CURRENT ASSETS	9,360,264	10,239,621
NON-CURRENT ASSETS		
Trade and other receivables	325,630	296,562
Other financial assets	62,378	62,378
Property, plant and equipment	41,019,991	41,069,984
Infrastructure	152,601,779	155,306,270
Right-of-use assets	435,322	435,322
TOTAL NON-CURRENT ASSETS	194,445,100	197,170,516
TOTAL ASSETS	203,805,364	207,410,137
CURRENT LIABILITIES		
Trade and other payables	1,599,007	2,355,735
Other liabilities	1,787,113	1,801,072
Lease liabilities	152,727	152,727
Borrowings	287,014	287,014
Employee related provisions	561,349	172,733
TOTAL CURRENT LIABILITIES	4,387,210	4,769,281
NON-CURRENT LIABILITIES		
Lease liabilities	286,944	286,944
Borrowings	4,656,919	4,548,670
Employee related provisions	46,003	46,003
TOTAL NON-CURRENT LIABILITIES	4,989,866	4,881,617
TOTAL LIABILITIES	9,377,076	9,650,898
NET ASSETS	**194,428,288**	**197,759,239**
EQUITY		
Retained surplus	72,754,958	76,082,776
Reserve accounts	2,657,242	2,660,375
Revaluation surplus	119,016,088	119,016,088
TOTAL EQUITY	**194,428,288**	**197,759,239**

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2025

BASIS OF PREPARATION AND MATERIAL ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements
Section 6.4(2) of the Local Government Act 1995 read with the *Local Government (Financial Management) Regulations 1996,* prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supplementary information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

PREPARATION TIMING AND REVIEW

Balances as at 31 March 2025, report prepared 06 April 2025

THE LOCAL GOVERNMENT REPORTING ENTITY
All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

MATERIAL ACCOUNTING POLICES
Material accounting policies utilised in the preparation of these statements are as described within the 2024-25 Annual Budget. Please refer to the adopted budget document for details of these policies.

Critical accounting estimates and judgements
The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

As with all estimates, the use of different assumptions could lead to material changes in the amounts reported in the financial report.

The following are estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year and further information on their nature and impact can be found in the relevant note:
- Fair value measurement of assets carried at reportable value including:
  - Property, plant and equipment
  - Infrastructure
- Impairment losses of non-financial assets
- Expected credit losses on financial assets
- Assets held for sale
- Investment property
- Estimated useful life of intangible assets
- Measurement of employee benefits
- Measurement of provisions
- Estimation uncertainties and judgements made in relation to lease

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2025

NET CURRENT ASSETS INFORMATION

(a) Net current assets used in the Statement of Financial Activity

	Note	Amended Budget Opening 1 July 2024	Actual as at 30 June 2024	Actual as at 31 March 2025
Current assets		**$**	**$**	**$**
Cash and cash equivalents		4,219,676	7,067,436	6,381,866
Trade and other receivables		1,961,474	2,160,270	3,719,009
Inventories		120,854	117,342	123,871
Other assets		(105,307)	15,216	14,875
		6,196,697	9,360,264	10,239,621
Less: current liabilities				
Trade and other payables		(666,575)	(1,599,007)	(2,355,735)
Other liabilities		(92,535)	(1,787,113)	(1,801,072)
Lease liabilities		(226,063)	(152,727)	(152,727)
Borrowings		(287,014)	(287,014)	(287,014)
Employee related provisions		(347,793)	(561,349)	(172,734)
		(1,619,980)	(4,387,210)	(4,769,282)
Net current assets		4,576,717	4,973,054	5,470,339
Less: Total adjustments to net current assets	0(b)	(1,741,717)	(1,951,458)	(2,529,826)
Closing funding surplus / (deficit)		**2,835,000**	**2,021,596**	**2,940,513**

(b) Current assets and liabilities excluded from budgeted deficiency

Adjustments to net current assets				
Less: Reserve accounts		(2,552,224)	(2,657,242)	(2,660,375)
Less: Movement in employee liabilities		0	0	(481,925)
Add: Current liabilities not expected to be cleared at the end of the year				
- Current portion of lease liabilities		226,063	152,727	152,727
- Current portion of borrowings		287,014	287,014	287,014
- Current portion of employee benefit provisions held in reserve		297,430	266,043	172,733
Total adjustments to net current assets	0(a)	**(1,741,717)**	**(1,951,458)**	**(2,529,826)**

(c) Non-cash amounts excluded from operating activities

	Amended Budget Estimates 30 June 2025	YTD Budget Estimates 31 March 2025	YTD Actual 31 March 2025
	$	**$**	**$**
Adjustments to operating activities			
Add: Depreciation	3,813,166	2,934,213	4,245
- Pensioner deferred rates	0	(17,231)	29,068
Total non-cash amounts excluded from operating activities	**3,813,166**	**2,916,982**	**33,313**

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the local governments' operational cycle.

AASB 101.10(e) **SHIRE OF TOODYAY**
AASB 101.51 **NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**
AASB 101.112 **FOR THE PERIOD ENDED 31 MARCH 2025**

FM Reg 34 (2)(b) **EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.
The material variance adopted by Council for the 2024-25 year is $10,000 and 10.00% whichever is the greater.

Description	Var. $	Var. %	
	$	%	
Revenue from operating activities			
Grants, subsidies and contributions	**160,768**	**20.89%**	▲
Recognition of grants in some instances relies on the expenditure related to the revenue. Grants received in advance of expenditure when under contract are held in liabilities until spent.		Timing	
Fees and charges	**356,935**	**27.40%**	▲
Year to date budget is not aligned to actual revenue income.		Timing	
Interest revenue	**(134,747)**	**(65.26%)**	▼
Budget timing error - Interest earnings expected to be lower at this time of year due to current cash on hand balances.		Timing	
Other revenue	**126,949**	**56.63%**	▲
This total includes reimbursements and recoups for Workers Compensation payments and shared roles eg. Community Emergency Services Manager and Environmental Sustainability Officer. Debt Collection fees have been oncharged		Permanent	
Expenditure from operating activities			
Materials and contracts	**(573,150)**	**(15.60%)**	▼
Timing variance relates to timing of budget adoption as the majority of expenditure relates to operational activities. Capital projects timed to commence in August/September with a large proportion to be spent in second half of financial year.		Timing	
Utility charges	**(51,683)**	**(11.34%)**	▼
Utility costs are generally seasonal and will increase faster over summer months when reticulation resumes.		Timing	
Depreciation	**2,855,630**	**99.85%**	▲
Timing variance only - depreciation not allocated as at 31 January 2025.		Timing	
Finance costs	**41,595**	**41.55%**	▲
Timing only - Year to date budget loaded in system does match expected repayment schedule.		Timing	
Insurance	**(163,832)**	**(45.58%)**	▼
Invoices processed for payment . Timing variance only.		Timing	
Other expenditure	**0**	**0.00%**	
Timing variance only - budget allocated across the year evenly.		Timing	
Non cash amounts excluded from operating activities	**(2,883,669)**	**(98.86%)**	▼
Timing variance only - as per Depreciation variance stated above.		Timing	
Inflows from investing activities			
Proceeds from capital grants, subsidies and contributions	**(1,817,942)**	**(65.54%)**	▼
Timing variance - recognition of majority of progress payments for capital grants is reliant on timing of expenditure.		Timing	
Proceeds from disposal of assets	**184,781**	**79.65%**	▲
Disposal of assets timing depends on purchases of new plant items.		Timing	
Outflows from investing activities			
Payments for property, plant and equipment	**692,222**	**93.26%**	▲
Timing variance - major capital projects timing varies according to works program, weather variables and other factors.		Timing	
Payments for construction of infrastructure	**527,196**	**16.31%**	▲
Timing variance - major capital projects timing varies according to works program, weather variables and other factors.		Timing	

SHIRE OF TOODYAY

SUPPLEMENTARY INFORMATION

TABLE OF CONTENTS

1	Key Information	8
2	Key Information - Graphical	9
3	Receivables	10
4	Cash and Financial Assets	11
5	Reserve Accounts	12
6	Capital Acquisitions	13
7	Disposal of Assets	16
8	Other Current Assets	17
9	Payables	18
10	Borrowings	19
11	Other Current Liabilities	20
12	Grants and contributions	21
13	Capital grants and contributions	22
14	Lease Liabilities	23
15	Trust Fund	24

Supplementary information is presented for information purposes. The information does not comply with the disclosure requirements of the Australian Accounting Standards.

Note: The statements and accompanying information are prepared on all transactions recorded at the time of preparation and may vary following subsequent adjustments. It should be noted that 2023/2024 figures reflected in the following reports are an estimate of the end of year position only, and are subject to audit adjustments.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

1 KEY INFORMATION

Funding Surplus or Deficit Components

Funding surplus / (deficit)

	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)
Opening	$2.84 M	$2.84 M	$2.02 M	($0.81 M)
Closing	$0.00 M	$3.36 M	$2.94 M	($0.42 M)

Refer to Statement of Financial Activity

Cash and cash equivalents

	$6.38 M	% of total
Unrestricted Cash	$2.53 M	39.7%
Restricted Cash	$3.85 M	60.3%

Payables

	$2.36 M	% Outstanding
Trade Payables	$0.03 M	
0 to 30 Days		100.0%
Over 30 Days		0.0%
Over 90 Days		0.0%

Receivables

	$1.91 M	% Collected
Rates Receivable	$1.81 M	80.4%
Trade Receivable	$1.91 M	% Outstanding
Over 30 Days		0.0%
Over 90 Days		0.0%

Refer to 3 - Receivables

Key Operating Activities

Amount attributable to operating activities

Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)
($0.36 M)	$1.79 M	$2.35 M	$0.56 M

Refer to Statement of Financial Activity

Rates Revenue

YTD Actual	$8.04 M	% Variance
YTD Budget	$8.02 M	0.2%

Grants and Contributions

YTD Actual	$0.93 M	% Variance
YTD Budget	$0.77 M	20.9%

Refer to 12 - Grants and Contributions

Fees and Charges

YTD Actual	$1.66 M	% Variance
YTD Budget	$1.30 M	27.4%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities

Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)
($2.18 M)	($0.97 M)	($1.32 M)	($0.35 M)

Refer to Statement of Financial Activity

Proceeds on sale

YTD Actual	$0.42 M	%
Amended Budget	$0.23 M	79.6%

Asset Acquisition

YTD Actual	$2.63 M	% Spent
Amended Budget	$4.31 M	(39.0%)

Refer to 6 - Capital Acquisitions

Capital Grants

YTD Actual	$0.96 M	% Received
Amended Budget	$3.70 M	(74.2%)

Refer to 6 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities

Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)
($0.30 M)	($0.30 M)	($0.11 M)	$0.19 M

Refer to Statement of Financial Activity

Borrowings

Principal repayments	($0.11 M)
Interest expense	($0.06 M)
Principal due	$4.84 M

Refer to 10 - Borrowings

Reserves

Reserves balance	$2.66 M
Net Movement	$0.00 M

Refer to 5 - Cash Reserves

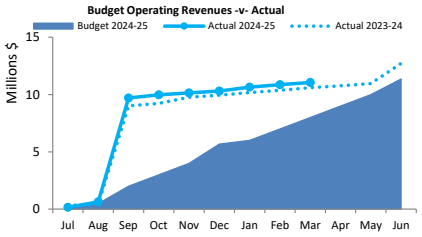
This information is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

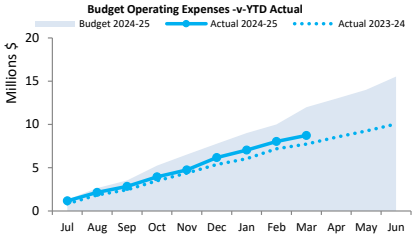
2 KEY INFORMATION - GRAPHICAL

OPERATING ACTIVITIES

OPERATING REVENUE

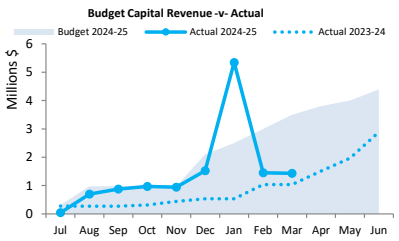


OPERATING EXPENSES

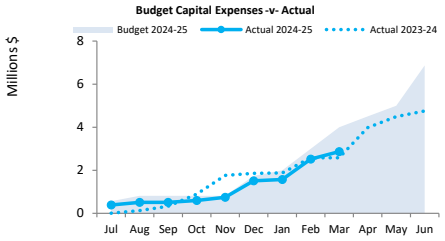


INVESTING ACTIVITIES

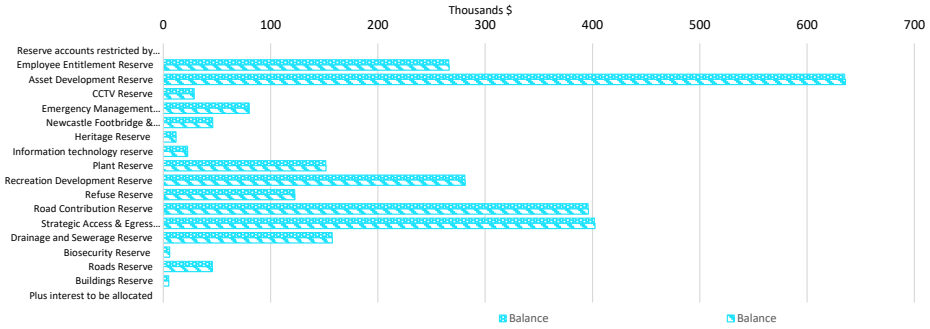
CAPITAL REVENUE



CAPITAL EXPENSES

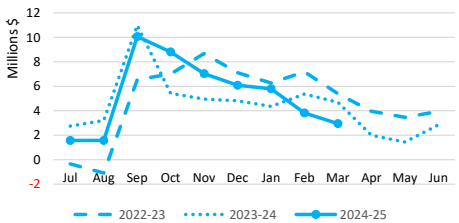


RESERVES



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

Closing funding surplus / (deficit)



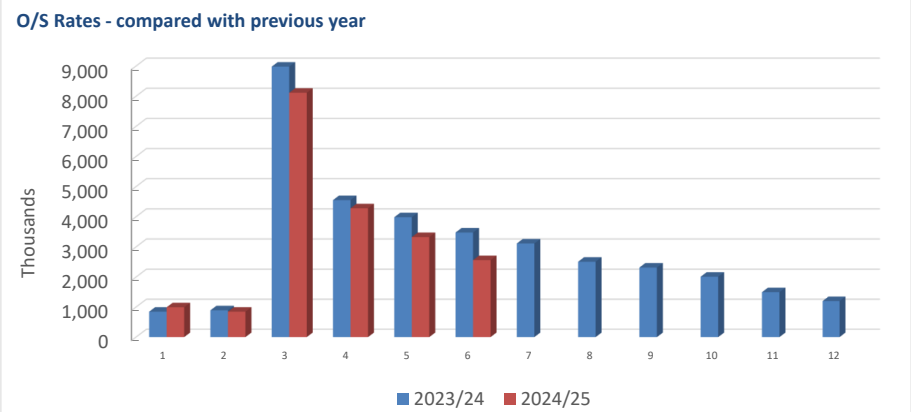
This information is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

OPERATING ACTIVITIES

3 RECEIVABLES

Outstanding Rates as at 31/03/2025 $ 1,810,980 **This time last year** $ 2,316,066

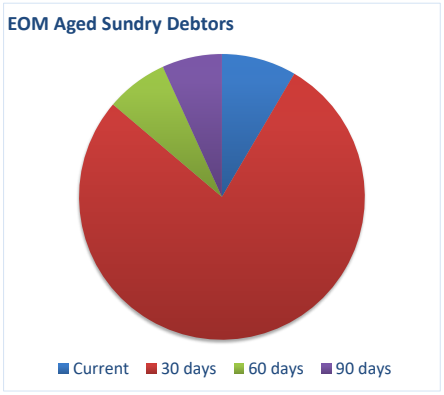


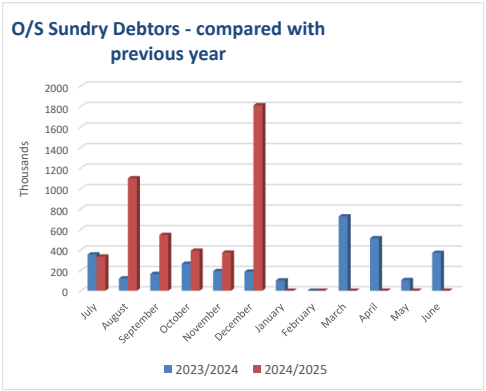
Sundry Debtors - general

	Credit $	Current $	30 Days $	60 Days $	90+ Days $	Total $
Sundry Debtors - general	0	500,752				500,752
Percentage	0.0%	100.0%	0.0%	0.0%	0.0%	

Balance per trial balance

Trade receivables	500,752
GST receivable	1,187,429
Rates Rebates Receivable	219,848
Total receivables general outstanding	**1,908,029**





KEY INFORMATION
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement
Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.

Further information
At the time of compiling these statements, no reconciliation of aged receivables was available.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

4 CASH AND FINANCIAL ASSETS AT AMORTISED COST

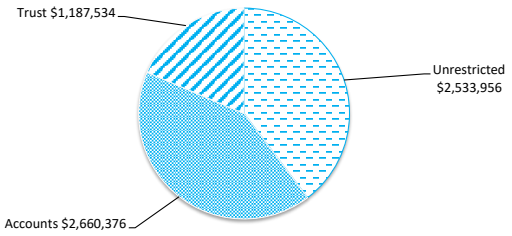
Description	Classification	Unrestricted	Reserves Accounts	Total	Trust
		$	$	$	$
Cash on hand					
Muni Account	Cash and cash equivalents	819,746		819,746	
Muni At Call	Cash and cash equivalents	534,170		534,170	
Muni Saver	Cash and cash equivalents	468,017		468,017	
Muni Cash deposit control	Cash and cash equivalents	190,992		190,992	
Reserve	Cash and cash equivalents		2,660,376	2,660,375	
Trust	Cash and cash equivalents	335,332		335,332	
Trust	Cash and cash equivalents	185,699		185,699	
BGC	Cash and cash equivalents	0		141,790	141,790
Toodyay Stone	Cash and cash equivalents	0		51,455	51,455
Opal Vale Pty Ltd	Cash and cash equivalents	0		126,857	126,857
Vernice Pty Ltd	Cash and cash equivalents	0		209,703	209,703
Boral Resources Ltd	Cash and cash equivalents	0		456,303	456,303
Ironbridge Properties Ltd	Cash and cash equivalents	0		33,214	33,214
Vernice Pty Ltd	Cash and cash equivalents	0		24,492	24,492
Opal Vale Pty Ltd - Landfill Bo	Cash and cash equivalents	0		124,073	124,073
Taqwa Holdings - Landscape	Cash and cash equivalents	0		9,591	9,591
Avon Earthworks	Cash and cash equivalents	0		10,056	10,056
Total		**2,533,956**	**2,660,376**	**6,381,866**	**1,187,534**
Comprising					
Cash and cash equivalents		2,533,956	2,660,376	6,381,866	1,187,534
		2,533,956	**2,660,376**	**6,381,866**	**1,187,534**

KEY INFORMATION
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.
Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:
- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 8 - Other assets.

Bank reconciliation - As of 5 March 2025 the bank reconciliations have been completed for the period from **1 July 2024 to 31 March 2025. There are unresolved transaction lines within those reconciliations. The primary reason for this is staff turn over and training lag on the new accounting system software migration.** The lack of reconciliation may impact the accuracy of the cash balances reported in the financial statements and the completeness of recorded transactions. Management is undertaking measures to resolve the reconciliations and expects to resolve the issue by **30 June 2025.** The measures undertaken include audit completion for 2023-24, recruitment of more accounting staff, **reconciliation of source data to transactions in bank, and attention to entering all direct transactions from bank statements.**



SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

5 RESERVE ACCOUNTS

	Budget				Actual			
Reserve account name	Opening Balance	Transfers In (+)	Transfers Out (-)	Closing Balance	Opening Balance	Transfers In (+)	Transfers Out (-)	Closing Balance
	$	$	$	$	$	$	$	$
Reserve accounts restricted by Council								
Employee Entitlement Reserve	266,043			266,043	266,043	314		266,357
Asset Development Reserve	634,982		(200,000)	434,982	634,982	749		635,731
CCTV Reserve	28,804			28,804	28,804	34		28,838
Emergency Management Reserve	80,040			80,040	80,040	94		80,134
Newcastle Footbridge & Pedestrian Overpass Re	46,070			46,070	46,070	54		46,124
Heritage Reserve	11,860		(10,000)	1,860	11,860	14		11,874
Information technology reserve	22,686			22,686	22,686	27		22,713
Plant Reserve	161,465			161,465	151,465	179		151,644
Recreation Development Reserve	271,047	10,000		281,047	281,047	332		281,379
Refuse Reserve	122,560			122,560	122,560	144		122,704
Road Contribution Reserve	395,812	60,000	(64,280)	391,532	395,830	467		396,297
Strategic Access & Egress Reserve	351,766		(173,781)	177,985	401,766	474		402,240
Drainage and Sewerage Reserve	137,332			137,332	157,332	185		157,517
Biosecurity Reserve	1,036			1,036	6,036	7		6,043
Roads Reserve	20,722	50,000		70,722	45,721	54		45,775
Buildings Reserve				0	5,000	5		5,005
Plus interest to be allocated		90,000		90,000	0			0
	2,552,224	**210,000**	**(448,061)**	**2,314,163**	**2,657,242**	**3,133**	**0**	**2,660,375**

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

6 CAPITAL ACQUISITIONS

Capital acquisitions	Amended Budget	YTD Budget	YTD Actual	YTD Variance
	$	$	$	$
Land - freehold land	275,539	112,721	0	(112,721)
Buildings - specialised	340,000	139,091	0	(139,091)
Plant and equipment	1,163,769	476,087	45,000	(431,087)
Buildings - Heritage	35,000	14,318	4,995	(9,323)
Acquisition of property, plant and equipment	**1,814,308**	**742,217**	**49,995**	**(692,222)**
Infrastructure - roads	3,451,074	2,588,305	2,090,133	(498,172)
Infrastructure - Bridges	240,000	180,000	170,691	(9,309)
Infrastructure - Footpaths	0	0	691	691
Infrastructure - Drainage	20,000	15,000	0	(15,000)
Infrastructure - Other	597,840	448,380	367,603	(80,777)
Acquisition of infrastructure	**4,308,914**	**3,231,685**	**2,629,118**	**(602,567)**
Work in Progress			**75,371**	
Total of PPE and Infrastructure.	**6,123,222**	**3,973,902**	**2,754,484**	**(1,219,418)**
Right of use asset - Plant and equipment	247,680	185,760	0	(185,760)
Acquisition of right of use assets	**247,680**	**185,760**	**0**	**(185,760)**
Total capital acquisitions	**6,370,902**	**4,159,662**	**2,754,484**	**(1,480,549)**
Capital Acquisitions Funded By:				
Capital grants and contributions	3,698,230	2,773,673	955,731	(1,817,942)
Other (disposals & C/Fwd)	247,000	232,000	416,781	184,781
Reserve accounts				
Asset Development Reserve	200,000		0	0
Road Contribution Reserve	64,280		0	0
Strategic Access & Egress Reserve	173,781		0	0
Buildings Reserve	0		0	0
Contribution - operations	1,977,611	1,153,989	1,381,972	227,983
Capital funding total	**6,370,902**	**4,159,662**	**2,754,484**	**(1,405,178)**

KEY INFORMATION

Initial recognition

An item of property, plant and equipment or infrastructure that qualifies for recognition as an asset is measured at its cos

Upon initial recognition, cost is determined as the amount paid (or other consideration given) to acquire the assets, plus costs incidental to the acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materi used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads. For asse acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisit

Assets for which the fair value as at the date of acquisition is under $5,000 are not recognised as an asset in accordance with *Local Government (Financial Management) Regulation 17A(5).* These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larg asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Individual assets that are land, buildings and infrastructure acquired between scheduled revaluation dates of the asset c in accordance with the Shire's revaluation policy, are recognised at cost and disclosed as being at reportable value.

Measurement after recognition

Plant and equipment including furniture and equipment and right-of-use assets (other than vested improvements) are m using the cost model as required under *Local Government (Financial Management) Regulation 17A(2).* Assets held und the cost model are carried at cost less accumulated depreciation and any impairment losses being their reportable value

Reportable Value

In accordance with *Local Government (Financial Management) Regulation 17A(2),* the carrying amount of non-financial that are land and buildings classified as property, plant and equipment, investment properties, infrastructure or vested improvements that the local government controls.

Reportable value is for the purpose of *Local Government (Financial Management) Regulation 17A(4)* is the fair value of asset at its last valuation date minus (to the extent applicable) the accumulated depreciation and any accumulated impai losses in respect of the non-financial asset subsequent to its last valuation date.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

6 CAPITAL ACQUISITIONS (CONTINUED) - DETAILED

Capital expenditure total
Level of completion indicators

0%
20%
40%
60%
80%
100%
Over 100%

Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Asset Class	Account Description	Amended Budget	YTD Actual	(Under)/Over
		$	$	$
LAND				0
056.731.50	Non-Crown Land Mitigation Works - c/fwd - 50% funded	275,539	-	0
				0
BUILDINGS - SPECIALISED - GENERAL				0
107.733.50	Duke Street Toilet renewals	35,000		0
111.733.50	Memorial Hall upgrade - subject to funding	100,000		0
113.733.50	Racecourse Buildings - supported by Reserve transfer	200,000	-	200,000
134.733.50	Visitors Centre - Security/Duress Alarms	5,000		0
				0
BUILDINGS - SPECIALISED - HERITAGE				0
115.734.50	Library Brickworks - c/fwd 22-23	25,000		0
116.734.50	Donegans Cottage - Repair Works - c/fwd 22-23	5,000	4,995	(4,995)
116.734.50	Parkers Cottage - Repair Works - c/fwd 22-23	5,000		0
				0
PLANT AND EQUIPMENT				0
113.739.50	Evac Centre Generator	154,769	45,000	(45,000)
144.739.50	JCB 3CX Backhoe	125,000		0
144.739.50	Grader - C/fwd from 22/23	470,000		0
144.739.50	Side Tip Trailer - 1	100,000		0
144.739.50	Isuzu NQR 87/190 Crew Cab (P&G)	90,000		0
144.739.50	Holden Colorado 4x4 Dual Cab (CPF) - T0026	60,000		0
144.739.50	Holden Colorado 4x4 Dual Cab - T0003	52,000		0
144.739.50	Skid Steer Broom	7,000		0
144.739.50	Commuter Vehicle - WHS	30,000		0
144.739.50	1HCF525 CESM utility - DFES funded	75,000		0
				0
ROAD CONSTRUCTION				0
121.741.50	WSFN Project Development - Bindoon Dewars Pool Road	180,000	12,237	(12,237)
121.741.50	Toodyay-Bindi Bindi Road - SLK 5.63 - SLK 7.02 - Federal Black S	742,726	36,648	(36,648)
121.741.50	Toodyay-Bindi Bindi Road - SLK 7.02 - SLK 9.18 - RRG Grant	920,679	930,500	(930,500)
121.741.50	Toodyay-Bindi Bindi Road - SLK 20.35 - SLK 22.67 - RRG Grant	669,993	964,029	(964,029)
121.741.50	Hoddywell Road - SLK 0.00 - SLK 1.50 - Reseal - RC	47,617		0
121.741.50	Salt Valley Road - SLK 6.16 - SLK 8.47- Reseal	64,280		0
121.741.50	Bejoording Road -Various SLK's - Surface Repairs - Muni	138,325		0
121.741.50	Davies Road - SLK 0.00 - SLK 0.41- Upgrade - Muni	50,522		0
121.741.50	Phillips Road - SLK 0.00 - SLK 2.00- Upgrade - Muni	239,372		0
121.741.50	Northam Toodyay Road - Upgrade - Access	20,000		0
121.741.50	Access & Egress Projects - Road Upgrades - scope to be confirme	377,559		0
121.741.50	Julimar Rd - Rehabilitation - SLK 17.56-19.81	-	3,715	(3,715)
121.741.50	Julimar Rd - Rehabilitation - SLK 19.81-22.52	-	99,390	(99,390)
121.741.50	Bindi Bindi Toodyay Rd - SLK 11.08 to 13.45	-	12,291	(12,291)
121.741.50	Bindi Bindi Toodyay Rd - Wheel Pavement Repairs (2023/24)	-	30,624	(30,624)
121.741.50	Chitty Rd	-	699	(699)

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

6 CAPITAL ACQUISITIONS (CONTINUED) - DETAILED

Capital expenditure total
Level of completion indicators

Asset Class	Account Description	Adopted Budget	YTD Actual	Variance (Under)/Over
		$	$	$
DRAINAGE				
121.746.50	Toodyay Street Drainage	20,000	-	0
				0
BRIDGES				0
121.746.50	Bridge No. 4085 - Slaughterhouse Bridge - MRWA Design	90,000		0
121.746.50	Bridge No. 9025 - Newcastle Pedestrian Footbridge - Pile Replacement - LRCI and Renewals	150,000	170,691	(20,691)
121.746.50	Bridge Renewals - LRCI Funded 2023/24	-		30,000
				0
INFRASTRUCTURE - OTHER				0
113.747.50	Newcastle Park - Accessible Toilets - subject to funding (unconfirm	200,000		0
042.756.50	Shire Administration - Lighting and Footpath	15,000		0
054.756.50	Fire Water tanks various - CWSP Funding	158,840	23,473	(23,473)
053.738.50	CCTV Network upgrades	100,000		0
112.738.50	Swimming Pool Shades	15,000		0
113.756.50	Installation of Water Tanks - Recreation Centre	90,000	335,107	(335,107)
121.756.50	Charcoal Lane Lighting	11,000		0
121.756.50	Federation Square Lighting	8,000	-	0
137.756.50	Community Standpipe Shade structure	-	9,023	(9,023)
				0
FOOTPATHS				0
121.743.50	Shared Path - Jubilee Street	-	691	(691)
				0
WORK IN PROGRESS			75,371	0
		6,123,222	**2,754,484**	**(2,299,113)**

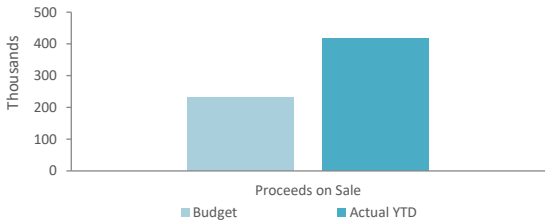
SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

OPERATING ACTIVITIES

7 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget Net Book Value	Budget Proceeds	Budget Profit	Budget (Loss)	YTD Actual Net Book Value	YTD Actual Proceeds	YTD Actual Profit	YTD Actual (Loss)
		$	$	$	$	$	$	$	$
	Plant and equipment								
	Various	232,000	232,000	0	0		416,781	0	0
		232,000	**232,000**	**0**	**0**	**0**	**416,781**	**0**	**0**

No profit or loss has been recorded because the disposal has not been processed in the asset register.
This will be processed after the 2023-24 audit is finalised, which is expected in April 2025.



SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

OPERATING ACTIVITIES

8 OTHER CURRENT ASSETS

Other current assets	Opening Balance 1 July 2024	Asset Increase	Asset Reduction	Closing Balance 31 March 2025
	$	$	$	$
Inventory				
Stores and Materials	83,535	6,529		90,064
Visitor Centre	33,807			33,807
Other assets				
Prepayments	341		(341)	0
Accrued income	14,875			14,875
Total other current assets	**132,558**	**6,529**	**(341)**	**138,746**

Amounts shown above include GST (where applicable)

KEY INFORMATION

Other financial assets at amortised cost

The Shire classifies financial assets at amortised cost if both of the following criteria are met:
- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Inventory

Inventories are measured at the lower of cost and net realisable value.
Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land held for resale

Land held for development and resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development.
Borrowing costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed onto the buyer at this point.

Land held for resale is classified as current except where it is held as non-current based on the Council's intentions to release for sale.

Contract assets

A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

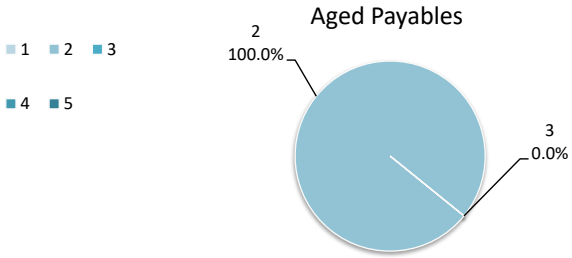
SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

OPERATING ACTIVITIES

9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	$	$	$	$	$	$
Payables - general	0	29,294	0	0	0	29,294
Percentage	0.0%	100.0%	0.0%	0.0%	0.0%	
Balance per trial balance						
Sundry creditors						29,294
Accrued salaries and wages						(214,228)
ATO liabilities						1,081,343
Superannuation payable						56,920
Other payables - Superanuuation						705
Other payables - Refunds Payable						148,188
Other payables - Accrued Expenses other						1,229,215
Other payables ESL						24,782
Total payables general outstanding						**2,355,735**
Amounts shown above include GST (where applicable)						

KEY INFORMATION
Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.
The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

10 BORROWINGS

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2024	New Loans Actual	New Loans Budget	Principal Repayments Actual	Principal Repayments Budget	Principal Outstanding Actual	Principal Outstanding Budget	Interest Repayments Actual	Interest Repayments Budget
		$	$	$	$	$	$	$	$	$
Loan 72 - Land - Rec Precint	72	558,785			0	(51,730)	558,785	507,055	0	(24,297)
Loan 75B - Recreation Precint	75B	3,949,228			(89,186)	(192,170)	3,860,042	3,757,058	(47,308)	(89,948)
Loan 71 - Depot - Stage 2	71	435,920			(19,063)	(43,114)	416,857	392,806	(11,197)	(19,222)
Total		**4,943,933**	**0**	**0**	**(108,249)**	**(287,014)**	**4,835,684**	**4,656,919**	**(58,505)**	**(133,467)**
Current borrowings		287,014					287,014			
Non-current borrowings		4,656,919					4,548,670			
		4,943,933					**4,835,684**			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION
The Shire has elected to recognise borrowing costs as an expense when incurred regardless of how the borrowings are applied.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

11 OTHER CURRENT LIABILITIES

Other current liabilities	Note	Opening Balance 1 July 2024	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 31 March 2025
		$	$	$	$	$
Other liabilities						
Capital grant/contributions liabilities		123,970	0	0	0	123,970
Other Liabilities - Bonds and Deposits		1,663,143	0	13,959	0	1,677,102
Total other liabilities		1,787,113	0	13,959	0	1,801,072
Employee Related Provisions						
Provision for annual leave		273,490	0		(283,720)	(10,230)
Provision for long service leave		287,859	0	0	(104,896)	182,963
Total Provisions		561,349	0	0	(388,616)	172,733
Total other current liabilities		**2,348,462**	**0**	**13,959**	**(388,616)**	**1,973,805**

Amounts shown above include GST (where applicable)

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.
The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

OPERATING ACTIVITIES

12 GRANTS, SUBSIDIES AND CONTRIBUTIONS

	Grants, subsidies and contributions revenue		
	Amended Budget Revenue	YTD Budget	YTD Revenue Actual
	$	$	$
Grants and subsidies			
WALGGC - Financial Assistance Grants - General Purpose	45,000	33,750	101,647
WALGGC - Financial Assistance Grants - Roads untied	35,000	26,250	16,773
DFES - Bushfire and Emergency Services Grant - LGGS BFB	269,826	202,370	269,615
DFES - Bushfire and Emergency Services Grant - LGGS SES	26,500	19,875	124,579
DFES - Mitigation Activity Fund 2024 Fire and Land Management	92,508	69,381	0
Services Australia - CRC Grant	108,000	81,000	0
DPIRD - CRC Operational Grant	8,899	6,674	0
Other Small Grants - CRC	8,371	6,278	140,165
Federal HSP Stream 1 - Housing project and planning	125,000	93,750	0
Avon Descent/Toodyay International Food Festival	25,000	18,750	26,300
MRWA Direct Grant - Untied	212,206	159,155	212,205
Road Contributions - Extractive Industries	60,000	45,000	29,216
Auspire Grant - Australia Day	10,000	7,500	10,000
	1,026,310	**769,733**	**930,500**

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

13 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

	Capital grants, subsidies and contributions revenue		
Provider	Amended Budget Revenue	YTD Budget	YTD Revenue Actual
	$	$	$
Capital grants and subsidies			
Community Water Supply Partnership Program - Bejoording Fire Tanks	100,000	75,000	0
State Grant in balance sheet	0	0	512
Disaster Ready Funding - Evacuation Centre Generator	77,384	58,038	10,000
Non-Crown Land Mitigation Project - River hills	137,770	103,328	0
WDC Community Arts - Memorial Hall Grant Funding	100,000	75,000	0
Community Water Supply Partnership Program - Rec Centre Water tanks	77,381	58,036	0
Newcastle Park toilets - unconfirmed funding	200,000	150,000	0
RRG RP 2/3 - Julimar Road 4211026 - SLK 19.81 - 22.52	95,316	71,487	0
RRG RP 2/3 Toodyay-Bindi Bindi Road - 4260197 - SLK 20.35 - 22.67	446,630	334,973	178,652
NBS 100% Toodyay-Bindi Bindi Road - SLK 5.63 - 7.02	777,846	583,385	311,138
SBS 2/3 Toodyay-Bindi Bindi Road - 7.02 - 9.58	613,656	460,242	245,462
Roads to Recovery Funding	636,891	477,668	0
LRCI Bridge No. 9025 - Newcastle Pedestrian Footbridge - Pile Replacement	93,455	70,091	0
WSFN Bindoon Dewars Pool Road	168,120	126,090	67,200
NDRR - Access & Egress Projects - Road Upgrades - scope to be confirmed	173,781	130,336	0
Emergency Bridge Fund - Bridge 4080 - Julimar Road - adjustment required	0	0	100,767
WABN Grants 2023/24 - C/fwd Footpath funds - adjustment required	0	0	42,000
	3,698,230	**2,773,673**	**955,731**

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

14 LEASE LIABILITIES

Movement in carrying amounts

Information on leases Particulars	Lease No.	1 July 2024	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		$	$	$	$	$	$	$	$	$
Komatsu Front End Loader - WA320-6		49,198				(53,472)	49,198	(4,274)		(25,056)
Komatsu Grader - GD655-5						(49,752)	0	(49,752)		(50,000)
Hino Tipper FS2844		187,885				(84,408)	187,885	103,477		(53,472)
Iveco Prime Mover		0				(34,992)	0	(34,992)		(59,000)
Wacker Neuson Vibrating Roller		22,798				(25,056)	22,798	(2,258)		(50,000)
Hino Truck		178,092					178,092	178,092		
Solar Library and Depot		1,698					1,698	1,698		
Total		**439,671**	**0**	**0**	**0**	**(247,680)**	**439,671**	**191,991**	**0**	**(237,528)**
Current lease liabilities		152,727					152,727			
Non-current lease liabilities		286,944					286,944			
		439,671					**439,671**			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION
At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is or contains a lease, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2025

15 TRUST FUND

Bonds and deposits held at balance date are as follows:

Description	Opening Balance 1 July 2024	Amount Received	Amount Paid	Closing Balance 31 March 2025
	$	$	$	$
Cash backed Term Deposits				**1,187,534**
T4 QARY Opal Vale - Sam Mandione	126,857			126,857
T100 QARY BGC	141,790			141,790
T114 QARY Vernice P/L	209,703			209,703
T214 QARY Toodyay Stone	51,455			51,455
T458 QARY Boral Resources	456,303			456,303
T797 ROAD Ironbridge Property	33,214			33,214
T805 QARY Vernice Pty Ltd	24,492			24,492
T809 QARY Opal Vale Landfill Bond	124,073			124,073
T811 PLAN TAQWA Holdings Landscape	9,591			9,591
T820 QARY Avon Earthworks	10,056			10,056
	1,187,534	**0**	**0**	**1,187,534**

Term deposits are currently under review as to retention, contracts and interest accruals.
Bonds and deposits not required to be held in trust by legislation, are included in the financial statements

Investment of Surplus Funds

Introduction

The investment of funds is a crucial aspect to good financial management and provides an additional revenue source for the Shire. This policy provides a framework for investing surplus funds so that returns are maximised, whilst having due consideration for risk and security of funds.

Objective

The objectives of this policy are:

- To ensure the investment of funds is undertaken in a prudent manner that results in returns being maximised and risk minimised;
- To achieve a high level of security by using recognised ratings criteria; and
- To have ready access to funds for day-to-day cashflow requirements.

Scope

Application of this policy relates to all Shire funds including general funds, reserve funds and other restricted funds invested by the Council.

Definitions

Term	Definition
Act	*Local Government Act 1995.*
Authorised Institution	(a) An authorised deposit taking institution as defined in the *Banking Act 1959 (Commonwealth)* Section 5; or (b) The Western Australian Treasury Corporation (WATC) established by *The Western Australian Treasury Corporation Act 1986*.
CEO	Chief Executive Officer
Regulations	*Local Government (Financial Management) Regulations 1996*.
Shire	The Shire of Toodyay.
Standard and Poor's rating (S&P)	A financial services company providing index data and a source of independent credit ratings.

Policy Statement

Investments will be managed with the care, diligence and skill that a prudent person would exercise. Shire Officers are to manage investments to safeguard the portfolios in accordance with the spirit of this policy, i.e. Officers will not engage in speculative deals which involve deliberately taking a higher risk, in the hope of making an extraordinary gain.

1. Delegation of Authority

In accordance with section 5.42 of the Act, Council delegates the CEO to exercise its power to authorise and make payments from the municipal or trust fund and, in accordance with section 6.14, to invest surplus funds.

The CEO may in turn delegate the day-to-day management of Council's investments to the Manager Corporate and Community Services and/or the Finance Coordinator.

This policy requires Shire Officers to disclose any conflict of interest to the CEO.

2. Authorised Investments

Authorised investments are limited to the following;

- Fixed and floating rate interest bearing deposits with authorised institutions and with a term to maturity of 3 years or less; and
- State and Commonwealth Government Bonds with a term to maturity of 3 years or less.

3. Prohibited Investments

This policy prohibits investments in foreign currency and the use of leveraged funds for the purpose on investing.

4. Credit Risk Framework

To control the credit quality on the entire portfolio, exposure to any particular credit rating category will be limited as follows;

S&P Long Term Rating	S&P Short Term Rating	Investment Maximum %	Description
AA-	A-1+-	100	Very strong capacity to repay
A+	A-1+	100	Strong capacity to pay
BBB+	A-2	70	Adequate capacity to pay
BBB	A-3	50	Adequate capacity to pay

5. Reporting

A report on the investments will be included in the Monthly Financial Statements presented to the Council. This will include the following details:

(a) Name of institution where investment is lodged;

(b) Amount of funds invested;

(c) Interest rate on investment; and

(d) Date of maturity of investment.

Documentary evidence will be held for each investment and details thereof maintained in an Investment Register.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Shire's behalf as at 30 June each year and reconciled to the Investment Register.

Reference Information

- Register of Delegations – CS2 Investment of Surplus Funds;
- Risk Management (ADM18).

Legislation

- *Local Government Act 1995* - s.6.14.
- *The Trustees Act 1962* – Part III Investments as amended by the *Trustees Amendment Act 1997.*
- *Local Government (Financial Management) Regulations* 1996 – r.19, 19C, 28, 49.
- *Banking Act 1959*.
- Australian Accounting Standards.

Associated documents

- Nil

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	15/11/2007	Amended	CEO/MCCS	Council
V2	21/5/2009	Reviewed	CEO/MCCS	Council
V3	13/5/2010	Amended	CEO/MCCS	Council
V4	18/9/2012	Amended	CEO/MCCS	Council
V5	22/7/2014	Amended	CEO/MCCS	Council
V6	22/11/2016	Reviewed	CEO/MCCS	Council
V7	22/1/2019	Amended	CEO/MCCS	Council
V8	27/10/2020	Reviewed	CEO/MCCS	Council

Version No.	Date Issued	Review position	Developed by	Approved by
V9	21/12/2022	Reviewed	MCCS	Council

Document control information	
Document Theme	Finance
Document Category	Finance
Document Title	Investment of Surplus Funds
Document ID	FIN9
Document Owner (position title)	Manager Corporate & Community Services
Author (position title)	Manager Corporate & Community Services
Date of approval	21 December 2022 (CRN: OCM001/12/22)
Approving authority	Council
Access restrictions	Nil
Date Published	22 December 2022
Date of last review	21 December 2022
Date of next review	26 November 2022
Archived antecedent documents and previous versions	Amended OCM 15 November 2007 Reviewed OCM 21 May 2009 Amended OCM 13 May 2010 Amended OCM 18 September 2012 Amended OCM 22 July 2014 Reviewed OCM 22 November 2016 Amended OCM 22 January 2019 Reviewed OCM 27 October 2020 Reviewed OCM 21 December 2022

Investment of Surplus Funds

Introduction

Local governments are required to ensure they have effective and accountable systems in place to safeguard the Shire's financial resources. This includes the development of systems to authorise, verify and record the ~~The~~ investment of monies~~funds~~ in appropriate financial instruments.~~is a crucial aspect to good financial management and provides an additional revenue source for the Shire. This policy provides a framework for investing surplus funds so that returns are maximised, whilst having due consideration for risk and security of funds.~~

Objective

The objectives of this policy are to ~~:~~

- adopt a prudent approach to investments, in full compliance with all statutory requirements~~To ensure the investment of funds is undertaken in a prudent manner~~ that results in returns being maximised and risk minimised;
- ~~To~~ achieve a high level of security by using recognised ratings criteria; and
- ~~To~~ have ready access to funds for day-to-day cashflow requirements.

Scope

Application of this policy relates to all Shire funds including general funds, reserve funds and other restricted funds invested by the Council.

Definitions

Term	Definition
~~Act~~	~~*Local Government Act 1995.*~~
~~CEO~~	~~Chief Executive Officer~~
~~Regulations~~	~~*Local Government (Financial Management) Regulations 1996.*~~
~~Shire~~	~~The Shire of Toodyay.~~
Authorised Institution	(a) An authorised deposit taking institution as defined in the *Banking Act 1959 (Commonwealth)* Section 5; or (b) The Western Australian Treasury Corporation (WATC) established by *The Western Australian Treasury Corporation Act 1986*.
Corporate Social Responsibility	a business model that considers a company's social and environmental impact in addition to its economic profits. CSR is based on the idea that companies have a responsibility to stakeholders beyond shareholders.

Term	Definition
Counterparty Diversity	the practice of diversifying the counterparties, or other parties involved in a financial transaction, to reduce risk by assessing the creditworthiness and reliability of the counterparties involved in a financial transaction
Prudent Person Standard	*A guideline as to how people manage assets for others; requiring that each investment be evaluated on its own merits, and that risky investments be avoided. Appropriate investments would be stable, blue chip stocks or municipal bonds.*
Standard and Poor's rating (S&P)	A financial services company providing index data and a source of independent credit ratings.

Policy Statement

Investments will be managed with the care, diligence and skill that a prudent person would exercise. Shire Officers are to manage investments to safeguard the portfolios in accordance with the spirit of this policy, i.e. Officers will not engage in speculative deals which involve deliberately taking a higher risk, in the hope of making an extraordinary gain.

1. Primary Considerations

While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment

(a) Preservation of Capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

(b) The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of investment.

(c) The investment is expected to achieve a predetermined market average rate of return that considers the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

~~### 1. Delegation of Authority~~

~~In accordance with section 5.42 of the Act, Council delegates the CEO to exercise its power to authorise and make payments from the municipal or trust fund and, in accordance with section 6.14, to invest surplus funds.~~

~~The CEO may in turn delegate the day-to-day management of Council's investments to the Manager Corporate and Community Services and/or the Finance Coordinator.~~

~~This policy requires Shire Officers to disclose any conflict of interest to the CEO.~~

2. Approveduthorised Investments

Approved uthorised investments are limited to the following:;

- State and Commonwealth Government Bonds with a term of maturity not exceeding 3 years.
- Fixed term deposits placed and floating rate interest bearing deposits with an Aauthorised linstitutions for a and with a term not exceeding 12 months; and
- Interest bearing deposits placed with an authorised institution.to maturity of 3 years or less; and
- State and Commonwealth Government Bonds with a term to maturity of 3 years or less.

3. Prohibited Investments

Theis policy prohibits any investment carried out for speculative purposes including the following:

(a) Derivative based instruments;

(b) Principle only investments or securities that provide potentially nil or negative cash flow;

(c) Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

(d) The use of leverage (borrowing to invest) of any investment.

(e) Deposits with any institution other than an authorised institution.

(f) Deposits for a fixed term of more than 12 months.

(g) Investment in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government.

(h) Investment in bonds with a term of maturity of more than three years.

(i) Investment in a foreign currency.

s in foreign currency and the use of leveraged funds for the purpose on investing.

4. Investment Risk ManagementCredit Risk Framework

Officers are to take risk into account when investing surplus funds such as:

- ensuring that sufficient funds are available for operating expenses;
- investing only with Authorised Institutions;
- prioritising projects that could be funded by surplus funds or that are currently deferred due to lack of funding; and

4.1 Credit Quality:

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any credit rating category:~~exposure to any particular credit rating category will be limited as follows;~~

S&P Long Term Rating	S&P Short Term Rating	Investment Maximum %	Description
~~AA-~~AAA	A-1+-	100%	Very strong capacity to repay
~~A+~~AA	A-1~~+~~	100%	Strong capacity to pay
~~BBB+~~A	A-2	100%~~70~~	Adequate capacity to pay
~~BBB~~	~~A-3~~	~~50~~	~~Adequate capacity to pay~~

4.2 Counterparty credit framework

The Shire of Toodyay will invest funds with authorised financial institutions that provide a service to the local community by establishing branches or agencies in the Shir eof Toodyay. Such institutions must maintain a minimum Standard and Poors rating of A for short term investments.

4.3 Term to Maturity Framework

Overall Portfolio term to maturity limits	Percentage
Portfolio % < 1 year	100% maximum, 40% minimum
Portfolio % 1-3 Years	60%

4.4 Performance Management

Performance benchmarks will be as follows:

Investment	Performance Benchmark
Cash	Cash Rate
Enhanced / Direct Investments	UBSWA Bank Bill Rate

Investment	Performance Benchmark
Diversified Funds	CPI+ appropriate margin over rolling 3 year periods (depending on the composition of the fund).

~~5.~~4.5 Reporting and reviewing Compliance Requirements

A fully reconciled Investment Register is to be maintained by the Shire at all times.

The Investment Register is to contain documentary evidence (a record) of all investments held and those that have matured during that year - including details of financial institution, investment type, interest rate applicable, term to maturity and interest revenues earned and accrued.

A report summarising the composition of the investment portfolio including investment classes, amounts invested with each financial institution and details of the investment performance on the investments will be included in the Monthly Financial Statements presented to the Council. This will include the following details:

(a) Name of institution where investment is lodged;

(b) Amount of funds invested;

(c) Interest rate on investment; and

(d) Date of maturity of investment.

~~Documentary evidence will be held for each investment and details thereof maintained in an Investment Register.~~

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Shire's behalf as at 30 June each year and reconciled to the Investment Register.

5. Borrowing (Excluding Overdraft Facilities)

The Shire of Toodyay will exercise its borrowing power in a financially responsible and prudent way to promote equity amongst current and future ratepayers. In general, the Shire will not borrow to fund operating expenditure.

The Council will consider its forecast borrowing requirements as part of its:

(a) long term financial plan; and the

(b) adoption of the annual budget.

Reference Information

- Register of Delegations – CS2 Investment of Surplus Funds;
- Risk Management (ADM18).
- ~~Shire of Toodyay Council Plan~~

Legislation

- *Local Government Act 1995* - s.6.14.
- *The Trustees Act 1962* – Part III Investments as amended by the *Trustees Amendment Act 1997.*
- *Local Government (Financial Management) Regulations* 1996 – r.19, 19C, r.28, and r.49.
- *Banking Act 1959.*
- Australian Accounting Standards.

Associated documents

- Nil

Document control information	
Document Category	Finance
Document Title	Investment of Surplus Funds
Document ID	FIN9
Document Owner (position title)	Executive Manager Finance and Corporate ~~& Community~~ Services
Author (position title)	Executive Manager Finance and Corporate ~~& Community~~ Services
Initial Council Adoption (including Date and Resolution No.)	15 November 2007
Last Council Review (including Date and Resolution No.)	21 December 2022 (CRN: OCM272/12/22)
Date of approval	t.b.a.~~21 December 2022 (CRN: OCM001/12/22)~~
Approving authority	Council

Document control information	
Absolute or Simple Majority Decision:	Absolute
Access restrictions	Nil
Date Published	~~22 December 2022~~t.b.a.
Date of ~~last~~ review	~~21 December 2022~~2 December 2024
Date of next review	~~26 November 2022~~as and when required

Related Party Disclosures

Introduction

This policy has been developed to provide guidance in complying with s.62 of the *Financial Management Act 2006*, which requires *local government authorities* prepare financial statements referred to in section 61(1)(a) in accordance with the accounting standards and other requirements issued by the Australian Accounting Standards Board (AASB).

s.6.4 of the *Local Government Act 1995* and r.5A of the *Local Government (Financial Management) Regulations 1996*, requires that all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

Objective

The objective of the policy is to ensure that the existence of certain related party relationships, related party transactions and information about the transactions, necessary for users to understand the potential effects on the financial statements are properly identified, recorded in the Shire of Toodyay systems, and disclosed to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

Scope

This policy applies to all key management personnel of the Shire of Toodyay including the CEO, Elected Members, Senior Executive Managers, and other Shire Officers who have delegated authority, if any.

Definitions

The definitions in terms of this policy, some of which are directly out of the AASB 124 Related Party Disclosures Standard dated December 2009 obtainable at this link: https://www.aasb.gov.au/admin/file/content105/c9/AASB124_12-09.pdf are below:

Term	Definition
Act	*Local Government Act 1995.*
AASB	*Australian Accounting Standards Board*
Arm's Length	*Terms between parties that are reasonable in the circumstances of the transaction that would result from:* *(a) Neither party bearing the other any special duty or obligation; and* *(b) The parties being unrelated and uninfluenced by the other; and* *Each party having acted in its own interests.*

<table>
<tr><th>Term</th><th>Definition</th></tr>
<tr><td>Associate</td><td>In relation to an entity (the first entity), an entity over which the first entity has significant influence. It includes subsidiaries of the associate.

For example, an associate's subsidiary and the investor that has significant influence over the associate are related to each other.</td></tr>
<tr><td>Close members of the family of a person</td><td>Close members of the family of a person are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

(a) That person's children and spouse or domestic partner;
(b) Children of that person's spouse or domestic partner; and
(c) Dependants of that person or that person's spouse or domestic partner.

The following table may assist you in identifying your close family members:
<table>
<tr><td>Definitely a close family member</td><td>May be a close family member</td></tr>
<tr><td>Your spouse/domestic partner</td><td>Your brothers and sisters, if they could expected to influence or be influenced you in their dealings with council</td></tr>
<tr><td>Your children</td><td>Your aunts, uncles and cousins, if th could be expected to influence or influenced by you in their dealings w council</td></tr>
<tr><td>Your dependants</td><td>Your parents and grandparents, if th could be expected to influence or influenced by you in their dealings w council</td></tr>
<tr><td>Children of your spouse/domestic partner</td><td>Your nieces and nephews, if they could expected to influence or be influenced you in their dealings with council</td></tr>
<tr><td>Dependants of your spouse/domestic partner</td><td>Any other member of your family if th could be expected to influence or influenced by you in their dealings w council</td></tr>
</table></td></tr>
<tr><td>Compensation</td><td>Compensation includes all employee benefits (as defined in AASB 119 Employee Benefits) including employee benefits to which AASB 2 Share-based Payment applies. Employee</td></tr>
</table>

Term	Definition
	benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. *Compensation includes:* *(a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;* *(b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;* *(c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation;* *(d) termination benefits; and* *(e) share-based payment.*
Control	*Control is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.*
Director	*Director means:* *(a) a person who is a director under the Corporations Act; and* *in the case of entities governed by bodies that are not named a board of directors, a person who, regardless of the name that is given to the position, is appointed to the position of member of the governing body, council, commission or authority.*
Entity	*Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.* *You control an entity if you have:* *(a) power over the entity;* *(b) exposure, or rights, to variable returns from involvement with the entity; and*

Term	Definition
	the ability to use your power over the entity to affect the amount of your returns.
Financial benefit	*A financial benefit includes giving a financial benefit indirectly through an interposed entity, making an informal, oral or non-binding agreement to give the benefit, and giving a benefit that does not involve paying money.* *Examples of "giving a financial benefit' to a related party may include but is not limited to:* *(a) Giving or providing the Related Party finance or property.* *(b) Buying an asset from or selling an asset to the Related Party.* *(c) Supplying services to or receiving services from the Related Party.* *(d) Issuing securities of grating an option to the Related Party.* *Taking up or releasing an obligation of the Related Party.*
Government	*Government refers to government, government agencies and similar bodies whether local, national or international.*
Government-related entity	*A government-related entity is an entity that is controlled, jointly controlled or significantly influenced by a government.*
Joint control	*Joint control is the contractually agreed sharing of control over an economic activity/arrangement which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.*
Joint Venture	*An arrangement of which 2 or more parties have joint control and have right to the net assets of the arrangement. It includes subsidiaries of the joint venture.*
Key Management Personnel (KMP)	*Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.* *KMPs having authority and responsibility for planning, directing and controlling activities of the Shire of Toodyay either directly or indirectly are as follows:* *(a) Shire President / Deputy Shire President / Elected Members.* *(b) Chief Executive Officer/ Senior Executive Managers.*

Term	Definition
	Other Officers with delegated authority or influence.
Management	*Where "management" is mentioned in this policy it means the Chief Executive Officer and Senior Executive Officers responsible to the CEO.*
Materiality	*The assessment of whether the transaction, either individually or in aggregate with other transactions, could influence decisions that users make regarding financial matters of the Shire. In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.*
Ordinary Citizen Transaction *(OCT)*	*Transactions that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Shire of Toodyay's financial statements make.*
Related Party	*A related party is a person or entity that is related to the entity that is preparing its financial statements (in this Standard referred to as the 'reporting entity').* *(a) A person or a close member of that person's family is related to a reporting entity if that person:* *i. has control or joint control over the reporting entity;* *ii. has significant influence over the reporting entity; or* *iii. is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.* *(b) An entity is related to a reporting entity if any of the following conditions applies:* *i. The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).* *ii. One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).* *iii. Both entities are joint ventures of the same third party.* *iv. One entity is a joint venture of a third entity and the other entity is an associate of the third entity.* *v. The entity is a post-employment benefit plan for the benefit of employees of either the reporting entity or*

Term	Definition
	an entity related to the reporting entity. If the reporting entity is itself such a plan, the sponsoring employers are also related to the reporting entity. *vi. The entity is controlled or jointly controlled by a person identified in (a).* *A person identified in (a)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).*
Related Party Transactions	*A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.*
Remuneration	*Consideration or benefit received or receivable by the person but excludes any reimbursement of out of pocket*
Significant Influence	*Significant influence is the power to participate in the financial and operating policy decisions of an entity but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.*

Policy Statement

The Policy, from a legislative and strategic context, ensures that the Shire meets the requirements of the following legislative provisions:

- s.6.4 of the *Local Government Act 1995* requires local governments prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed and by 30 September following each financial year or such extended time as the Minister allows, submit to its auditor the accounts of the local government, balanced up to the last day of the preceding financial year; and the annual financial report of the local government for the preceding financial year.
- r.5A of the *Local Government (Financial Management) Regulations 1996* requires that all local governments in Western Australia must produce, subject to regulation 4, the annual budget, the annual financial report and other financial reports of the local government that comply with Australian Accounting Standards.
- The Australian Accounting Standards Board determined that from 1 July 2016, AASB 124 (Related Party Disclosures) will apply to government entities, including local governments. The Shire is required to disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

1. Disclosures

To comply with AASB124, for annual periods beginning on or after 1 July each year, the Chief Executive Officer (Director) will ensure that the following disclosures are included in the Shire of Toodyay Annual Financial Statements:

(a) Relationships between the Shire of Toodyay and its subsidiaries, irrespective of whether there have been transactions between them.

(b) Key Management Personnel (KMP) compensation in total and for each of the following categories:

i. Short-term employee benefits;

ii. Post-employment benefits;

iii. Other long-term benefits;

iv. Termination benefits.

(c) Amounts incurred by the Shire of Toodyay for the provision of KMP services that are provided by a separate management entity.

(d) Information specified at (3) for related party transactions with the following persons during the periods covered by the Financial Statement:

i. Council subsidiaries;

ii. Entities who are associates of Council or of a Council subsidiary;

iii. Joint ventures in which Council or a Council subsidiary enters into a joint venture;

iv. Key management Personnel (KMP) of the Shire;

v. Other related parties comprising:

- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or persons' spouse or domestic partner;
- Entities that are controlled or jointly controlled by a KMP or their close family members.
- Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

2. Disclosed Information

For each category of related party transactions the Shire of Toodyay will disclose the following information in the Shire of Toodyay annual Financial Statements:

(a) The nature of the related party relationship;

(b) The amount of the transactions;

(c) The amount of outstanding balances, including commitments, and

i. their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and

ii. details of any guarantees given or received;

(d) Provisions for doubtful debts related to the amount of outstanding balances; and

(e) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

3. Disclosures in aggregate or separate

For each related party category, the Shire of Toodyay will disclose items of a similar nature in aggregate (one lump sum), except when a separate disclosure is necessary for an understanding of the effect of a related party transaction on the financial statements and having regard to the following criteria:

(a) the nature of the related party relationship.

(b) the significance of the transaction (individually or collectively in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by the Shire of Toodyay);

(c) whether the transaction is carried out on non-arm's length terms;

(d) whether the nature of the transaction is outside normal day-to-day business operations.

based on the factors and thresholds under the direction of the Manager Corporate and Community Services in consultation with the Chief Executive Officer and the Shire's external Auditor.

4. Identifying Council Related Party Relationships and Transactions

5.1 Responsibility

The Manager Corporate and Community Services is responsible for:

- identifying Shire subsidiaries, associates and joint ventures (incorporated and unincorporated) from the Related Entities Register, a document which is prepared to substantiate any notes made within the financial statements related to "interests in other entities."
- Determining whether Council has control or joint control of an entity;
- Determining whether an entity is an associate of, or in a joint venture with, the Shire of Toodyay or a subsidiary of the Shire.
- Investigating through the Shire's systems whether any identified Shire subsidiaries, associates or joint ventures have an existing related party transaction with the Shire.
- Identifying and extracting information specified in (3) of this policy against each existing related party transaction in the Shire's business systems for the purpose of recording the related party transaction and associated information in a register of related party transactions.
- Manually reviewing the transactional documentation for related party transactions that are not captured by the Shire's business systems and recording the information specified in (3) for the subject transaction in the register of related party transactions.

5.2 Identification of related party transactions

For the purposes of determining whether a related party transaction has occurred, examples of transactions or provision of services have been identified as meeting the criteria as follows:

(a) Paying of Rates;

(b) Fines;

(c) Use of Shire owned facilities such as halls, pavilions, other buildings, library, arks, ovals and other public open spaces (whether charged a fee or not);

(d) Attending Council functions that are open to the public;

(e) Employee compensation whether it is for KMP or close family members of KMP;

(f) Application fees paid to the Shire for licences, approvals or permits;

(g) Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);

(h) Lease agreements for commercial properties;

(i) Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement);

(j) Sale or purchase of any property owned by the Shire to a person identified above;

(k) Sale or purchase of any property owned by a person identified above, to the Shire;

(l) Loan Arrangements;

(m) Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives that are unlikely to influence the decisions that users of the Council's financial statements make. These transactions are those that an ordinary citizen would undertake with the Shire of Toodyay and are referred to as an Ordinary Citizen Transactions (OCT).

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.

5. Identifying Related Party Relationships with KMP and their close family members

6.1 Related Party Disclosure form (RPD)

The Manager Corporate and Community Services and/or Finance Coordinator is responsible for providing the KMP, at least 30 days *before the specified notification period*, with an RPD Form (Attachment A).

6.2 Frequency and specified notification period

KMP must provide a related party disclosure in the form set out in Attachment A, notifying any existing or potential related party transactions between the Shire of Toodyay and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, subject to exclusions mentioned below, at 6.5, to the Manager Corporate and Community Services no later than 30 days after 30 April each calendar year.

Disclosures will also be required in the following instances:

(a) 30 days after a KMP has commenced employment;

(b) When staff movements occur for an KMP role; and

(c) after elections of Council in October of relevant year and or after any extraordinary election held

6.3 Other Related Party Transactions

If a KMP suspects that a transaction may constitute a related party transaction outside of the notification period, the KMP should provide a related party disclosure to the Manager Corporate and Community Services.

6.4 Other notifications

These requirements are in addition to the notifications a KMP must make to comply with their Code of Conduct and disclosure of interests in a written return in accordance with the sections 5.70, 5.71, 5.75, 5.76 (1), and 5.76(2) of the *Local Government Act 1995.*

6.5 Exclusions

The notification requirements do not apply to:

- Related party transactions that are ordinary citizen transactions not assessed as being material as determined under section 5.2 of this policy; and
- The Member sitting fees provided and reimbursable expenses incurred, during the financial year under members policy “Sitting Fees and Reimbursable expenses,” the particulars of which are contained in councils annual report pursuant to r.19B of the *Local Government (Administration) Regulations 1996.*

6.6 Other Sources of information

To ensure all related party transactions are captured and recorded the responsible Manager Corporate and Community Services and/or Finance Coordinator is responsible for reviewing, if required, other sources of information held by the Shire of Toodyay including, but not limited to:

(a) A register of interests of a KMP and of persons related to the KMP;

(b) Minutes of Council and Committee Meetings; and

(c) Council’s Contracts Register.

6.7 Confidentiality

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified.

Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified if the disclosure requirements of AASB 124 so demands.

6.8 Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

6.9 Assessment Process

Where the assessment of transactions made with key management personnel or entities is required, the assessment panel will comprise of the Chief Executive Officer, the Manager Corporate and Community Services and/or the Finance Coordinator.

Where there may be an impartiality issue (perceived or otherwise), either the Manager Assets and Services or the Manager Planning and Development may be selected at the discretion of the Chief Executive Officer.

Reference Information

- *WALGA (Moore Stephens) Info Bulletin dated 22 June 2017.*
- *AASB 124 Related Party Disclosures Standard published by the Australian Government in December 2009 https://www.aasb.gov.au/admin/file/content105/c9/AASB124_12-09.pdf*

Legislation

Associated Regulatory Framework

AASB 10 Consolidated Financial Statement

AASB 11 Joint Arrangement and

AASB 128 Investments in Associates and Joint Ventures

AASB119 Employee Benefits

AASB2 Share-based Payment (if applicable)

AASB12 Disclosure of Interest in Other Entities

Local Government Act 1995

Associated documents

Related Party Disclosures - Declaration form

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V0	01/07/2021	Creation of Policy	Executive Services	Council
V2	25/05/2022	Reformatted	Executive Services	Council

Document control information	
Document Theme	Governance
Document Category	Governance
Document Title	Related Party Disclosures
Document ID	GOV6
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Services Officer
Date of approval	25 May 2022 (CRN: OCM095/05/22)
Approving authority	Council
Access restrictions	Nil
Date Published	30 May 2022
Date of last review	27 July 2021
Date of next review	5 February 2025
Archived antecedent documents and previous versions	Related Party Disclosure Procedure and Guidance Notes (Area of Impact – Finance) 27/07/2021 Res. No. 150/07/21

*** This Document is not controlled once it has been printed ***

Refer to Council Policy: Related Party Disclosures

Notification

I _____, _____
(full name) (Position)

notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family relevant to the current financial year and the 2022/2023 financial year.

I make this notification after reading the Privacy Collection Notice provided by the Shire of Toodyay which details the meaning of the words:

- "related party";
- "related party transaction";
- "close members of the family of a person"; and
- In relation to an entity, "control" or "joint control" and the purposes for which this information will be used and disclosed.

I have made this declaration after reading the Council Policy and information supplied by the Shire to which this declaration relates.

I permit the Officers specified in the Shire's Related Party Disclosures policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

SELECT OPTION 1: □ Handwritten Signature.

Signed: _____ Date: _____

Once signed please provide to the CEO.

SELECT OPTION 2: □ Electronic Signature.

Signed: _____ Date: _____

This form can be sent by email to the CEO provided the email is sent by the person making the disclosure from their work or persona (e.g.: Councillors) email account.

Shire of Toodyay
Attachment A - Related Party Disclosure Form

Related Party Disclosures

Introduction

s.6.4 of the *Local Government Act 1995* and r.5A of the *Local Government (Financial Management) Regulations 1996*, requires that all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

This policy has been developed to ensure that all transactions, relationships, and arrangements involving related parties are:

1. Identified and disclosed with the required transparency;
2. Documented and reported in accordance with statutory obligations;
3. Monitored and reviewed to safeguard public assets; and
4. Managed in accordance with sound financial management practices as outlined by ~~provide guidance in complying with~~ s.62 of the *Financial Management Act 2006*, which requires *local government authorities* prepare financial statements referred to in section 61(1)(a) in accordance with the accounting standards and other requirements issued by the Australian Accounting Standards Board (AASB).~~the accounting standards and other requirements issued by the Australian Accounting Standards Board (AASB).~~

~~s.6.4 of the *Local Government Act 1995* and r.5A of the *Local Government (Financial Management) Regulations 1996*, requires that all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.~~

Objective

~~The objective of the policy is to~~To ensure that the existence of certain related party relationships, related party transactions and information about the transactions, necessary for users to understand the potential effects on the financial statements are properly identified, recorded in the Shire of Toodyay systems, and disclosed to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

Scope

This policy applies to: ~~all key management personnel of the Shire of Toodyay including the CEO, Elected Members, Senior Executive Managers, and other Shire Officers who have delegated authority, if any.~~

- All Shire Officers, employees, and Councillors (key management personnel) who have delegated authority, and are engaged in transactions or decision making relating to the financial management of the Shire.
- All transactions and arrangements (both financial and non-financial) where a "related party" as defined in AASB 124 is involved.
- All reporting periods and financial statements subject to internal and external auditing.

Definitions

The definitions in terms of this policy, some of which are directly out of the AASB 124 Related Party Disclosures Standard dated December 2009 obtainable at this link: https://www.aasb.gov.au/admin/file/content105/c9/AASB124_12-09.pdf are below:

Term	Definition
Act	*Local Government Act 1995.*
AASB	*Australian Accounting Standards Board*
Arm's Length	*Terms between parties that are reasonable in the circumstances of the transaction that would result from:* *(a) Neither party bearing the other any special duty or obligation; and* *(b) The parties being unrelated and uninfluenced by the other; and* *Each party having acted in its own interests.*
Associate	*In relation to an entity (the first entity), an entity over which the first entity has significant influence. It includes subsidiaries of the associate.* *For example, an associate's subsidiary and the investor that has significant influence over the associate are related to each other.*
Close members of the family of a person	*Close members of the family of a person are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:* *(a) That person's children and spouse or domestic partner;* *(b) Children of that person's spouse or domestic partner; and* *(c) Dependants of that person or that person's spouse or domestic partner.* *The following table may assist you in identifying your close family members:*

Definitely a close family member	*May be a close family member*
Your spouse/domestic partner	*Your brothers and sisters, if they could expected to influence or be influenced you in their dealings with council*
Your children	*Your aunts, uncles and cousins, if th could be expected to influence or*

Term	Definition	
		~~influenced by you in their dealings with council~~
	~~Your dependants~~	~~Your parents and grandparents, if they could be expected to influence or be influenced by you in their dealings with council~~
	~~Children of your spouse/domestic partner~~	~~Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with council~~
	~~Dependants of your spouse/domestic partner~~	~~Any other member of your family if they could be expected to influence or be influenced by you in their dealings with council~~
~~Compensation~~	~~Compensation includes all employee benefits (as defined in AASB 119 Employee Benefits) including employee benefits to which AASB 2 Share-based Payment applies. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity.~~ ~~Compensation includes:~~ ~~(a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;~~ ~~(b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;~~ ~~(c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation;~~ ~~(d) termination benefits; and~~	

Term	Definition
	~~(e) share-based payment.~~
~~Control~~	~~Control is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.~~
~~Director~~	~~Director means:~~ ~~(a) a person who is a director under the Corporations Act; and~~ ~~in the case of entities governed by bodies that are not named a board of directors, a person who, regardless of the name that is given to the position, is appointed to the position of member of the governing body, council, commission or authority.~~
~~Entity~~	~~Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.~~ ~~You control an entity if you have:~~ ~~(a) power over the entity;~~ ~~(b) exposure, or rights, to variable returns from involvement with the entity; and~~ ~~the ability to use your power over the entity to affect the amount of your returns.~~
~~Financial benefit~~	~~A financial benefit includes giving a financial benefit indirectly through an interposed entity, making an informal, oral or non-binding agreement to give the benefit, and giving a benefit that does not involve paying money.~~ ~~Examples of "giving a financial benefit' to a related party may include but is not limited to:~~ ~~(a) Giving or providing the Related Party finance or property.~~ ~~(b) Buying an asset from or selling an asset to the Related Party.~~ ~~(c) Supplying services to or receiving services from the Related Party.~~ ~~(d) Issuing securities of grating an option to the Related Party.~~ ~~Taking up or releasing an obligation of the Related Party.~~
~~Government~~	~~Government refers to government, government agencies and similar bodies whether local, national or international.~~

Term	Definition
~~*Government related entity*~~	~~*A government related entity is an entity that is controlled, jointly controlled or significantly influenced by a government.*~~
~~*Joint control*~~	~~*Joint control is the contractually agreed sharing of control over an economic activity/arrangement which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.*~~
~~*Joint Venture*~~	~~*An arrangement of which 2 or more parties have joint control and have right to the net assets of the arrangement. It includes subsidiaries of the joint venture.*~~
~~*Key Management Personnel (KMP)*~~	~~*Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.*~~ ~~*KMPs having authority and responsibility for planning, directing and controlling activities of the Shire of Toodyay either directly or indirectly are as follows:*~~ ~~*(a) Shire President / Deputy Shire President / Elected Members.*~~ ~~*(b) Chief Executive Officer/ Senior Executive Managers.*~~ ~~*Other Officers with delegated authority or influence.*~~
~~*Management*~~	~~*Where "management" is mentioned in this policy it means the Chief Executive Officer and Senior Executive Officers responsible to the CEO.*~~
~~*Materiality*~~	~~*The assessment of whether the transaction, either individually or in aggregate with other transactions, could influence decisions that users make regarding financial matters of the Shire. In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.*~~
~~*Ordinary Citizen Transaction (OCT)*~~	~~*Transactions that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Shire of Toodyay's financial statements make.*~~

Term	Definition
~~Related Party~~	~~A related party is a person or entity that is related to the entity that is preparing its financial statements (in this Standard referred to as the 'reporting entity').~~ ~~(a) A person or a close member of that person's family is related to a reporting entity if that person:~~ ~~i. has control or joint control over the reporting entity;~~ ~~ii. has significant influence over the reporting entity; or~~ ~~iii. is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.~~ ~~(b) An entity is related to a reporting entity if any of the following conditions applies:~~ ~~i. The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).~~ ~~ii. One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).~~ ~~iii. Both entities are joint ventures of the same third party.~~ ~~iv. One entity is a joint venture of a third entity and the other entity is an associate of the third entity.~~ ~~v. The entity is a post employment benefit plan for the benefit of employees of either the reporting entity or an entity related to the reporting entity. If the reporting entity is itself such a plan, the sponsoring employers are also related to the reporting entity.~~ ~~vi. The entity is controlled or jointly controlled by a person identified in (a).~~ ~~A person identified in (a)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).~~
~~Related Party Transactions~~	~~A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.~~
~~Remuneration~~	~~Consideration or benefit received or receivable by the person but excludes any reimbursement of out of pocket~~

Term	Definition
~~*Significant Influence*~~	~~*Significant influence is the power to participate in the financial and operating policy decisions of an entity but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.*~~
Refer to Associated Documents or the Shire of Toodyay (Shire) Glossary (Definitions) located on the Shire website for definitions not listed: https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions	

Policy Statement

A related party transaction is a deal or agreement between two parties who have a pre-existing business relationship or common interest. These transactions, while legal and a normal feature of commerce, they can potentially create conflicts of interest and they can affect the profit or loss, financial position, and cashflows of an entity. Related parties may transact with an entity on terms that would not be available to an unrelated party. The disclosure of the entity's transactions, outstanding balances (including commitments), and the relationships with related parties may affect assessments of the Shire's operations by users of the financial statements.

The~~Policy, from a legislative and strategic context, ensures that the~~ Shire of Toodyay is committed to:

(a) ~~meets the requirements of the following legislative provisions:~~ ~~E~~ensuring that all related party transactions shall be transparently disclosed in the financial statements;~~.~~

(b) ~~M~~maintaining high ethical standards in the identification, documentation, and reporting of related party transactions; and~~.~~

(c) ~~E~~ensuring that such transactions are conducted on an arm's length basis and are approved at the appropriate level of oversight as required under this policy.

1. ~~Step 1:~~ Establishment of a process

(a) The identification of related parties and relationships occurs through maintenance of a register of related party transactions and Related Entities in which is recorded information that has been identified and determined in respect to:

(i) Shire subsidiaries, associates and joint ventures (incorporated and unincorporated);

(ii) whether Council has control or joint control of an entity;

(iii) whether an entity is an associate of, or in a joint venture with, the Shire of Toodyay or a subsidiary of the Shire;

(iv) whether any identified Shire subsidiaries, associates or joint ventures have an existing related party transaction with the Shire through the Shire's business systems;

(v) extracting information against each existing related party transaction in the Shire's business systems for the purpose of recording the related party transaction and associated information; and

(vi) Manually reviewing the transactional documentation for related party transactions that are not captured by the Shire's business systems and recording the information for the subject transaction.

(b) Other sources other sources of information held by the Shire of Toodyay including, but not limited to Minutes of Council and Committee Meetings; and Council's Contracts and Lease Registers.

(c) Key Management personnel are identified through the register for Delegations and Financial Interest Returns. The register is updated regularly through the Shire's compliance management processes.

1.1. Identifying Related Parties (Key Management Personnel – KMP)

(a) The most common related parties to the Shire will be:

(i) A Councillor (KMP);

(ii) A person employed under section 5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer (CEO) and other Executive Management staff (KMP);

(iii) Close family members of any person listed above (e.g. spouse/domestic partners, dependants and children of the Councillors, CEO and Executive Management staff);

(iv) Possible close family members of any person listed above;

(v) Entities that are controlled or jointly controlled by KMP's or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs); and

(vi) Entities subject to significant influence by the Shire and Shire Joint Venture entities.

(b) In the context of AASB 124, the following are not related parties:

(i) Two entities simply because they have a member of key management personnel in common or because a member of key management personnel of one entity has significant influence over the other entity.

(ii) Two joint ventures simply because they share joint control over a joint venture.

(iii) Financial providers;

(iv) Trade Unions;

(v) Public utilities

(vi) Departments and agencies of a government that does not control, jointly control or significantly influence the local government; and

(vii) Simply by virtue of their normal dealings with the local government (even though they may affect the freedom of action of a local government or participate in its decision-making process).

(viii) A customer, supplier, franchisor, distributor or general agent with whom the local government transacts a significant volume of business.

1.2. ~~1.1~~ KMP Disclosure responsibilities~~6.2 Frequency and specified notification period~~

(a) ~~K~~Key Management personnel (KMP) are responsible for providing a **Related Party Disclosure** in the form set out in **Attachment A**~~MP must provide a related party disclosure in the form set out in Attachment A,~~ , notifying any existing or potential related party transactions between the Shire of Toodyay and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, subject to exclusions.

(b) Disclosures will be required:

(i) annually, ~~mentioned below, at 6.5, to the Manager Corporate and Community Services~~ no later than 30 days after 30 June; ~~0 April each calendar year.~~

~~Disclosures will also be required in the following instances:~~

(ii) 30 days after a KMP has commenced employment;

(iii) ~~W~~when staff movements occur for an KMP role; and

(iv) after elections of Council in October of relevant year and or after any extraordinary election held

These requirements are in addition to the notifications a KMP must make to comply with their Code of Conduct and disclosure of interests responsibilities in a ~~written~~ primary or annual return in accordance with the ~~*sections 5.70, 5.71, 5.75, 5.76 (1), and 5.76(2) of the*~~ *Local Government Act 1995*.

~~6.3 Other Related Party Transactions~~

~~(a) If a KMP suspects that a transaction may constitute a related party transaction outside of the notification period, the KMP should provide a related party disclosure to the Manager Corporate and Community Services.~~

(c)

(d) In all instances if any uncertainty exists regarding the status of a transaction or party it is advisable to make the requisite disclosure. The Executive

Manager Finance and Corporate Services will be able to assess and confirm the nature of the transaction.

(e) If a KMP believes a transaction or relationship may constitute a related party transaction or relationship but is uncertain and is not comfortable with disclosure, the CEO can be notified. The CEO will be able to obtain resolution from the Executive Manager Finance and Corporate Services regarding the status of the transaction or relationship.

2. **~~Step 2:~~ Identifying related party transactions ~~ordinary or minor transactions~~**

For the purposes of determining whether a related party transaction has occurred, common ~~examples of~~ transactions or provision of services have been identified as meeting the criteria include but are not limited to the following ~~as follows~~:

(a) Paying of Rates, fees and charges or any other amount to the Shire;

(b) Use of Shire owned or operated facilities such as halls, pavilions, other buildings, library, parks, ovals and other public open spaces (whether charged a fee or not);

(c) Attending Shire functions that are open to the public;

(d) Employee compensation whether it is for KMP or close family members of KMP;

(e) Application fees paid to the Shire for licences, approvals or permits;

(f) Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);

(g) Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);

(h) Lease agreements for commercial properties;

(i) Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement);

(j) Sale or purchase of any property owned by the Shire to a person identified above;

(k) Sale or purchase of any property owned by a person identified above, to the Shire;

(l) Loan Arrangements;

(m) Contracts and agreements for construction, consultancy or services.

(n) Any transaction, monetary or otherwise, involving an entity that could affect the financial and operating policies of the Shire through presence of Control, Joint Control or significant influence.

2.1 Identifying ordinary citizen transactions (OCT)

The Shire acknowledges that there are related party transactions that also satisfy the definition of an Ordinary Citizen Transaction (OCT).

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. Where the Shire can determine that the OCT was:

(a) Provided at arm's length;

(b) In similar terms and conditions applying to the general public; and

(c) That the nature of the transaction is immaterial.

~~that are unlikely to influence the decisions that users of the Council's financial statements make. These transactions are those that an ordinary citizen would undertake with the Shire of Toodyay and are referred to as an Ordinary Citizen Transactions (OCT).~~

Where these services were not provided as per above OCT description, ~~at arm's length and under the same terms and conditions applying to the general public, elected~~ Councillors ~~members~~ and KMP will be required to make a declaration. The disclosure requires KMP's to identify the nature of the transactions, discount or special terms received in accordance with AASB124. ~~in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.~~

2.2 Exclusions

The notification requirements do not apply to:

(a) Related party transactions that are ordinary citizen transactions not assessed as being material as determined under this policy; and

(b) The Member sitting fees provided and reimbursable expenses incurred, during the financial year under members policy "Sitting Fees and Reimbursable expenses," the particulars of which are contained in councils annual report pursuant to r.19B of the *Local Government (Administration) Regulations 1996*.

2.3 ~~Step 3: Identify~~Identifying KMP's close family members, possible close family members and entities controlled or jointly controlled by any of them ~~related party transactions~~

(a) ~~Where a KMP suspects that a transaction may constitute a related party transaction outside of the notification period, the KMP should immediately provide a related party disclosure (Attachment A) to the Executive Manager Finance and Corporate Services.~~Close family members and possible close family members of KMP

These are family members who may be expected to influence, or be influenced by a KMP person in their dealings with the entity and include but are not limited to:

(i) that person's children and spouse or domestic partner;

(ii) children of that person's spouse or domestic partner; and

(iii) dependants of that person or that person's spouse or domestic partner.

(iv) stepparents, grandparents, aunts, uncles, and cousins; and

(v) any other close family member

(b) The following table may assist in identifying close family members and possibly close family members.

Definitely a close family member	***May be a close family member***
Your spouse/domestic partner	*Your brothers and sisters, if they could be expected to influence or be influenced by you in their dealings with council*
Your children	*Your aunts, uncles and cousins, if they could be expected to influence or be influenced by you in their dealings with council*
Your dependants	*Your parents and grandparents, if they could be expected to influence or be influenced by you in their dealings with council*
Children of your spouse/domestic partner	*Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with council*
Dependants of your spouse/domestic partner	*Any other member of your family if they could be expected to influence or be influenced by you in their dealings with council*

(c) Entities controlled or jointly controlled by KMP, close family members and possibly close family members

The control and joint control criteria detailed in *AASB 10 Consolidated Financial Statements (AASB 10)* and *AASB 11 Joint Arrangements (AASB 11)* must be applied in determining whether an entity is a related party of the Shire. Entities, regardless of their legal form or purpose that are controlled or jointly controlled by a KMP or Close Family Member of a KMP are related parties of Council.

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships. Control over an entity is:

(i) Power over the entity;

(ii) Exposure, or rights, to variable returns from involvement with the entity; and

(iii) The ability to use power over the entity to affect the amount of returns.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

3. ~~**Step 4:**~~ **Assess Materiality**

(a) Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

(b) In assessing materiality (quantitative and qualitative)~~,~~, management will consider both the size and nature of the transaction, individually and collectively.

(c) Where the assessment of transactions made with key management personnel or entities is required, the assessment panel will comprise of the Chief Executive Officer, the Manager Corporate and Community Services and/or the Finance Coordinator.

(d) Where there may be an impartiality issue (perceived or otherwise), either the Manager Assets and Services or the Manager Planning and Development may be selected at the discretion of the Chief Executive Officer.

~~**6.4 Other notifications**~~

~~These requirements are in addition to the notifications a KMP must make to comply with their Code of Conduct and disclosure of interests in a written return in accordance with the sections 5.70, 5.71, 5.75, 5.76 (1), and 5.76(2) of the Local Government Act 1995.~~

~~Step 5 —~~ Making disclosures in the local government's financial statements

- ~~s.6.4 of the *Local Government Act 1995* requires local governments prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed and by 30 September following each financial year or such extended time as the Minister allows, submit to its auditor the accounts of the local government, balanced up to the last day of the preceding financial year; and the annual financial report of the local government for the preceding financial year.~~

- ~~r.5A of the *Local Government (Financial Management) Regulations 1996* requires that all local governments in Western Australia must produce, subject to regulation 4, the annual budget, the annual financial report and other financial reports of the local government that comply with Australian Accounting Standards.~~

- ~~The Australian Accounting Standards Board determined that from 1 July 2016, AASB 124 (Related Party Disclosures) will apply to government entities, including local governments. The Shire is required to disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.~~

~~1.~~4. ~~Disclosures~~

To comply with AASB124, for annual periods beginning on or after 1 July each year, the Chief Executive Officer (Director) will ensure that the following disclosures are included in the Shire of Toodyay Annual Financial Statements:

(a) Relationships between the Shire of Toodyay and its subsidiaries, irrespective of whether there have been transactions between them.

(b) Key Management Personnel (KMP) compensation in total and for each of the following categories:

i. Short-term employee benefits;

ii. Post-employment benefits;

iii. Other long-term benefits;

iv. Termination benefits.

(c) Amounts incurred by the Shire of Toodyay for the provision of KMP services that are provided by a separate management entity.

(d) Information ~~specified at (3)~~ for related party transactions with the following persons during the periods covered by the Financial Statement:

i. Council subsidiaries;

ii. Entities who are associates of Council or of a Council subsidiary;

iii. Joint ventures in which Council or a Council subsidiary enters into a joint venture;

iv. Key management Personnel (KMP) of the Shire;

v. Other related parties comprising:

- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or persons' spouse or domestic partner;
- Entities that are controlled or jointly controlled by a KMP or their close family members.
- Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

~~2.~~4.1 Disclosed Information

Where related party transactions have occurred (f~~F~~or each category of related party ~~transactions~~transactions, including related entities, KMP's, KMP's close

family member/controlled entities and any other related parties) the ~~the~~ Shire ~~of Toodyay~~ will disclose the following information in the Shire of Toodyay ~~annual~~ Annual Financial Statements:

(a) The nature of the related party relationship;

~~(b)~~ Information about the transaction including the ~~The~~ amount ~~of the transactions~~;

(b) ~~The amount of~~the outstanding balances and~~, including~~ commitments including:

~~(c) , and~~

(i) their terms and conditions;

(ii) ~~, including~~ whether they are secured, and the nature of the consideration to be provided in settlement; ~~and~~

~~i.~~

~~ii.~~(iii) details of any guarantees given or received;

(iv) Purchase/ sales and lease of goods, property and other assets;

(v) Rendering or receiving of goods, services, property and other assets;

(vi) Loans and settlements of liabilities;;

~~(d)~~(vii) Provisions for doubtful debts related to the amount of outstanding balances; and

(viii) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

~~(e)~~It should be noted that the disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

~~3.~~4.2 Disclosures in aggregate or separate

Generally, related party disclosures in the annual financial statements are reported in aggregate and as such, individuals are not specifically identified nor a specific transaction.

Management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality.

Individuals may be specifically identified and separate disclosure may be necessary for an understanding of the effects of related party transactions on the financial statements, if the disclosure requirements of AASB 124 so demands.

For each related party category, the Shire of Toodyay will disclose items of a similar nature in aggregate (one lump sum), except when a separate disclosure is

necessary for an understanding of the effect of a related party transaction on the financial statements and having regard to the following criteria:

(a) the nature of the related party relationship.

(b) the significance of the transaction (individually or collectively in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by the Shire of Toodyay);

(c) whether the transaction is carried out on non-arm's length terms;

(d) whether the nature of the transaction is outside normal day-to-day business operations.

based on the factors and thresholds under the direction of the Manager Corporate and Community Services in consultation with the Chief Executive Officer and the Shire's external Auditor.

~~4. Identifying Council Related Party Relationships and Transactions~~

~~5.1 Responsibility~~

~~The Manager Corporate and Community Services is responsible for:~~

- ~~identifying Shire subsidiaries, associates and joint ventures (incorporated and unincorporated) from the Related Entities Register, a document which is prepared to substantiate any notes made within the financial statements related to "interests in other entities."~~
- ~~Determining whether Council has control or joint control of an entity;~~
- ~~Determining whether an entity is an associate of, or in a joint venture with, the Shire of Toodyay or a subsidiary of the Shire.~~
- ~~Investigating through the Shire's systems whether any identified Shire subsidiaries, associates or joint ventures have an existing related party transaction with the Shire.~~
- ~~Identifying and extracting information specified in (3) of this policy against each existing related party transaction in the Shire's business systems for the purpose of recording the related party transaction and associated information in a register of related party transactions.~~

- ~~Manually reviewing the transactional documentation for related party transactions that are not captured by the Shire's business systems and recording the information specified in (3) for the subject transaction in the register of related party transactions.~~

~~5.2 Identification of related party transactions~~

~~For the purposes of determining whether a related party transaction has occurred, examples of transactions or provision of services have been identified as meeting the criteria as follows:~~

(a) ~~Paying of Rates;~~

(b) ~~Fines;~~

(c) ~~Use of Shire owned facilities such as halls, pavilions, other buildings, library, arks, ovals and other public open spaces (whether charged a fee or not);~~

(d) ~~Attending Council functions that are open to the public;~~

(e) ~~Employee compensation whether it is for KMP or close family members of KMP;~~

(f) ~~Application fees paid to the Shire for licences, approvals or permits;~~

(g) ~~Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);~~

(h) ~~Lease agreements for commercial properties;~~

(i) ~~Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement);~~

(j) ~~Sale or purchase of any property owned by the Shire to a person identified above;~~

(k) ~~Sale or purchase of any property owned by a person identified above, to the Shire;~~

(l) ~~Loan Arrangements;~~

(m) ~~Contracts and agreements for construction, consultancy or services.~~

~~Some of the transactions listed above occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives that are unlikely to influence the decisions that users of the Council's financial statements make. These transactions are those that an ordinary citizen would undertake with the Shire of Toodyay and are referred to as an Ordinary Citizen Transactions (OCT).~~

~~Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.~~

~~5. Identifying Related Party Relationships with KMP and their close family members~~

~~6.1 Related Party Disclosure form (RPD)~~

~~The Manager Corporate and Community Services and/or Finance Coordinator is responsible for providing the KMP, at least 30 days before the specified notification period, with an RPD Form (Attachment A).~~

~~1.1 6.2 Frequency and specified notification period~~

~~1.1 KMP must provide a related party disclosure in the form set out in Attachment A, notifying any existing or potential related party transactions between the Shire of Toodyay and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, subject to exclusions mentioned below, at 6.5, to the Manager Corporate and Community Services no later than 30 days after 30 April each calendar year.~~

~~1.1 Disclosures will also be required in the following instances:~~

~~(b)1.1 30 days after a KMP has commenced employment;~~

~~(c)1.1 When staff movements occur for an KMP role; and~~

~~(d)1.1 after elections of Council in October of relevant year and or after any extraordinary election held~~

~~1.1 6.3 Other Related Party Transactions~~

~~1.1 If a KMP suspects that a transaction may constitute a related party transaction outside of the notification period, the KMP should provide a related party disclosure to the Manager Corporate and Community Services.~~

~~1.1 6.4 Other notifications~~

~~1.1 These requirements are in addition to the notifications a KMP must make to comply with their Code of Conduct and disclosure of interests in a written return in accordance with the sections 5.70, 5.71, 5.75, 5.76 (1), and 5.76(2) of the Local Government Act 1995.~~

~~6.5 Exclusions~~

~~The notification requirements do not apply to:~~

- ~~Related party transactions that are ordinary citizen transactions not assessed as being material as determined under section 5.2 of this policy; and~~
- ~~The Member sitting fees provided and reimbursable expenses incurred, during the financial year under members policy "Sitting Fees and Reimbursable expenses," the particulars of which are contained in councils annual report pursuant to r.19B of the Local Government (Administration) Regulations 1996.~~

~~6.6 Other Sources of information~~

~~To ensure all related party transactions are captured and recorded the responsible Manager Corporate and Community Services and/or Finance Coordinator is responsible for reviewing, if required, other sources of information held by the Shire of Toodyay including, but not limited to:~~

~~(a) A register of interests of a KMP and of persons related to the KMP;~~

~~(b) Minutes of Council and Committee Meetings; and~~

~~(c) Council's Contracts Register.~~

4.3 ~~6.7~~ Confidentiality

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified.

Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified if the disclosure requirements of AASB 124 so demands.

~~6.8 Materiality~~

~~Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.~~

~~In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.~~

~~6.9 Assessment Process~~

~~Where the assessment of transactions made with key management personnel or entities is required, the assessment panel will comprise of the Chief Executive Officer, the Manager Corporate and Community Services and/or the Finance Coordinator.~~

~~Where there may be an impartiality issue (perceived or otherwise), either the Manager Assets and Services or the Manager Planning and Development may be selected at the discretion of the Chief Executive Officer.~~

Reference Information

- *AASB 124 Related Party Disclosures Standard published by the Australian Government*
- *Guidelines for financial policy and accounting: https://www.dlgsc.wa.gov.au/local-government/local-governments/support-and-advice/financial-policy-and-accounting*

~~*WALGA (Moore Stephens) Info Bulletin dated 22 June 2017.*~~

- ~~AASB 124 Related Party Disclosures Standard published by the Australian Government in December 2009 https://www.aasb.gov.au/admin/file/content105/c9/AASB124_12-09.pdf~~

Legislation

Financial Management Act 2006,

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

~~*Associated Regulatory Framework*~~

AASB 10 Consolidated Financial Statement

AASB 11 Joint Arrangement and

AASB 128 Investments in Associates and Joint Ventures

~~*AASB119 Employee Benefits*~~

~~*AASB2 Share-based Payment (if applicable)*~~

~~*AASB12 Disclosure of Interest in Other Entities*~~

~~*Local Government Act 1995*~~

Associated documents

~~Related Party Disclosures - Declaration form~~Attachment A: Related Party Disclosures - Declaration form

Attachment B – Definitions in regard to Related Party Disclosures Policy.

Document control information	
Document Category	Governance
Document Title	Related Party Disclosures
Document ID	GOV6
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Manager Finance and Corporate Services~~Executive Services Officer~~
Initial Council Adoption (including Date and Resolution No.)	27 July 2021 (CRN: 150/07/21)
Last Council Review (including Date and Resolution No.)	25 May 2022 (CRN: OCM095/05/22)
Date of approval	~~25 May 2022 (CRN: OCM095/05/22)~~t.b.a.
Approving authority	Council
Absolute or Simple Majority Decision:	Absolute
Access restrictions	Nil
Date Published	~~30 May 2022~~t.b.a.
Date of last review	~~27 July 2021~~4 April 2025
Date of next review	Annually or as required~~5 February 2025~~

Council Policy: Related Party Disclosures

Attachment A – Disclosure form
Refer also to Attachment B – Definitions for Related Party Disclosures

Details of Key Management Personnel (KMP) disclosing related party transactions

Full Name: _____

Position: _____

Department: _____

Period covered by the disclosure: _____

Privacy Notice

This form asks for details about transactions between you, your family, or entities you control, and the entity you are a Key Management Personnel (KMP) of, or any entity controlled by it.

The main reason for collecting this information is to help users of the financial statements understand how these transactions affect the Shire's financial position and performance.

We are collecting this information according to the Australian Accounting Standard AASB 124 – Related Party Disclosures. The Shire must follow these rules when preparing annual financial statements. The information you provide will be used to disclose related party transactions

Completion of this form

(a) Please fill out this form for each related party transaction with the Shire of Toodyay that you, a close family member, or an entity related to you or a close family member:

(i) has already entered into and will continue in the current financial year; or

(ii) has entered into, or is likely to enter into, in the _____ financial year, whether it continues into future years or not.

(b) Write "not applicable" or "Nil" for anything that doesn't apply.

(c) If nothing has changed since your last declaration, please write "no change"

Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) **9574 9300**
F (08) 9574 2158
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Within the period covered by the disclosure, were there any of the following transactions with the Shire?

Did any of the following apply?	Transactions between you and Council	Transactions between Council and entities related to you	Transactions between Council and entities related to your close family members
Purchase of goods or services from, or provision of goods or services.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Purchase of property or other assets from, or sale of property or other assets.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Leases entered into with the Shire.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Grants or subsidies provided to or grants or subsidies received from the Shire	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Voluntary work provided to, or received from the Shire	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Debts forgiven in part or in full by the Shire.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Any other transactions that could be considered a related party transaction with the Shire	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

1. CLOSE MEMBERS OF THE FAMILY

List the details of known close family members, entities controlled or jointly controlled by Key Management Personnel (KMP), and entities controlled or jointly controlled by the close family members of the KMP.

Name of Family Member

Relationship to you

Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) **9574 9300**
F (08) 9574 2158
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Did any of the following apply?	Transactions between you and Council	Transactions between Council and entities related to you	Transactions between Council and entities related to your close family members

2. ENTITIES THAT I, OR CLOSE FAMILY MEMBER CONTROLS OR JOINTLY CONTROLS List details where you control the entity or can influence its financial and operating decisions. This includes companies, trusts, partnerships, sports clubs, societies, or any other organization where you have control or significant influence.
Name of Entity
Name of person who has control/nature of control

3. ORDINARY CITIZEN TRANSACTIONS – NOT PROVIDED AT ARMS LENGTH. Did you or any close family member use council facilities and receive a discount or special terms that are not available to the general public?
Name of person using the facility
Service/facility used
Nature of transaction
Nature of discount or special conditions received.

4. LEASING AGREEMENTS – DOMESTIC RESIDENTIAL Did you, a close family member, or a related entity enter into a lease agreement with the Shire of Toodyay for a rental property (including properties owned by the Shire or privately owned properties sub-leased through the Shire)? Did you receive or give a discount or special terms not available to the general public?
Name of person party to the lease
Property Address
Term of Lease & Weekly rent.
Detail of any non-arms- length conditions

5. LEASING AGREEMENTS – COMMERCIAL Did you, a close family member, or a related entity enter into a commercial lease agreement with the Shire of Toodyay for a commercial property? Did you receive a discount or special terms not available to the general public?
Name of person party to the lease
Property Address
Term of Lease & Weekly rent.
Detail of any non-arms- length conditions

6. TRADING ARRANGEMENTS Were you or a close family member the owner or in control of a business that provided goods or services to the Shire of Toodyay? Were these goods or services provided on the same terms as to any other customer? If not, please provide details of the specific terms given to the Shire of Toodyay
Business name
Goods or Services Provided
Approximate value for the reporting period
Terms and Conditions

7. OTHER AGREEMENTS (Construction, Consultancy, Service Contracts) Did you, a close family member, or a related entity enter into any other agreements or arrangements with the Shire of Toodyay, whether or not a price was charged? This could include construction contracts, consultancy services, or service contracts (like cleaning, maintenance, or security). For example: a company controlled by a close family member was awarded a contract with the Shire to build a new office or facility.
Name of person or business/company
Nature of Agreement
Value of Agreement
Terms and Conditions

8. PURCHASE OF PROPERTY Did you, a close family member or related entity, purchase any property of other assets from the Shire of Toodyay? (This may include vehicles or other plant items, land or buildings).
Name of person or entity name
Property purchased
Value of the purchase
Terms & Conditions

9. SALE OF PROPERTY Did you, a close family member or related entity, sell any property or other assets to the Shire of Toodyay? (This may include vehicles or other plant items, land or buildings). Was the sale made at arms-length, and or on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided.
Name of person or entity name
Property sold
Value of the Sale
Terms & Conditions

10. FEES & CHARGES FOR APPLICATIONS Did you, a close family member or related entity, make an application to Council for a trading, building, planning or development application, licence or approval, or any other type of permit or licence?
Name of person or entity name
Application Type
Application and/or receipt number

11. SELF SUPPORTING LOANS Did you, a close family member or related entity, enter into a loan agreement with the Shire of Toodyay? For example: a club for which you have control over or influence.
Name of person or entity name
Loan details
Value of the loan
Terms & Conditions

12. OTHER AGREEMENTS Please list any other agreement or arrangement you believe is a related party transaction and should be declared.
Name of person or entity name
Details
Value
Other Terms

Notification

I _____, _____

(full name) (Position)

notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family relevant to the current financial year and the _____ financial year.

I have made inquiries of my close family members and to the best of my knowledge the information provided in this declaration is a complete and accurate record.

I understand this information is collected for the purpose of preparing note disclosures for inclusion in the financial statements of the Shire of Toodyay.

I make this notification after reading the Related Parties and Related Party Transactions Policy provided by the Shire of Toodyay which details the meaning of the words:

- "related party";
- "related party transaction";
- "close members of the family of a person"; and
- In relation to an entity, "control" or "joint control" and the purposes for which this information will be used and disclosed.

I authorise the Shire of Toodyay to provide personal information about me or my close family members in respect of transactions between me or my close family members, or entities controlled or jointly controlled by me or my close family members, and the Shire of Toodyay.

I consent to the Shire of Toodyay collecting, using and disclosing my personal information for the purposes of meeting its financial reporting obligations.

SELECT OPTION 1: □ Handwritten Signature.

Signed: _____ Date: _____

Once signed please provide to the CEO.

SELECT OPTION 2: □ Electronic Signature.

Signed: _____ Date: _____

This form can be sent by email to the CEO provided the email is sent by the person making the disclosure from their work or persona (e.g.: Councillors) email account.

Attachment B – Definitions for Related Party Disclosures Policy

Term	Definition
Arm's Length transactions	*A transaction in which the parties act independently and in their own self-interest, ensuring that neither party is influenced by the relationship with the other for favourable terms.*
Associate	*In relation to an entity (the first entity), an entity over which the first entity has significant influence. It includes subsidiaries of the associate.* *For example, an associate's subsidiary and the investor that has significant influence over the associate are related to each other.*
Compensation	*Compensation includes all employee benefits (as defined in AASB 119 Employee Benefits) including employee benefits to which AASB 2 Share-based Payment applies. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity.* *Compensation includes:* *(a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;* *(b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;* *(c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation;* *(d) termination benefits; and* *(e) share-based payment.*
Control	*The power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.*

Term	Definition
Director	*A person who is a director under the Corporations Act; and in the case of entities governed by bodies that are not named a board of directors, a person who, regardless of the name that is given to the position, is appointed to the position of member of the governing body, council, commission or authority.*
Dutiable transaction	*Is made between related parties if the parties are:* *(a) related by blood, marriage, co-ownership or prior business relationship* *(b) related companies as defined in the* Corporations Act 2001 *(c) partners in a partnership* *(d) participants in the same joint venture* *(e) trustees of trusts which have common beneficiaries* *(f) joint owners of property* *(g) not at arms' length by any other circumstances.*
Entity	*Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.* *You control an entity if you have:* *(a) power over the entity;* *(b) exposure, or rights, to variable returns from involvement with the entity; and* *the ability to use your power over the entity to affect the amount of your returns.*
Financial benefit	*A financial benefit includes giving a financial benefit indirectly through an interposed entity, making an informal, oral or non-binding agreement to give the benefit, and giving a benefit that does not involve paying money.* *Examples of "giving a financial benefit' to a related party may include but is not limited to:* *(a) Giving or providing the Related Party finance or property.* *(b) Buying an asset from or selling an asset to the Related Party.* *(c) Supplying services to or receiving services from the Related Party.* *(d) Issuing securities of grating an option to the Related Party.* *Taking up or releasing an obligation of the Related Party.*

Shire of Toodyay
Attachment B – Definitions for Related Party Disclosures Policy

Term	Definition
Government	*Government refers to government, government agencies and similar bodies whether local, national or international.*
Government-related entity	*A government-related entity is an entity that is controlled, jointly controlled or significantly influenced by a government.*
Joint control	*Joint control is the contractually agreed sharing of control over an economic activity/arrangement which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.*
Joint Venture	*An arrangement of which 2 or more parties have joint control and have right to the net assets of the arrangement. It includes subsidiaries of the joint venture.*
Key Management Personnel (KMP)	*Individuals having authority and responsibility for planning, directing and controlling the activities of the Shire, directly or indirectly, including any director (whether executive or otherwise) of that entity.* *KMPs having authority and responsibility for planning, directing and controlling activities of the Shire of Toodyay either directly or indirectly are as follows:* *(a) Shire President / Deputy Shire President / Councillors.* *(b) A relevant person employed under s.5.36 or s.5.37 of the Local Government Act 1995 (i.e. Chief Executive Officer/ Senior Executive Managers); and.* *(c) Other Officers with delegated authority, procurement responsibilities, or influence.*
Management	*Where "management" is mentioned in this policy it means the Chief Executive Officer and Senior Executive Officers responsible to the CEO.*
Materiality	*The assessment of whether the transaction, either individually or in aggregate with other transactions, could influence decisions that users make regarding financial matters of the Shire. In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.*
Ordinary Citizen or Minor Transactions *Referred to as* ***OCT Transactions***	*Transactions that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Shire of Toodyay's financial statements make. (e.g. rates*

Term	Definition
	and fees for using council facilities, or transactions for Councillor fees and expenses). *Note: transactions that have different terms and conditions to normal practice could be material in nature and would require reporting in the Related Parties Disclosure.*
Related Party	*Any person or entity that is related to the Shire that is preparing its financial statements (in this Standard referred to as the 'reporting entity').* *(a) A person or a close member of that person's family is related to a reporting entity if that person:* *i. has control or joint control over the reporting entity;* *ii. has significant influence over the reporting entity; or* *iii. is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.* *(b) An entity is related to a reporting entity if any of the following conditions applies:* *i. The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).* *ii. One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).* *iii. Both entities are joint ventures of the same third party.* *iv. One entity is a joint venture of a third entity and the other entity is an associate of the third entity.* *v. The entity is a post-employment benefit plan for the benefit of employees of either the reporting entity or an entity related to the reporting entity. If the reporting entity is itself such a plan, the sponsoring employers are also related to the reporting entity.* *vi. The entity is controlled or jointly controlled by a person identified in (a).* *A person identified in (a)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).*

Term	Definition
	The entity, or any member of a group of which it is a part, provides key management personnel services to the reporting entity (the Shire) or to the parent of the reporting entity.
Related Party Transactions	*Any transaction or arrangement, regardless of whether a monetary amount is charged, that involves the transfer of resources, services or obligations between the Shire and a related party, regardless of whether a price is charged. These transactions are required to be disclosed in financial statements.*
Remuneration	*Consideration or benefit received or receivable by the person but excludes any reimbursement of out of pocket*
Significant Influence	*The power to participate in the financial and operating policy decisions of an entity but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.*

Related Party Disclosures

Introduction

s.6.4 of the *Local Government Act 1995* and r.5A of the *Local Government (Financial Management) Regulations 1996*, requires that all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

This policy has been developed to ensure that all transactions, relationships, and arrangements involving related parties are:

1. Identified and disclosed with the required transparency;
2. Documented and reported in accordance with statutory obligations;
3. Monitored and reviewed to safeguard public assets; and
4. Managed in accordance with sound financial management practices as outlined by s.62 of the *Financial Management Act 2006*, which requires *local government authorities* prepare financial statements referred to in section 61(1)(a) in accordance with the accounting standards and other requirements issued by the Australian Accounting Standards Board (AASB).

Objective

To ensure that the existence of certain related party relationships, related party transactions and information about the transactions, necessary for users to understand the potential effects on the financial statements are properly identified, recorded in the Shire of Toodyay systems, and disclosed to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

Scope

This policy applies to:

- All Shire Officers, employees, and Councillors (key management personnel) who have delegated authority, and are engaged in transactions or decision making relating to the financial management of the Shire.
- All transactions and arrangements (both financial and non-financial) where a "related party" as defined in AASB 124 is involved.
- All reporting periods and financial statements subject to internal and external auditing.

Definitions

Term	Definition
Refer to Associated Documents or the Shire of Toodyay (Shire) Glossary (Definitions) located on the Shire website for definitions not listed: https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions	

Policy Statement

A related party transaction is a deal or agreement between two parties who have a pre-existing business relationship or common interest. These transactions, while legal and a normal feature of commerce, they can potentially create conflicts of interest and they can affect the profit or loss, financial position, and cashflows of an entity. Related parties may transact with an entity on terms that would not be available to an unrelated party. The disclosure of the entity's transactions, outstanding balances (including commitments), and the relationships with related parties may affect assessments of the Shire's operations by users of the financial statements.

Therefore the Shire of Toodyay is committed to:

(a) ensuring that all related party transactions shall be transparently disclosed in the financial statements;

(b) maintaining high ethical standards in the identification, documentation, and reporting of related party transactions; and

(c) ensuring that such transactions are conducted on an arm's length basis and are approved at the appropriate level of oversight as required under this policy.

1. Establishment of a process

(a) The identification of related parties and relationships occurs through maintenance of a register of related party transactions and Related Entities in which is recorded information that has been identified and determined in respect to:

(i) Shire subsidiaries, associates and joint ventures (incorporated and unincorporated);

(ii) whether Council has control or joint control of an entity;

(iii) whether an entity is an associate of, or in a joint venture with, the Shire of Toodyay or a subsidiary of the Shire;

(iv) whether any identified Shire subsidiaries, associates or joint ventures have an existing related party transaction with the Shire through the Shire's business systems;

(v) extracting information against each existing related party transaction in the Shire's business systems for the purpose of recording the related party transaction and associated information; and

(vi) Manually reviewing the transactional documentation for related party transactions that are not captured by the Shire's business systems and recording the information for the subject transaction.

(b) Other sources other sources of information held by the Shire of Toodyay including, but not limited to Minutes of Council and Committee Meetings; and Council's Contracts and Lease Registers.

(c) Key Management personnel are identified through the register for Delegations and Financial Interest Returns. The register is updated regularly through the Shire's compliance management processes.

1.1. Identifying Related Parties (Key Management Personnel – KMP)

(a) The most common related parties to the Shire will be:

(i) A Councillor (KMP);

(ii) A person employed under section 5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer (CEO) and other Executive Management staff (KMP);

(iii) Close family members of any person listed above (e.g. spouse/domestic partners, dependants and children of the Councillors, CEO and Executive Management staff);

(iv) Possible close family members of any person listed above;

(v) Entities that are controlled or jointly controlled by KMP's or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs); and

(vi) Entities subject to significant influence by the Shire and Shire Joint Venture entities.

(b) In the context of AASB 124, the following are not related parties:

(i) Two entities simply because they have a member of key management personnel in common or because a member of key management personnel of one entity has significant influence over the other entity.

(ii) Two joint ventures simply because they share joint control over a joint venture.

(iii) Financial providers;

(iv) Trade Unions;

(v) Public utilities

(vi) Departments and agencies of a government that does not control, jointly control or significantly influence the local government; and

(vii) Simply by virtue of their normal dealings with the local government (even though they may affect the freedom of action of a local government or participate in its decision-making process).

(viii) A customer, supplier, franchisor, distributor or general agent with whom the local government transacts a significant volume of business.

1.2. KMP Disclosure responsibilities

(a) Key Management personnel (KMP) are responsible for providing a **Related Party Disclosure** in the form set out in **Attachment A**, notifying any existing or potential related party transactions between the Shire of Toodyay and either themselves, their close family members or entities controlled or jointly

controlled by them or any of their close family members, subject to exclusions.

(b) Disclosures will be required:

(i) annually, no later than 30 days after 30 June;

(ii) 30 days after a KMP has commenced employment;

(iii) when staff movements occur for an KMP role; and

(iv) after elections of Council in October of relevant year and or after any extraordinary election held

(c) These requirements are in addition to the notifications a KMP must make to comply with their Code of Conduct and disclosure of interests responsibilities in a primary or annual return in accordance with the *Local Government Act 1995*.

(d) In all instances if any uncertainty exists regarding the status of a transaction or party it is advisable to make the requisite disclosure. The Executive Manager Finance and Corporate Services will be able to assess and confirm the nature of the transaction.

(e) If a KMP believes a transaction or relationship may constitute a related party transaction or relationship but is uncertain and is not comfortable with disclosure, the CEO can be notified. The CEO will be able to obtain resolution from the Executive Manager Finance and Corporate Services regarding the status of the transaction or relationship.

2. **Identifying related party transactions**

For the purposes of determining whether a related party transaction has occurred, common transactions or provision of services have been identified as meeting the criteria include but are not limited to the following:

(a) Paying of Rates, fees and charges or any other amount to the Shire;

(b) Use of Shire owned or operated facilities such as halls, pavilions, other buildings, library, parks, ovals and other public open spaces (whether charged a fee or not);

(c) Attending Shire functions that are open to the public;

(d) Employee compensation whether it is for KMP or close family members of KMP;

(e) Application fees paid to the Shire for licences, approvals or permits;

(f) Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);

(g) Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);

(h) Lease agreements for commercial properties;

(i) Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family)

in exchange for goods and/or services provided by/to the Shire (trading arrangement);

(j) Sale or purchase of any property owned by the Shire to a person identified above;

(k) Sale or purchase of any property owned by a person identified above, to the Shire;

(l) Loan Arrangements;

(m) Contracts and agreements for construction, consultancy or services.

(n) Any transaction, monetary or otherwise, involving an entity that could affect the financial and operating policies of the Shire through presence of Control, Joint Control or significant influence.

2.1 Identifying ordinary citizen transactions (OCT)

The Shire acknowledges that there are related party transactions that also satisfy the definition of an Ordinary Citizen Transaction (OCT).

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. Where the Shire can determine that the OCT was:

(a) Provided at arm's length;

(b) In similar terms and conditions applying to the general public; and

(c) That the nature of the transaction is immaterial.

Where these services were not provided as per above OCT description, Councillors and KMP will be required to make a declaration. The disclosure requires KMP's to identify the nature of the transactions, discount or special terms received in accordance with AASB124.

2.2 Exclusions

The notification requirements do not apply to:

(a) Related party transactions that are ordinary citizen transactions not assessed as being material as determined under this policy; and

(b) The Member sitting fees provided and reimbursable expenses incurred, during the financial year under members policy "Sitting Fees and Reimbursable expenses," the particulars of which are contained in councils annual report pursuant to r.19B of the *Local Government (Administration) Regulations 1996.*

2.3 Identifying KMP's close family members, possible close family members and entities controlled or jointly controlled by any of them

(a) Close family members and possible close family members of KMP

These are family members who may be expected to influence, or be influenced by a KMP person in their dealings with the entity and include but are not limited to:

(i) that person's children and spouse or domestic partner;

(ii) children of that person's spouse or domestic partner; and

(iii) dependants of that person or that person's spouse or domestic partner.

(iv) stepparents, grandparents, aunts, uncles, and cousins; and

(v) any other close family member

(b) The following table may assist in identifying close family members and possibly close family members.

Definitely a close family member	***May be a close family member***
Your spouse/domestic partner	*Your brothers and sisters, if they could be expected to influence or be influenced by you in their dealings with council*
Your children	*Your aunts, uncles and cousins, if they could be expected to influence or be influenced by you in their dealings with council*
Your dependants	*Your parents and grandparents, if they could be expected to influence or be influenced by you in their dealings with council*
Children of your spouse/domestic partner	*Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with council*
Dependants of your spouse/domestic partner	*Any other member of your family if they could be expected to influence or be influenced by you in their dealings with council*

(c) Entities controlled or jointly controlled by KMP, close family members and possibly close family members

The control and joint control criteria detailed in *AASB 10 Consolidated Financial Statements (AASB 10)* and *AASB 11 Joint Arrangements (AASB 11)* must be applied in determining whether an entity is a related party of the Shire. Entities, regardless of their legal form or purpose that are controlled or jointly controlled by a KMP or Close Family Member of a KMP are related parties of Council.

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships. Control over an entity is:

(i) Power over the entity;

(ii) Exposure, or rights, to variable returns from involvement with the entity; and

(iii) The ability to use power over the entity to affect the amount of returns.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

3. **Assess Materiality**

(a) Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

(b) In assessing materiality (quantitative and qualitative), management will consider both the size and nature of the transaction, individually and collectively.

(c) Where the assessment of transactions made with key management personnel or entities is required, the assessment panel will comprise of the Chief Executive Officer, the Manager Corporate and Community Services and/or the Finance Coordinator.

(d) Where there may be an impartiality issue (perceived or otherwise), either the Manager Assets and Services or the Manager Planning and Development may be selected at the discretion of the Chief Executive Officer.

4. Making disclosures in the local government's financial statements

To comply with AASB124, for annual periods beginning on or after 1 July each year, the Chief Executive Officer (Director) will ensure that the following disclosures are included in the Shire of Toodyay Annual Financial Statements:

(a) Relationships between the Shire of Toodyay and its subsidiaries, irrespective of whether there have been transactions between them.

(b) Key Management Personnel (KMP) compensation in total and for each of the following categories:

i. Short-term employee benefits;

ii. Post-employment benefits;

iii. Other long-term benefits;

iv. Termination benefits.

(c) Amounts incurred by the Shire of Toodyay for the provision of KMP services that are provided by a separate management entity.

(d) Information for related party transactions with the following persons during the periods covered by the Financial Statement:

i. Council subsidiaries;

ii. Entities who are associates of Council or of a Council subsidiary;

iii. Joint ventures in which Council or a Council subsidiary enters into a joint venture;

iv. Key management Personnel (KMP) of the Shire;

v. Other related parties comprising:

- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or persons' spouse or domestic partner;
- Entities that are controlled or jointly controlled by a KMP or their close family members.
- Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

4.1 Disclosed Information

Where related party transactions have occurred (for each category of related party transactions, including related entities, KMP's, KMP's close family member/controlled entities and any other related parties) the Shire will disclose the following information in the Shire of Toodyay Annual Financial Statements:

(a) The nature of the related party relationship;

(b) Information about the transaction including the amount; the outstanding balances and commitments including:

(i) their terms and conditions;

(ii) whether they are secured, and the nature of the consideration to be provided in settlement;

(iii) details of any guarantees given or received;

(iv) Purchase/ sales and lease of goods, property and other assets;

(v) Rendering or receiving of goods, services, property and other assets;

(vi) Loans and settlements of liabilities;;

(vii) Provisions for doubtful debts related to the amount of outstanding balances; and

(viii) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

It should be noted that the disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is

considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

4.2 Disclosures in aggregate or separate

Generally, related party disclosures in the annual financial statements are reported in aggregate and as such, individuals are not specifically identified nor a specific transaction.

Management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality.

Individuals may be specifically identified and separate disclosure may be necessary for an understanding of the effects of related party transactions on the financial statements, if the disclosure requirements of AASB 124 so demands.

For each related party category, the Shire of Toodyay will disclose items of a similar nature in aggregate (one lump sum), except when a separate disclosure is necessary for an understanding of the effect of a related party transaction on the financial statements and having regard to the following criteria:

(a) the nature of the related party relationship.

(b) the significance of the transaction (individually or collectively in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by the Shire of Toodyay);

(c) whether the transaction is carried out on non-arm's length terms;

(d) whether the nature of the transaction is outside normal day-to-day business operations.

based on the factors and thresholds under the direction of the Manager Corporate and Community Services in consultation with the Chief Executive Officer and the Shire's external Auditor.

4.3 Confidentiality

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified.

Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified if the disclosure requirements of AASB 124 so demands.

Reference Information

- *AASB 124 Related Party Disclosures Standard published by the Australian Government*
- *Guidelines for financial policy and accounting: https://www.dlgsc.wa.gov.au/local-government/local-governments/support-and-advice/financial-policy-and-accounting*

Legislation

Financial Management Act 2006,

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

AASB 10 Consolidated Financial Statement

AASB 11 Joint Arrangement and

AASB 128 Investments in Associates and Joint Ventures

Associated documents

Attachment A: Related Party Disclosures - Declaration form

Attachment B – Definitions in regard to Related Party Disclosures Policy.

Document control information	
Document Category	Governance
Document Title	Related Party Disclosures
Document ID	GOV6
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Manager Finance and Corporate Services
Initial Council Adoption (including Date and Resolution No.)	27 July 2021 (CRN: 150/07/21)
Last Council Review (including Date and Resolution No.)	25 May 2022 (CRN: OCM095/05/22)
Date of approval	t.b.a.
Approving authority	Council
Absolute or Simple Majority Decision:	Absolute
Access restrictions	Nil
Date Published	t.b.a.
Date of last review	4 April 2025
Date of next review	Annually or as required

Council Policy: Related Party Disclosures

Attachment A – Disclosure form
Refer also to Attachment B – Definitions for Related Party Disclosures

Details of Key Management Personnel (KMP) disclosing related party transactions

Full Name: _____

Position: _____

Department: _____

Period covered by the disclosure: _____

Privacy Notice

This form asks for details about transactions between you, your family, or entities you control, and the entity you are a Key Management Personnel (KMP) of, or any entity controlled by it.

The main reason for collecting this information is to help users of the financial statements understand how these transactions affect the Shire's financial position and performance.

We are collecting this information according to the Australian Accounting Standard AASB 124 – Related Party Disclosures. The Shire must follow these rules when preparing annual financial statements. The information you provide will be used to disclose related party transactions

Completion of this form

(a) Please fill out this form for each related party transaction with the Shire of Toodyay that you, a close family member, or an entity related to you or a close family member:

  (i) has already entered into and will continue in the current financial year; or

  (ii) has entered into, or is likely to enter into, in the _____ financial year, whether it continues into future years or not.

(b) Write "not applicable" or "Nil" for anything that doesn't apply.

(c) If nothing has changed since your last declaration, please write "no change"

Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) **9574 9300**
F (08) 9574 2158
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Within the period covered by the disclosure, were there any of the following transactions with the Shire?

Did any of the following apply?	Transactions between you and Council	Transactions between Council and entities related to you	Transactions between Council and entities related to your close family members
Purchase of goods or services from, or provision of goods or services.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Purchase of property or other assets from, or sale of property or other assets.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Leases entered into with the Shire.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Grants or subsidies provided to or grants or subsidies received from the Shire	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Voluntary work provided to, or received from the Shire	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Debts forgiven in part or in full by the Shire.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Any other transactions that could be considered a related party transaction with the Shire	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

1. CLOSE MEMBERS OF THE FAMILY

List the details of known close family members, entities controlled or jointly controlled by Key Management Personnel (KMP), and entities controlled or jointly controlled by the close family members of the KMP.

Name of Family Member
Relationship to you

Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) **9574 9300**
F (08) 9574 2158
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

2. ENTITIES THAT I, OR CLOSE FAMILY MEMBER CONTROLS OR JOINTLY CONTROLS List details where you control the entity or can influence its financial and operating decisions. This includes companies, trusts, partnerships, sports clubs, societies, or any other organization where you have control or significant influence.
Name of Entity
Name of person who has control/nature of control

3. ORDINARY CITIZEN TRANSACTIONS – NOT PROVIDED AT ARMS LENGTH. Did you or any close family member use council facilities and receive a discount or special terms that are not available to the general public?
Name of person using the facility
Service/facility used
Nature of transaction
Nature of discount or special conditions received.

4. LEASING AGREEMENTS – DOMESTIC RESIDENTIAL Did you, a close family member, or a related entity enter into a lease agreement with the Shire of Toodyay for a rental property (including properties owned by the Shire or privately owned properties sub-leased through the Shire)? Did you receive or give a discount or special terms not available to the general public?
Name of person party to the lease
Property Address
Term of Lease & Weekly rent.
Detail of any non-arms- length conditions

5. LEASING AGREEMENTS – COMMERCIAL Did you, a close family member, or a related entity enter into a commercial lease agreement with the Shire of Toodyay for a commercial property? Did you receive a discount or special terms not available to the general public?
Name of person party to the lease
Property Address
Term of Lease & Weekly rent.
Detail of any non-arms- length conditions

Shire of Toodyay
Attachment A - Related Party Disclosures Form

6. TRADING ARRANGEMENTS Were you or a close family member the owner or in control of a business that provided goods or services to the Shire of Toodyay? Were these goods or services provided on the same terms as to any other customer? If not, please provide details of the specific terms given to the Shire of Toodyay
Business name
Goods or Services Provided
Approximate value for the reporting period
Terms and Conditions

7. OTHER AGREEMENTS (Construction, Consultancy, Service Contracts) Did you, a close family member, or a related entity enter into any other agreements or arrangements with the Shire of Toodyay, whether or not a price was charged? This could include construction contracts, consultancy services, or service contracts (like cleaning, maintenance, or security). For example: a company controlled by a close family member was awarded a contract with the Shire to build a new office or facility.
Name of person or business/company
Nature of Agreement
Value of Agreement
Terms and Conditions

8. PURCHASE OF PROPERTY Did you, a close family member or related entity, purchase any property of other assets from the Shire of Toodyay? (This may include vehicles or other plant items, land or buildings).
Name of person or entity name
Property purchased
Value of the purchase
Terms & Conditions

9. SALE OF PROPERTY Did you, a close family member or related entity, sell any property or other assets to the Shire of Toodyay? (This may include vehicles or other plant items, land or buildings). Was the sale made at arms-length, and or on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided.
Name of person or entity name
Property sold
Value of the Sale
Terms & Conditions

10. FEES & CHARGES FOR APPLICATIONS

Did you, a close family member or related entity, make an application to Council for a trading, building, planning or development application, licence or approval, or any other type of permit or licence?

Name of person or entity name
Application Type
Application and/or receipt number

11. SELF SUPPORTING LOANS

Did you, a close family member or related entity, enter into a loan agreement with the Shire of Toodyay? For example: a club for which you have control over or influence.

Name of person or entity name
Loan details
Value of the loan
Terms & Conditions

12. OTHER AGREEMENTS Please list any other agreement or arrangement you believe is a related party transaction and should be declared.
Name of person or entity name
Details
Value
Other Terms

Notification

I _____, _____
(full name) (Position)

notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family relevant to the current financial year and the _____ financial year.

I have made inquiries of my close family members and to the best of my knowledge the information provided in this declaration is a complete and accurate record.

I understand this information is collected for the purpose of preparing note disclosures for inclusion in the financial statements of the Shire of Toodyay.

I make this notification after reading the Related Parties and Related Party Transactions Policy provided by the Shire of Toodyay which details the meaning of the words:

- “related party”;
- “related party transaction”;
- “close members of the family of a person”; and
- In relation to an entity, “control” or “joint control” and the purposes for which this information will be used and disclosed.

I authorise the Shire of Toodyay to provide personal information about me or my close family members in respect of transactions between me or my close family members, or entities controlled or jointly controlled by me or my close family members, and the Shire of Toodyay.

I consent to the Shire of Toodyay collecting, using and disclosing my personal information for the purposes of meeting its financial reporting obligations.

SELECT OPTION 1: □ Handwritten Signature.

Signed: _____ Date: _____

Once signed please provide to the CEO.

SELECT OPTION 2: □ Electronic Signature.

Signed: _____ Date: _____

This form can be sent by email to the CEO provided the email is sent by the person making the disclosure from their work or persona (e.g.: Councillors) email account.

Attachment B – Definitions for Related Party Disclosures Policy

Term	Definition
Arm's Length transactions	*A transaction in which the parties act independently and in their own self-interest, ensuring that neither party is influenced by the relationship with the other for favourable terms.*
Associate	*In relation to an entity (the first entity), an entity over which the first entity has significant influence. It includes subsidiaries of the associate.* *For example, an associate's subsidiary and the investor that has significant influence over the associate are related to each other.*
Compensation	*Compensation includes all employee benefits (as defined in AASB 119 Employee Benefits) including employee benefits to which AASB 2 Share-based Payment applies. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity.* *Compensation includes:* *(a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;* *(b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;* *(c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation;* *(d) termination benefits; and* *(e) share-based payment.*
Control	*The power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.*

Term	Definition
Director	*A person who is a director under the Corporations Act; and in the case of entities governed by bodies that are not named a board of directors, a person who, regardless of the name that is given to the position, is appointed to the position of member of the governing body, council, commission or authority.*
Dutiable transaction	*Is made between related parties if the parties are:* *(a) related by blood, marriage, co-ownership or prior business relationship* *(b) related companies as defined in the* Corporations Act 2001 *(c) partners in a partnership* *(d) participants in the same joint venture* *(e) trustees of trusts which have common beneficiaries* *(f) joint owners of property* *(g) not at arms' length by any other circumstances.*
Entity	*Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.* *You control an entity if you have:* *(a) power over the entity;* *(b) exposure, or rights, to variable returns from involvement with the entity; and* *the ability to use your power over the entity to affect the amount of your returns.*
Financial benefit	*A financial benefit includes giving a financial benefit indirectly through an interposed entity, making an informal, oral or non-binding agreement to give the benefit, and giving a benefit that does not involve paying money.* *Examples of "giving a financial benefit' to a related party may include but is not limited to:* *(a) Giving or providing the Related Party finance or property.* *(b) Buying an asset from or selling an asset to the Related Party.* *(c) Supplying services to or receiving services from the Related Party.* *(d) Issuing securities of grating an option to the Related Party.* *Taking up or releasing an obligation of the Related Party.*

Term	Definition
Government	*Government refers to government, government agencies and similar bodies whether local, national or international.*
Government-related entity	*A government-related entity is an entity that is controlled, jointly controlled or significantly influenced by a government.*
Joint control	*Joint control is the contractually agreed sharing of control over an economic activity/arrangement which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.*
Joint Venture	*An arrangement of which 2 or more parties have joint control and have right to the net assets of the arrangement. It includes subsidiaries of the joint venture.*
Key Management Personnel (KMP)	*Individuals having authority and responsibility for planning, directing and controlling the activities of the Shire, directly or indirectly, including any director (whether executive or otherwise) of that entity.* *KMPs having authority and responsibility for planning, directing and controlling activities of the Shire of Toodyay either directly or indirectly are as follows:* *(a) Shire President / Deputy Shire President / Councillors.* *(b) A relevant person employed under s.5.36 or s.5.37 of the Local Government Act 1995 (i.e. Chief Executive Officer/ Senior Executive Managers); and.* *(c) Other Officers with delegated authority, procurement responsibilities, or influence.*
Management	*Where "management" is mentioned in this policy it means the Chief Executive Officer and Senior Executive Officers responsible to the CEO.*
Materiality	*The assessment of whether the transaction, either individually or in aggregate with other transactions, could influence decisions that users make regarding financial matters of the Shire. In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.*
Ordinary Citizen or Minor Transactions *Referred to as* ***OCT Transactions***	*Transactions that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Shire of Toodyay's financial statements make. (e.g. rates*

Term	Definition
	and fees for using council facilities, or transactions for Councillor fees and expenses). *Note: transactions that have different terms and conditions to normal practice could be material in nature and would require reporting in the Related Parties Disclosure.*
Related Party	*Any person or entity that is related to the Shire that is preparing its financial statements (in this Standard referred to as the 'reporting entity').* *(a) A person or a close member of that person's family is related to a reporting entity if that person:* *i. has control or joint control over the reporting entity;* *ii. has significant influence over the reporting entity; or* *iii. is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.* *(b) An entity is related to a reporting entity if any of the following conditions applies:* *i. The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).* *ii. One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).* *iii. Both entities are joint ventures of the same third party.* *iv. One entity is a joint venture of a third entity and the other entity is an associate of the third entity.* *v. The entity is a post-employment benefit plan for the benefit of employees of either the reporting entity or an entity related to the reporting entity. If the reporting entity is itself such a plan, the sponsoring employers are also related to the reporting entity.* *vi. The entity is controlled or jointly controlled by a person identified in (a).* *A person identified in (a)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).*

Term	Definition
	The entity, or any member of a group of which it is a part, provides key management personnel services to the reporting entity (the Shire) or to the parent of the reporting entity.
Related Party Transactions	*Any transaction or arrangement, regardless of whether a monetary amount is charged, that involves the transfer of resources, services or obligations between the Shire and a related party, regardless of whether a price is charged. These transactions are required to be disclosed in financial statements.*
Remuneration	*Consideration or benefit received or receivable by the person but excludes any reimbursement of out of pocket*
Significant Influence	*The power to participate in the financial and operating policy decisions of an entity but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.*

Shire of Toodyay
2024/25 List of Budget Amendments

Acct Number	Job Number	Description	Reason	Original Budget	Amendment Amount	Amended Budget
		Opening Balance 1/7/24-per Audited AFS		(2,835,000)	**(171,679.00)**	(3,006,679)
		Surplus (Increase in Estimated Surplus)			**(171,679.00)**	
		Changes to Operating Income				
033.139.10		*General Purpose Grant (FAGS)*	*Grant received higher than Budget*	*(45,000)*	***(55,000.00)***	*(100,000)*
043.178.10		*Administration -Fees and Charges*	*Fees and charges higher than budget*	*0*	***(24,500.00)***	*(24,500)*
044.179.10		*Adminstration-Reimbersments*	*Reimbersements higher than Budgeted (Workers Compensation Reciepts)*	*0*	***(80,000.00)***	*(80,000)*
101.040.10		*Sanitation-General waste collection services*	*Waste Collection fees higher than budgeted-increased services*	*(562,016)*	***(30,000.00)***	*(592,016)*
106.112.10 & 106.118.10		Town Planning Application Fees	Application Fee income higher than estimated in 2024/25 budget	(39,160)	**(56,000.00)**	*(95,160)*
116.127.10		Commercial Leasing Income	Income higher than estimated in 2024/25 budget	(40,510)	**(20,000.00)**	*(60,510)*
133.112.10		Building Application Fee Income	Income higher than estimated in 2024/25 budget	(66,200)	**(23,000.00)**	*(89,200)*
		Sub-total changes to Operating Income (Increase in Operating Revenue)			**(288,500.00)**	
		Changes to Non-operating income (Capital Grant Funding)				
	WO.3219	Memorial Hall-Upgrade	Project not proceeding	(100,000)	**100,000.00**	0
	WO.3037	*BR4080 Julimar Bridge - Emergency Repairs*	Works Completed in 2023/24 year, funding received in 2024/25 year	*0*	***(100,800.00)***	(100,800)
		Access and Egress Projects Nottingham and North Streets	Scope of Works has been changed to reflect actual grant received	*(203,781)*	***43,781.00***	(160,000)
		Access and Egress Projects Nottingham and North Streets	Scope of Works has been changed to reflect actual Reserve funds required	*(173,779)*	***23,779.00***	(150,000)
		Sale of surplus Plant		0	**(235,000.00)**	(235,000)
						0
						0
		Sub-total changes to Non-Operating Income (Increase in Non-Operating Income)			**(168,240.00)**	
						0
		Changes to Operating Expendture				0
031.399.10		Rates-Valuation Fees	Reflects Actual Actual Expenditure-VGO behind schedule on undertaking valuations	20,000	**(15,000.00)**	5,000
042.339.10		Governance -Contractors	Not needed in 2024/25 year	36,000	**(8,755.00)**	27,245
043.336.10		Administration -Contractors	Not needed in 2024/25 year	194,280	**(50,000.00)**	144,280
052.339.10		Rangers -Consultants	Not needed in 2024/25 year	5,000	**(2,500.00)**	2,500
052.351.10		Rangers - Materials Purchased	Not needed in 2024/25 year	6,800	**(4,000.00)**	2,800
052.366.10		Rangers - Advertising	Not needed in 2024/25 year	2,260	**(2,000.00)**	260
052.388.10		Rangers-Minor Equipment	Not needed in 2024/25 year	2,500	**(2,500.00)**	0
053.336.10		Rangers Other- Contractors	Not needed in 2024/25 year	16,500	**(8,000.00)**	8,500
053.388.10		Rangers Other-Minor Equipment	Not needed in 2024/25 year	1,000	**(1,000.00)**	0
087.336.10		Other Welfare Contractors	Not needed in 2024/25 year	32,000	**(20,000.00)**	12,000
112.388.10		Swimming Pool-Minor Equipment	Unspend at the end of the pool season	1,506	**(1,506.00)**	0
117.366.10		Other Culture-Contractors	Not needed in 2024/25 year	25,736	**(25,000.00)**	736
117.366.10		Other Culture-Advertising	Not needed in 2024/25 year	10,355	**(6,000.00)**	4,355
121.336.10		Road Infrastructure Maintenance-Contractors	Undertake Road Maintenance (Grading and Drain Maintenance) to June 2025	190,893	**500,000.00**	690,893
136.339.10		Economic Development -Contractors	Not needed in 2024/25 year	10,000	**(10,000.00)**	0
136.366.10		Economic Development -Advertising	Not needed in 2024/25 year	4,110	**(4,110.00)**	0
138.447.10		Community Development-Materials Purchased	Not needed in 2024/25 year	21,040	**(10,000.00)**	11,040
143.336.10		Works Overheads-Contractors	Not needed in 2024/25 year	162,725	**(150,000.00)**	12,725
144.615.10		Plant Operations-Plant Hire Recovery	Not Budgeted for in 2024/25 year	0	**(400,000.00)**	(400,000)
		Sub-total changes to Operating Expenditure (Decrease in Operating Expenditure)			**(220,371.00)**	

Shire of Toodyay
2024/25 List of Budget Amendments

Acct Number	Job Number	Description	Reason	Original Budget	Amendment Amount	Amended Budget
		Changes to Capital Expenditure				
						0
	WO.3249	Administraton Office -Footpath lighting	Will not be undertaken in 2024/25 year-will consider including in 2025/26 Budget	15,000	**(15,000)**	0
	WO.3250	CCTV Improvements	Will not be undertaken in 2024/25 year-will consider including in 2025/26 Budget	100,000	**(100,000)**	0
	WO.957	Library Brickwork Repairs	Heritage Building approvals not yet obtained, works will not be done in 2024/25	25,000	**(25,000)**	0
	WO.3026	Recreation Centre-Rainwater Tank Installation	Project not yet complete. Project put on hold. Overspend on Project to-date	90,000	**68,000**	158,000
	WO.3219	Memorial Hall-Upgrade (Grant Funded)	Project not proceeding	100,000	**(100,000)**	0
	WO.3217	Federation Square Lighting	Works completed. Charged to Maintenance	11,000	**(11,000)**	0
	WO.3251	Swimming Pool -Shade Sales	Will not be undertaken in 2024/25 year-will consider including in 2025/26 Budget	15,000	**(15,000)**	0
	WO.2787	Bindoon Dewars Pool Road - SLK 11.68 to 14.30	2023/24 Project, final costs received in 2024/25	0	**9,850**	9,850
	WO.3045	Julimar Road - SLK 19.81 to 22.52 - RRG Funded	2023/24 Project, final costs received in 2024/25	0	**145,000**	145,000
	WO.3215	Toodyay Bindi Bindi Road	Project Costs greater than Budgeted in 2024/25	2,333,398	**700,000**	3,033,398
	WO.3241	Davies Road - SLK 0.00 - SLK 0.41 - Upgrade	Project Costs greater than Budgeted in 2024/25	50,522	**17,500**	68,022
	WO.2986	Bridge 9025-Newcastle Footbridge Repairs and Pile Replacement	Project Costs greater than Budgeted in 2024/25. LRCI funded additional Funds from Municipal Fund	150,000	**70,000**	220,000
	WO.3238	Hoddywell Road - SLK 0.00 - SLK 1.50 -Reseal - Council Funded	Essential Drainage Works have been Completed. Sealing will not occur	47,617	**(40,000)**	7,617
	WO.3245	Toodyay Street Drainage	Will not be undertaken in 2024/25 year-will consider including in 2025/26 Budget	20,000	**(20,000)**	0
		Access and Egress Projects Nottingham and North Streets	Scope of Works has been changed to reflect actual grant received	377,560	**(65,560)**	312,000
	WO.3041	Visitor Information Centre-Duress Alarms	Will not be undertaken in 2024/25 year-will consider including in 2025/26 Budget	5,000	**(5,000)**	0
		Sub-total Changes to Capital Expenditure (Increase In Capital Expenditure)			**613,790**	
		Changes to Reserve Transfers				
		Transfer to Plant Reserve	Proceeds of Sale of Surplus Plant	0	235,000	235,000
		Sub-total Reserve Transfers (Increase in Transfers to Reserves)			**235,000**	
		TOTAL (Net result on 2024/25 Budget)			**0**	

LOCAL GOVERNMENT ACT 1995

BUSH FIRES ACT 1954

Shire of Toodyay

Bush Fire Brigades Local Law 2024

Gazette Date: ……., page ……

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2024

CONTENTS

Declaration **3**

Part 1 - Preliminary 3

1.1 Citation and Application 3

1.2 Commencement 3

1.3 Repeal Provisions 3

1.4 Interpretation 3

Part 2 - Bush Fire Brigades 4

2.1 Existing Bush Fire Brigades and Establishment of Bush Fire Brigades 4

2.2 Name and Officers of Bush Fire Brigades 4

Part 3 - Dissolution of Bush Fire Brigades 5

3.1 Cancellation of Registration 5

3.2 New Arrangement After Dissolution 5

Part 4 - Organisation and Maintenance of Bush Fire Brigades 5

4.1 Local Government Responsible for Structure 5

4.2 Managerial Role of the Local Government 6

4.3 Functions of Chief Bush Fire Control Officer 6

4.4 Equipment and Maintenance of Bush Fire Brigades 6

4.5 Functions of Captain and Other Elected Officers 6

Part 5 - Administration of Bush Fire Brigades 7

5.1 Local Government Appointments 7

5.2 Membership of a Bush Fire Brigade 7

5.3 Meetings of Bush Fire Brigades 8

Part 6 - General 9

6.1 Consideration in the Local Government Budget 9

AUTHORISATION **9**

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2024

Declaration

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on _____ to make the following local law.

Part 1 - Preliminary

1.1 Citation and Application

This local law may be cited as the *Shire of Toodyay Bush Fire Brigades Local Law 2024* and applies throughout the district.

It is made in accordance with Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette*.

1.3 Repeal Provisions

This local law repeals the:

(i) By-laws of the Toodyay Road Board relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Road District of Toodyay as published in the *Government Gazette* on 6 December 1946 (page 1499); and

(ii) By-laws of the Toodyay Shire Council relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Shire or any part of the Shire of Toodyay as published in the *Government Gazette* on 15 July 1970 (page 2101).

1.4 Interpretation

(1) In this local law, unless the context otherwise requires –

Act means the *Bush Fires Act 1954*;

brigade area means the area described in clause 2.2(1)(b);

Bush Fire Advisory Committee means the Shire of Toodyay Bush Fire Advisory Committee as formed under section 67 of the Act.

Bush Fire Brigade or ***Brigade***, means a bush fire brigade established by the Local Government under clause 2.1 and registered in a register kept pursuant to section 41 of the Act;

Bush Fire Control Officer, means a bush fire control officer appointed by the Local Government under clause 5.1(1);

Bush Fire Brigade Member or ***Brigade Member***, in relation to a Brigade, means a member of the Bush Fire Brigade, or may be –

(a) an Elected Officer of the Brigade; or

(b) another member of the Brigade;

Bush Fire Brigade Officer, in relation to a Brigade, has the same meaning as an Elected Officer.

Chief Bush Fire Control Officer means the Chief Bush Fire Control Officer appointed by the Local Government;

Chief Executive Officer means the Chief Executive Officer of the Local Government;

Deputy Chief Bush Fire Control Officer means the Deputy Chief Bush Fire Control Officer appointed by the Local Government;

district means the district of the Local Government;

Elected Officer in relation to a Brigade, means each of the Captain, First Lieutenant, Second Lieutenant and any other Lieutenant –

(a) appointed by the Local Government under clause 2.2(1)(c); or

(b) elected by the Brigade Members under clause 2.2(4);

Local Government means the Shire of Toodyay ;

normal brigade activities is defined in section 35A of the Act; and

Regulations means regulations made under the Act.

(2) In this local law, unless the context otherwise requires, a reference to –

(a) a Captain;

(b) a First Lieutenant;

(c) a Second Lieutenant;

(d) any additional Lieutenant;

means a person holding that position in a Bush Fire Brigade.

Part 2 - Bush Fire Brigades

2.1 Existing Bush Fire Brigades and Establishment of Bush Fire Brigades

(1) A bush fire brigade established by the Local Government prior to the day on which this local law comes into operation –

(a) is to be taken to be a bush fire brigade established under and in accordance with this local law; and

(b) the provisions of this local law apply to the bush fire brigade.

(2) The Local Government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.

(3) A bush fire brigade is established on the date of the Local Government's decision under clause 2.1(2).

2.2 Name and Officers of Bush Fire Brigades

(1) On establishing a Bush Fire Brigade under clause 2.1(1), the Local Government is to –

(a) give a name to the Bush Fire Brigade;

(b) specify the brigade area in which the Bush Fire Brigade is primarily responsible for carrying out the normal brigade activities; and

(c) appoint, in relation to the Bush Fire Brigade –

(i) a Captain;

(iii) a First Lieutenant;

(iv) a Second Lieutenant;

(v) additional Lieutenants if the Local Government considers it necessary.

(2) A person appointed to a position under clause 2.2(1)(c), is taken to be a Brigade Member.

(3) The term of office of a person appointed to an Elected Officer position under clause 2.2(1)(c) ends –

(a) at the completion of the first Annual General Meeting of the Bush Fire Brigade;

(b) when the person resigns from that position; or

(c) when the appointment, or the person's Bush Fire Brigade membership, is terminated under this local law;

whichever occurs first.

(4) At the first and each subsequent Annual General Meeting of a Brigade, the Brigade Members are to elect, from among the Brigade Members, persons to fill each of the Elected Officer positions of the Brigade.

(5) If the position of an Elected Officer of a Bush Fire Brigade becomes vacant at any time other than at the completion of an Annual General Meeting of the Brigade, then a Special Meeting of the Brigade may be held at which the Brigade Members may vote for a replacement Brigade Member to fill the position until the next Annual General Meeting of the Bush Fire Brigade.

Part 3 - Dissolution of Bush Fire Brigades

3.1 Cancellation of Registration

(1) In accordance with section 41(3) of the Act, the Local Government may cancel the registration of a Bush Fire Brigade if it is of the opinion that the Bush Fire Brigade is not complying with the Act or this local law; or is not achieving the objectives for which it was established.

(2) Upon a Bush Fire Brigade's dissolution, the equipment, assets and funds of the Brigade must be placed under the control of the Local Government and dealt with in accordance with the *Local Government Act 1995*.

3.2 New Arrangement After Dissolution

If the Local Government cancels the registration of a Bush Fire Brigade, the Local Government is to make alternative arrangements in respect of the Brigade Area.

Part 4 - Organisation and Maintenance of Bush Fire Brigades

4.1 Local Government Responsible for Structure

The Local Government is to ensure that there is an appropriate structure through which the organisation of Bush Fire Brigades is maintained.

4.2 Managerial Role of the Local Government

(1) Subject to any direction by the Chief Executive Officer, the Local Government has primary managerial responsibility for the organisation and maintenance of Bush Fire Brigades.

(2) Considering recommendations from the Bush Fire Advisory Committee, the Chief Executive Officer will appoint suitably qualified persons as Bush Fire Control Officers.

(3) The Local Government will report to the Chief Executive Officer not later than 30 April each year for the consideration and appropriate provision being made in the next Local Government budget, the status of a Bush Fire Brigade's –

(i) training and readiness;

(ii) protective clothing;

(iii) equipment; and

(iv) vehicles and appliances.

(4) The Local Government is to monitor Bush Fire Brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year or as directed by the Chief Executive Officer to the Chief Executive Office.

(5) The Local Government is to ensure that Bush Fire Brigades are registered that the list of Brigade Members is maintained.

4.3 Functions of Chief Bush Fire Control Officer

(1) The functions of the Chief Bush Fire Control Officer are –

(a) to provide leadership to Bush Fire Brigades;

(b) to liaise with the Local Government concerning fire prevention / suppression matters generally and directions to be issued by the Local Government to Bush Fire Control Officers; and

(c) responsibilities and powers as conferred in the Bush Fires Act 1954 and Bush Fire Regulations 1954.

(2) The Chief Bush Fire Control Officer or the Deputy Chief Bush Fire Control Officer may attend as a non-voting representative of the Local Government at any meeting of a Bush Fire Brigade.

4.4 Equipment and Maintenance of Bush Fire Brigades

(1) A Bush Fire Brigade is to report to the Local Government the quantity and quality of all appliances, apparatus and equipment of the Bush Fire Brigade when directed to do so.

(2) The maintenance, replacement and upkeep of all Bush Fire Brigade protective clothing, equipment and appliances is to be the responsibility of Local Government.

4.5 Functions of Captain and Other Elected Officers

(1) The functions of the Captain of a Bush Fire Brigade are to –

(a) provide leadership to the Bush Fire Brigade;

(b) monitor the Bush Fire Brigade's resourcing, equipment and training levels;

(c) liaise with the Local Government concerning –

(i) fire prevention or fire suppression matters generally; and

(ii) the Brigade's Elected Officers;

(d) ensure that a list of the Bush Fire Brigade's Members is maintained;

(e) report annually to the Local Government the office bearers of the Bush Fire Brigade in accordance with the Regulations; and

(f) arrange for normal brigade activities as authorised by the Act or by the Local Government.

(2) The functions of other Elected Officers of a Brigade are to support the Captain of the Brigade in their role.

Part 5 - Administration of Bush Fire Brigades

5.1 Local Government Appointments

(1) The Local Government may appoint, and may suspend or terminate the appointment of, persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.

(2) A decision to suspend or terminate a person's appointment to a position under clause 5.1(1) must be made in accordance with the principles of procedural fairness.

(3) A person's appointment to a position under clause 5.1(1) ends –

(a) if the appointment is for a fixed term (on the expiry of that term);

(b) if the person dies (on the date of their death);

(c) if a person gives written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Chief Executive Officer); or

(d) if the appointment is terminated by the Local Government (on the date that written notice of the termination is given to the person),

whichever occurs first.

5.2 Membership of a Bush Fire Brigade

(1) A person wishing to be a Bush Fire Brigade Member may make an application for membership to the Captain of the Bush Fire Brigade.

(2) An application for membership of a Bush Fire Brigade –

(a) is to be assessed by the Captain of the Bush Fire Brigade who is to make a recommendation to the Local Government; and

(b) is to be determined by the Local Government who is to accept or reject the application.

(3) A person whose membership application is accepted is to be appointed as a Brigade Member of a Bush Fire Brigade.

(4) A person's membership of a Bush Fire Brigade under this clause 5.2 ends –

(a) if the person dies (on the date of their death);

(b) if a person gives the Captain of the Bush Fire Brigade written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Captain); or

(c) if the appointment is terminated by the Chief Executive Officer (on the date that the written notice of the termination is given to the person);

whichever occurs first.

(5) Subject to clause 5.2(7), the Chief Executive Officer may suspend or terminate the membership of a Brigade Member appointed under clause 5.2(3) if, in the opinion of the Chief Executive Officer, the Brigade Member is unfit to serve as a member of the Bush Fire Brigade.

(6) A decision to suspend or terminate a person's membership of a Bush Fire Brigade under clause 5.2(5) must be made in accordance with the principles of procedural fairness.

(7) If the Chief Executive Officer has a conflict of interest in considering and determining whether a person's membership should be suspended or terminated –

(a) the Chief Executive Officer must refer the matter to the Chief Bush Fire Control Officer; and

(b) the Chief Bush Fire Control Officer is to consider and determine the matter.

(8) At the end of the period of suspension imposed under clause 5.2(5) or 5.2(7), the Chief Executive Officer (or if clause 5.2(7) applies, the Chief Bush Fire Control Officer) must –

(a) extend the period of suspension;

(b) terminate the membership; or

(c) confirm the continuation of the membership.

5.3 Meetings of Bush Fire Brigades

(1) A Brigade may hold Ordinary Meetings on such days and at such times and places, as the Brigade considers appropriate.

(2) A Brigade should hold at least six Ordinary Meetings each year.

(3) A Brigade must hold an Annual General Meeting each year by the month of June.

(4) At the Annual General Meeting, the Brigade is to –

(a) elect Bush Fire Brigade Officers;

(b) receive the Captain's annual report;

(c) receive the Elected Officers' annual report; and

(d) adopt the annual financial statements of the Brigade.

(5) Notice of the Annual General Meeting and any ordinary meeting must be given to all Brigade Members at least fourteen days before the commencement of the meeting.

(6) A Brigade may hold a Special Meeting to allow the membership to deal with a specific motion or business.

(7) A notice of a Special Meeting must be given at least 72 hours before the commencement of the meeting.

(8) The purpose of the Special Meeting must be included in the notice of meeting.

Part 6 - General

6.1 Consideration in the Local Government Budget

In addition to funding made available through emergency services grants, the Local Government may provide further funding depending on the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995*.

AUTHORISATION

Dated this……day of ……2024

The Common Seal of the)
Shire of Toodyay was)
affixed by authority of a)
resolution of the Council)
in the presence of)

Cr Michael McKeown
Shire President

Aaron Bowman
Chief Executive Officer

Date

Date

Hon Hannah Beazley MLA
Minister for Local Government; Youth;
Minister Assisting the Minister for Training and Workforce Development

Our Ref: 84-03810
Your Ref: MAN6/LAW1

Mr Aaron Bowman
Chief Executive Officer
Shire of Toodyay

Email: records@toodyay.wa.gov.au

Dear Mr Bowman

Thank you for your email dated 12 December 2024 regarding the Shire of Toodyay (the Shire)'s proposal to make the Shire of Toodyay Bush Fire Brigades Local Law 2024.

The draft local law has been forwarded to the Department of Local Government, Sport and Cultural Industries (DLGSC). The DLGSC local law team will check the draft, and any comments will be provided back to the Shire prior to the closure of the public submission period.

If you have any queries regarding this matter, please feel free to contact Elaine Weale by phone at (08) 6552 1439 or by email at legislation@dlgsc.wa.gov.au.

Thank you for advising me of this matter.

Yours sincerely

Hon Hannah Beazley MLA
Minister for Local Government; Youth;
Minister Assisting the Minister for Training and Workforce Development

22 JAN 2025

Level 7, Dumas House, 2 Havelock Street WEST PERTH WA 6005
Telephone: +61 8 6552 6700 Email: Minister.Beazley@dpc.wa.gov.au

Government of **Western Australia**
Department of **Fire & Emergency Services**

DFES
Department of Fire & Emergency Services

Our Ref. D27965; 24/330919

Mr Aaron Bowman
Chief Executive Officer
Shire Toodyay
15 Fiennes Street
TOODYAY WA 6566

Via email: records@toodyay.wa.gov.au

Dear Mr Bowman

SHIRE OF TOODYAY BUSH FIRE BRIGADES LOCAL LAW 2024

I refer to your correspondence dated 12 December 2024 to the Minister for Emergency Services regarding the Shire's proposed *Shire of Toodyay Bush Fire Brigades Local Law* 2024 ("the Local Law").

I acknowledge the Local Law as provided to the Minister, which the Minister has referred to the Department of Fire and Emergency Services (DFES) for review and direct response. I also acknowledge the Minutes from the Shire's Ordinary Council Meeting of 27 November 2024.

While unable to provide legal advice, I make the following general comments for the Shire's consideration:

- The Western Australian Local Government Association ("WALGA") has developed a comprehensive "model" local law for use by local authorities that has been consistently approved by the Joint Standing Committee on Delegated Legislation ("JSCDL"). The Shire may wish to consider the WALGA model local law as a template for its local law, in particular:
    - Part 4 – Types of Bush Fire Brigade Membership.
    - First Schedule – 2.6, a clause requiring the Local Government to notify DFES of any changes to the bush fire brigade's register of members in accordance with section 41(2a) of the *Bush Fires Act 1954* (BF Act).
    - First Schedule - Part 5 – Meetings of the Bush Fire Brigade.
- In relation to the types of membership, the *Fire Brigades Regulations 1943* (WA) stipulate eligibility criteria for volunteer brigades formed under the *Fire Brigades Act 1954* (WA). Regulation 159C provides for eligibility of probationary members from 16 years if they have parental/guardian consent and the brigade's captain is satisfied that the prospective member can perform the requisite duties. As a matter of policy, the Shire may wish to consider adding these protective mechanisms to Bush Fire Brigade membership.

Emergency Services Complex | 20 Stockton Bend Cockburn Central WA 6164 | PO Box P1174 Perth WA 6844
Tel (08) 9395 9300 | Fax (08) 9395 9384 | dfes@dfes.wa.gov.au | www.dfes.wa.gov.au
ABN 39 563 851 304

Government of **Western Australia**
Department of **Fire & Emergency Services**

DFES
Department of Fire & Emergency Services

- DFES recommends carefully checking numbering, grammar and formatting throughout the document, such as:
    - use of commas, for example at 1.4, remove the comma at "Bush Fire Control Officer" and "Local Government" for consistency;
    - the way clauses are referenced, for example 5.1(1) instead of 5 1(1);
    - numbering errors at 2.2(1)(c);
    - at 4.2(5) add "...that Bush Fire Brigades are registered *and* that the list...".
    - at 4.3, italicise *Bush Fires Act 1954* and *Bush Fire Regulations 1943*;
    - at 4.4, a deadline may be included;
    - appropriate use of full stops and semicolons at the end of sections throughout the local law; and
    - appropriate use of capital letters in section titles throughout the local law.

I trust this information assists.

Yours sincerely

DARREN KLEMM AFSM
COMMISSIONER

2 January 2025

Emergency Services Complex | 20 Stockton Bend Cockburn Central WA 6164 | PO Box P1174 Perth WA 6844
Tel (08) 9395 9300 | Fax (08) 9395 9384 | dfes@dfes.wa.gov.au | www.dfes.wa.gov.au
ABN 39 563 851 304

[redacted]

From: Legislation <legislation@dlgsc.wa.gov.au>
Sent: Wednesday, 15 January 2025 2:25 PM
To: Records Officer
Subject: [External]-Shire of Toodyay - Bushfire Bridade Local Law

Good afternoon,

This email is regarding the Shire's proposed local law. The Department's comments are provided below.

The Department of Local Government, Sport and Cultural Industries did not identify any issues in the draft local law.

Review of Bushfire Brigade Local Law 2024

1. Public notice

The Shire has provided sufficient evidence of public notice as required by the local law checklist.

However, the Shire should be aware that the Act requires several kinds of notice to be issued in order for "local public notice" to have occurred (e.g. notice on website). The Shire should

ensure that these additional elements have also been met.

2. Local law partially made under other legislation – Bush Fires Act

The Department notes that this local law is made under the Bush Fires Act 1954, in addition to the Local Government Act 1995.

The Shire should ensure that it has sent a draft of the local law to the Minister for Emergency Services. If the Minister has not received a copy, the local law's validity may be affected.

If DFES provide any suggestions regarding the local law's content, these comments should be given due weight given DFES's expertise in the matter.

3. Minor comments

- The local law mentions the bush fire brigade holding meetings but doesn't specify any procedures. It is suggested that the Shire either add meeting procedures to the local law or specify that the brigade can determine its own meeting process.
- The Shire should ensure that all references and cross references are accurate, particularly if any further changes are made to the draft.

Minister's Directions – pursuant to s 3.12(7) of the *Local Government Act 1995*
Please note: once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
Joint Standing Committee on Delegated Legislation

Legislative Council Committee Office
GPO Box A11
PERTH WA 6837
Email: delleg@parliament.wa.gov.au
Tel: 9222 7404
Fax: 9222 7805

A copy of the Explanatory Memoranda forms can be downloaded from the Department of Local Government, Sport and Cultural Industries website at www.dlgsc.wa.gov.au. A copy of the Directions is also available at the Committee's webpage at the Parliament WA website. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire's consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire's policies and objectives.

Kind regards,
Elaine Weale

legislation

GOVERNMENT OF WESTERN AUSTRALIA
Department of Local Government, Sport and Cultural Industries

DLGSC
PO Box 8349, Perth Business Centre WA 6849

legislation@dlgsc.wa.gov.au
www.dlgsc.wa.gov.au

The Department of Local Government, Sport and Cultural Industries acknowledges Aboriginal people throughout Western Australia as the Traditional Owners and Custodians of the lands, waters, and communities in which we operate.

We pay our respects to all Aboriginal people and their cultures, and to Elders past and present.

* This message has been scanned by the XL2 spam filtering system.

LOCAL GOVERNMENT ACT 1995

BUSH FIRES ACT 1954

Shire of Toodyay

Bush Fire Brigades Local Law 2025

Gazette Date: ....., page .....

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2025

CONTENTS

Declaration **3**
Part 1 - Preliminary 3
1.1 Citation and Application 3
1.2 Commencement 3
1.3 Repeal Provisions 3
1.4 Interpretation 3
Part 2 - Bush Fire Brigades 4
2.1 Existing Bush Fire Brigades and Establishment of Bush Fire Brigades 4
2.2 Name and Officers of Bush Fire Brigades 5
Part 3 - Dissolution of Bush Fire Brigades 6
3.1 Cancellation of Registration 6
3.2 New Arrangement After Dissolution 6
Part 4 - Organisation and Maintenance of Bush Fire Brigades 6
4.1 Local Government Responsible for Structure 6
4.2 Managerial Role of the Local Government 6
4.3 Functions of Chief Bush Fire Control Officer 6
4.4 Equipment and Maintenance of Bush Fire Brigades 7
4.5 Functions of Captain and Other Elected Officers 7
Part 5 - Administration of Bush Fire Brigades 7
5.1 Local Government Appointments 7
5.2 Membership of a Bush Fire Brigade 8
5.3 Meetings of Bush Fire Brigades 9
Part 6 - General 9
6.1 Consideration in the Local Government Budget 9
AUTHORISATION **10**

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2025

Declaration

Under the powers conferred by the *Local Government Act 1995* and the Bush Fires Act 1954 and under all other powers enabling it, the Council of the Shire of Toodyay resolved on _____ to make the following local law.

Commented [MR1]: The Bush Fires Act 1954 ought to be mentioned as it is a local law under both acts.

Part 1 - Preliminary

1.1 Citation and Application

This local law may be cited as the *Shire of Toodyay Bush Fire Brigades Local Law ~~2024~~ 2025* and applies throughout the district.

It is made in accordance with Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995 and Section 62 of Part V of the Bush Fires Act 1954*.

1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette*.

1.3 Repeal Provisions

This local law repeals the:

(i) By-laws of the Toodyay Road Board relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Road District of Toodyay as published in the *Government Gazette* on 6 December 1946 (page 1499); and

(ii) By-laws of the Toodyay Shire Council relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Shire or any part of the Shire of Toodyay as published in the *Government Gazette* on 15 July 1970 (page 2101).

1.4 Interpretation

Commented [Rk2]: Made changes to use of commas and semi colons with respect to open dot point 1 of page 2 of the DFES feedback.

(1) In this local law, unless the context otherwise requires –

Act means the *Bush Fires Act 1954*;

~~brigade~~ Brigade area means the area described in clause 2.2(1)(b);

Bush Fire Advisory Committee means the Shire of Toodyay Bush Fire Advisory Committee as formed under section 67 of the Act;~~.~~

Bush Fire Brigade or ***Brigade***~~,~~ means a bush fire brigade established by the Local Government under clause 2.1 and registered in a register kept pursuant to section 41 of the Act;

Bush Fire Control Officer~~,~~ means a bush fire control officer appointed by the Local Government under clause 5.1(1);

Bush Fire Brigade Member or ***Brigade Member***, in relation to a Brigade, means a ~~member of the Bush Fire Brigade, or~~ fire fighting member, associate member or a cadet member of a bush fire brigade ~~may be~~ –

~~(a) an Elected Officer of the Brigade; or~~

~~(b) another member of the Brigade;~~

Bush Fire Brigade Officer or **Brigade Officer** ~~,~~ in relation to a Brigade, means a person holding a position referred to in clause 2.2 (1)(c) or clause 2.2(5), whether or not he or she was appointed by the local government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position ~~has the same meaning as an Elected Officer~~;

Bush Fire Operating Procedures means the Bush Fire Operating Procedures adopted by the local government as amended from time to time;

Commented [Rk3]: Added as the WALGA template promotes this term and reference to such - which has been introduced with other changes to address open dot points on page 1 of the DFES feedback.

Chief Bush Fire Control Officer means the Chief Bush Fire Control Officer appointed by the Local Government;

Chief Executive Officer means the Chief Executive Officer of the Local Government;

Department means the Department of Fire and Emergency Services of Western Australia;

Deputy Chief Bush Fire Control Officer means the Deputy Chief Bush Fire Control Officer appointed by the Local Government;

district means the district of the Local Government;

~~***Elected Officer*** in relation to a Brigade, means each of the Captain, First Lieutenant, Second Lieutenant and any other Lieutenant –~~

~~(a) appointed by the Local Government under clause 2.2(1)(c); or~~

~~(b) elected by the Brigade Members under clause 2.2(4);~~

Local Government means the Shire of Toodyay;

~~*normal*~~ *Normal* ***brigade activities*** as defined in section 35A of the Act; and

Regulations means regulations made under the Act.

(2) In this local law, unless the context otherwise requires, a reference to –

(a) a Captain;

(b) a First Lieutenant;

(c) a Second Lieutenant;

(d) any additional Lieutenant;

means a person holding that position in a Bush Fire Brigade.

Part 2 - Bush Fire Brigades

2.1 Existing Bush Fire Brigades and Establishment of Bush Fire Brigades

(1) A bush fire brigade established by the Local Government prior to the day on which this local law comes into operation –

(a) is to be taken to be a bush fire brigade established under and in accordance with this local law; and

(b) the provisions of this local law apply to the bush fire brigade.

(2) The Local Government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.

(3) A bush fire brigade is established on the date of the Local Government's decision under clause 2.1(2).

2.2 Name and Officers of Bush Fire Brigades

(1) On establishing a Bush Fire Brigade under clause 2.1(1), the Local Government is to –

(a) give a name to the Bush Fire Brigade;

(b) specify the brigade area in which the Bush Fire Brigade is primarily responsible for carrying out the normal brigade activities; and

(c) appoint, in relation to the Bush Fire Brigade –

(i) a Captain;

(ii) a First Lieutenant;

(iii) a Second Lieutenant;

~~(v) additional Lieutenants if the Local Government considers it necessary.;~~

(iv) a Secretary; and

(v) a Treasurer.

(2) A person appointed to a position under clause 2.2(1)(c), is taken to be a Brigade Member.

(3) The term of office of a person appointed to a ~~n Elected Officer~~ position under clause 2.2(1)(c) ends –

(a) at the completion of the first Annual General Meeting of the Bush Fire Brigade;

(b) when the person resigns from that position; or

(c) when the appointment, or the person's Bush Fire Brigade membership, is terminated under this local law;

whichever occurs first.

(4) At the first and each subsequent Annual General Meeting of a Brigade, the Brigade Members are to elect, from among the Brigade Members, persons to fill each of the ~~Elected Officer~~ positions of the Brigade as per clause 2.2(1)(c).

(5) At the first and each subsequent Annual General Meeting of a Brigade, the Brigade Members may elect, from among the Brigade Members, persons to additional ~~Elected Officer~~ brigade officer positions including:

(i) additional Lieutenants if the membership considers it necessary.

(ii) an Equipment Officer;

(iii) a Training Officer; and

(iv) additional Officers if the membership considers it necessary.

(~~5~~6) If the position of a Brigade ~~n Elected~~ Officer of a Bush Fire Brigade becomes vacant at any time other than at the completion of an Annual General Meeting of the Brigade, then a Special Meeting of the Brigade may be held at which the Brigade Members may vote for a replacement

Commented [Rk4]: Numbering (roman numeral) corrections to address third open dot point on page 2 of the DFES feedback.

Commented [Rk5]: Removed from this section and re-added under proposed section (5)

Commented [Rk6]: Added as other parts refer to secretary calling meetings and meeting consideration of financial reports essentially necessitating a treasurer.

Commented [Rk7]: Add to align more closely with the WALGA model without the need to enforce the additional officers of the WALGA model (which would be onerous to comply with).

Brigade Member to fill the position until the next Annual General Meeting of the Bush Fire Brigade.

Part 3 - Dissolution of Bush Fire Brigades

3.1 Cancellation of Registration

(1) In accordance with section 41(3) of the Act, the Local Government may cancel the registration of a Bush Fire Brigade if it is of the opinion that the Bush Fire Brigade is not complying with the Act or this local law; or is not achieving the objectives for which it was established.

(2) Upon a Bush Fire Brigade's dissolution, the equipment, assets and funds of the Brigade must be placed under the control of the Local Government and dealt with in accordance with the *Local Government Act 1995*.

3.2 New Arrangement After Dissolution

If the Local Government cancels the registration of a Bush Fire Brigade, the Local Government is to make alternative arrangements in respect of the Brigade Area.

Part 4 - Organisation and Maintenance of Bush Fire Brigades

4.1 Local Government Responsible for Structure

The Local Government is to ensure that there is an appropriate structure through which the organisation of Bush Fire Brigades is maintained.

4.2 Managerial Role of the Local Government

(1) Subject to any direction by the Chief Executive Officer, the Local Government has primary managerial responsibility for the organisation and maintenance of Bush Fire Brigades.

(2) Considering recommendations from the Bush Fire Advisory Committee, the Chief Executive Officer will appoint suitably qualified persons as Bush Fire Control Officers.

(3) The Local Government will report to the Chief Executive Officer not later than 30 April each year for the consideration and appropriate provision being made in the next Local Government budget, the status of a Bush Fire Brigade's –

(i) training and readiness;

(ii) protective clothing;

(iii) equipment; and

(iv) vehicles and appliances.

(4) The Local Government is to monitor Bush Fire Brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year or as directed by the Chief Executive Officer to the Chief Executive Office.

(5) The Local Government is to ensure that Bush Fire Brigades are registered, that the list of Brigade Members is ~~maintained~~maintained, and the Department informed of relevant changes as per the Act.

Commented [Rk8]: This addresses second open dot point (first Page) of the DFES correspondence. I did not use the WALGA reference as it did not correlate fully with the act. This acknowledges DFES' intent to acknowledges the act for member details changes.

4.3 Functions of Chief Bush Fire Control Officer

(1) The functions of the Chief Bush Fire Control Officer are –

(a) to provide leadership to Bush Fire Brigades;

(b) to liaise with the Local Government concerning fire prevention / suppression matters generally and directions to be issued by the Local Government to Bush Fire Control Officers; and

(c) responsibilities and powers as conferred in the *Bush Fires Act 1954* and *Bush Fire Regulations 1954*.

(2) The Chief Bush Fire Control Officer or the Deputy Chief Bush Fire Control Officer may attend as a non-voting representative of the Local Government at any meeting of a Bush Fire Brigade.

4.4 Equipment and Maintenance of Bush Fire Brigades

(1) A Bush Fire Brigade is to report to the Local Government the quantity and quality of all appliances, apparatus and equipment of the Bush Fire Brigade when directed to do so.

(2) The maintenance, replacement and upkeep of all Bush Fire Brigade protective clothing, equipment and appliances is to be the responsibility of Local Government.

4.5 Functions of Captain and Other ~~Elected~~ Brigade Officers

(1) The functions of the Captain of a Bush Fire Brigade are to –

(a) provide leadership to the Bush Fire Brigade;

(b) monitor the Bush Fire Brigade's resourcing, equipment and training levels;

(c) liaise with the Local Government concerning –

(i) fire prevention or fire suppression matters generally; and

(ii) the Brigade's ~~Elected~~ Officers;

(d) ensure that a list of the Bush Fire Brigade's Members is maintained;

(e) report annually to the Local Government the office bearers of the Bush Fire Brigade in accordance with the Regulations; and

(f) arrange for normal brigade activities as authorised by the Act or by the Local Government.

(2) The functions of other ~~Elected~~ Brigade Officers of a Brigade are to support the Captain of the Brigade in their role.

Part 5 - Administration of Bush Fire Brigades

5.1 Local Government Appointments

(1) The Local Government may appoint, and may suspend or terminate the appointment of, persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.

(2) A decision to suspend or terminate a person's appointment to a position under clause 5.1(1) must be made in accordance with the principles of procedural fairness.

(3) A person's appointment to a position under clause 5.1(1) ends –

(a) if the appointment is for a fixed term (on the expiry of that term);

Commented [Rk9]: Italicised address fifth open dot point on page 2 of the DFES feedback.

Commented [Rk10]: Have opted NOT to make a change here. Sixth open dot point, page 2, DFES feedbacks says 'may' include deadline. I do not want to make this an annual overhead for the volunteers - having the 'when directed' ability will suffice.

(b) if the person dies (on the date of their death);

(c) if a person gives written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Chief Executive Officer); or

(d) if the appointment is terminated by the Local Government (on the date that written notice of the termination is given to the person),

whichever occurs first.

5.2 Membership of a Bush Fire Brigade

(1) The type of membership of a Bush Fire Brigade consists of the following –

(a) Fire Fighter – being those persons being at least 16 years of age who undertake all normal Bush Fire Brigade activities; and

(b) Auxiliary – being those persons being at least 16 years of age who are prepared to render other assistance required by the Bush Fire Brigade.

Commented [Rk11]: This section has been added to address the first open, and second solid dot point, first page of the DFES correspondence.

(2) A person wishing to be a Bush Fire Brigade Member may make an application for membership to the Captain of the Bush Fire Brigade.

(~~2~~3) An application for membership of a Bush Fire Brigade –

(a) is to be assessed by the Captain of the Bush Fire Brigade who is to make a recommendation to the Local Government; and

(b) is to be determined by the Local Government who is to accept or reject the application.

(~~3~~4) A person whose membership application is accepted is to be appointed as a Brigade Member of a Bush Fire Brigade.

(~~4~~5) A person's membership of a Bush Fire Brigade under this clause 5.2 ends –

(a) if the person dies (on the date of their death);

(b) if a person gives the Captain of the Bush Fire Brigade written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Captain); or

(c) if the appointment is terminated by the Chief Executive Officer (on the date that the written notice of the termination is given to the person);

whichever occurs first.

(~~5~~6) Subject to clause 5.2(~~7~~8), the Chief Executive Officer may suspend or terminate the membership of a Brigade Member appointed under clause 5.2(~~3~~4) if, in the opinion of the Chief Executive Officer, the Brigade Member is unfit to serve as a member of the Bush Fire Brigade.

(~~6~~7) A decision to suspend or terminate a person's membership of a Bush Fire Brigade under clause 5.2(5) must be made in accordance with the principles of procedural fairness.

(~~7~~8) If the Chief Executive Officer has a conflict of interest in considering and determining whether a person's membership should be suspended or terminated –

(a) the Chief Executive Officer must refer the matter to the Chief Bush Fire Control Officer; and

(b) the Chief Bush Fire Control Officer is to consider and determine the matter.

(~~8~~9) At the end of the period of suspension imposed under clause 5.2(~~5~~6) or 5.2(~~7~~8), the Chief Executive Officer (or if clause 5.2(~~7~~8) applies, the Chief Bush Fire Control Officer) must –

(a) extend the period of suspension;

(b) terminate the membership; or

(c) confirm the continuation of the membership.

5.3 Meetings of Bush Fire Brigades

(1) A Brigade may hold Ordinary Meetings on such days and at such times and places, as the Brigade considers appropriate.

(2) A Brigade should hold at least six Ordinary Meetings each year.

(3) A Brigade must hold an Annual General Meeting each year by the month of June.

(4) At the Annual General Meeting, the Brigade is to –

(a) elect Bush Fire Brigade Officers;

(b) receive the Captain's annual report;

(c) receive the ~~Elected~~ Brigade Officers' annual report; and

(d) adopt the annual financial statements of the Brigade.

(5) Notice of the Annual General Meeting and any ordinary meeting must be given to all Brigade Members at least fourteen days before the commencement of the meeting.

(6) A Brigade may hold a Special Meeting to allow the membership to deal with a specific motion or business.

(7) A notice of a Special Meeting must be given at least 72 hours before the commencement of the meeting.

(8) The purpose of the Special Meeting must be included in the notice of meeting.

(9) Meetings are to be conducted in accordance with the requirements of the Bush Fire Operating Procedures.

Commented [Rk12]: Added to address first open dot point, page one, DFES correspondence. WALGA template goes into much detail in their LL which could be problematic for compliance of brigades. This keeps it more adaptable.

It also addresses the Item 3, dot point 1 of the DLGSC feedback.

Part 6 - General

6.1 Consideration in the Local Government Budget

In addition to funding made available through emergency services grants, the Local Government may provide further funding depending on the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995.*

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2025

AUTHORISATION

Dated this.....day of 2025

The Common Seal of the)
Shire of Toodyay was)
affixed by authority of a)
resolution of the Council)
in the presence of)

Cr Michael McKeown
Shire President

Aaron Bowman JP
Chief Executive Officer

Date

Date

LOCAL GOVERNMENT ACT 1995

BUSH FIRES ACT 1954

Bush Fire Brigades Local Law 2025

The Shire of Toodyay proposes to make a local law relating to Bush Fire Brigades.

(a) The **purpose** of which is to provide for the establishment, organisation and maintenance, administration and funding of bush fire brigades.

(b) The **effect** of which will repeal the previous local laws and ensure that bush fire brigades will be organised and managed to comply with this local law.

(c) The **justification** of which is that it will provide rules to a bush fire brigade governing the operation of a bush fire brigade pursuant to the *Bush Fires Act 1954* and the provisions of its subsidiary legislation.

A copy of the proposed Local Law may be inspected at or obtained from the Shire's Administration Centre at 15 Fiennes Street, Toodyay between 8.30 am and 4.00 pm Monday to Friday or at the Toodyay Public Library during normal opening hours.

The Shire invites submissions by **4.00pm** on **Monday 9 June 2025.**

Please address your submissions to the Chief Executive Officer:

Via Email: at records@toodyay.wa.gov.au

Via Post: at Shire of Toodyay, PO Box 96, Toodyay WA 6566

In Person: At Shire Office, 15 Fiennes Street, Toodyay WA 6566

If you have any queries regarding the above please contact the Shire's Governance Coordinator on (08) 9574 9305.

Aaron Bowman
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

BUSH FIRES ACT 1954

Shire of Toodyay

Bush Fire Brigades Local Law 2025

Gazette Date: ....., page .....

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2025

CONTENTS

Declaration **3**

Part 1 - Preliminary 3

1.1 Citation and Application 3

1.2 Commencement 3

1.3 Repeal Provisions 3

1.4 Interpretation 3

Part 2 - Bush Fire Brigades 4

2.1 Existing Bush Fire Brigades and Establishment of Bush Fire Brigades 4

2.2 Name and Officers of Bush Fire Brigades 4

Part 3 - Dissolution of Bush Fire Brigades 5

3.1 Cancellation of Registration 5

3.2 New Arrangement After Dissolution 6

Part 4 - Organisation and Maintenance of Bush Fire Brigades 6

4.1 Local Government Responsible for Structure 6

4.2 Managerial Role of the Local Government 6

4.3 Functions of Chief Bush Fire Control Officer 6

4.4 Equipment and Maintenance of Bush Fire Brigades 7

4.5 Functions of Captain and Other Brigade Officers 7

Part 5 - Administration of Bush Fire Brigades 7

5.1 Local Government Appointments 7

5.2 Membership of a Bush Fire Brigade 8

5.3 Meetings of Bush Fire Brigades 9

Part 6 - General 9

6.1 Consideration in the Local Government Budget 9

AUTHORISATION **10**

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2025

Declaration

Under the powers conferred by the *Local Government Act 1995* and the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on _____ to make the following local law.

Part 1 - Preliminary

1.1 Citation and Application

This local law may be cited as the *Shire of Toodyay Bush Fire Brigades Local Law 2025* and applies throughout the district.

It is made in accordance with Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995 and Section 62 of Part V of the Bush Fires Act 1954.*

1.2 Commencement

This local law commences 14 days after it is published in the *Government Gazette*.

1.3 Repeal Provisions

This local law repeals the:

(i) By-laws of the Toodyay Road Board relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Road District of Toodyay as published in the *Government Gazette* on 6 December 1946 (page 1499); and

(ii) By-laws of the Toodyay Shire Council relating to the establishment, maintenance and equipment of Bush Fire Brigades for the Shire or any part of the Shire of Toodyay as published in the *Government Gazette* on 15 July 1970 (page 2101).

1.4 Interpretation

(1) In this local law, unless the context otherwise requires –

Act means the *Bush Fires Act 1954*;

Brigade area means the area described in clause 2.2(1)(b);

Bush Fire Advisory Committee means the Shire of Toodyay Bush Fire Advisory Committee as formed under section 67 of the Act;

Bush Fire Brigade or ***Brigade*** means a bush fire brigade established by the Local Government under clause 2.1 and registered in a register kept pursuant to section 41 of the Act;

Bush Fire Control Officer means a bush fire control officer appointed by the Local Government under clause 5.1(1);

Bush Fire Brigade Member or ***Brigade Member***, in relation to a Brigade, means a fire fighting member, associate member or a cadet member of a bush fire brigade;

Bush Fire Brigade Officer or **Brigade Officer** in relation to a Brigade, means a person holding a position referred to in clause 2.2 (1)(c) or clause 2.2(5), whether or not he or she was appointed by the Local Government or elected at an annual general meeting of a bush fire brigade or otherwise appointed to the position;

Bush Fire Operating Procedures means the Bush Fire Operating Procedures adopted by the Local Government as amended from time to time;

Chief Bush Fire Control Officer means the Chief Bush Fire Control Officer appointed by the Local Government;

Chief Executive Officer means the Chief Executive Officer of the Local Government;

Department means the Department of Fire and Emergency Services of Western Australia;

Deputy Chief Bush Fire Control Officer means the Deputy Chief Bush Fire Control Officer appointed by the Local Government;

district means the district of the Local Government;

Local Government means the Shire of Toodyay;

Normal brigade activities as defined in section 35A of the Act; and

Regulations means regulations made under the Act.

(2) In this local law, unless the context otherwise requires, a reference to –

(a) a Captain;

(b) a First Lieutenant;

(c) a Second Lieutenant;

(d) any additional Lieutenant;

means a person holding that position in a Bush Fire Brigade.

Part 2 - Bush Fire Brigades

2.1 Existing Bush Fire Brigades and Establishment of Bush Fire Brigades

(1) A bush fire brigade established by the Local Government prior to the day on which this local law comes into operation –

(a) is to be taken to be a bush fire brigade established under and in accordance with this local law; and

(b) the provisions of this local law apply to the bush fire brigade.

(2) The Local Government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.

(3) A bush fire brigade is established on the date of the Local Government's decision under clause 2.1(2).

2.2 Name and Officers of Bush Fire Brigades

(1) On establishing a Bush Fire Brigade under clause 2.1(1), the Local Government is to –

(a) give a name to the Bush Fire Brigade;

(b) specify the brigade area in which the Bush Fire Brigade is primarily responsible for carrying out the normal brigade activities; and

(c) appoint, in relation to the Bush Fire Brigade –

(i) a Captain;

(ii) a First Lieutenant;

(iii) a Second Lieutenant;

(iv) a Secretary; and

(v) a Treasurer.

(2) A person appointed to a position under clause 2.2(1)(c), is taken to be a Brigade Member.

(3) The term of office of a person appointed to a position under clause 2.2(1)(c) ends –

(a) at the completion of the first Annual General Meeting of the Bush Fire Brigade;

(b) when the person resigns from that position; or

(c) when the appointment, or the person's Bush Fire Brigade membership, is terminated under this local law;

whichever occurs first.

(4) At the first and each subsequent Annual General Meeting of a Brigade, the Brigade Members are to elect, from among the Brigade Members, persons to fill each of the positions of the Brigade as per clause 2.2(1)(c).

(5) At the first and each subsequent Annual General Meeting of a Brigade, the Brigade Members may elect, from among the Brigade Members, persons to additional brigade officer positions including:

(i) additional Lieutenants if the membership considers it necessary;

(ii) an Equipment Officer;

(iii) a Training Officer; and

(iv) additional Officers if the membership considers it necessary.

(6) If the position of a Brigade Officer of a Bush Fire Brigade becomes vacant at any time other than at the completion of an Annual General Meeting of the Brigade, then a Special Meeting of the Brigade may be held at which the Brigade Members may vote for a replacement Brigade Member to fill the position until the next Annual General Meeting of the Bush Fire Brigade.

Part 3 - Dissolution of Bush Fire Brigades

3.1 Cancellation of Registration

(1) In accordance with section 41(3) of the Act, the Local Government may cancel the registration of a Bush Fire Brigade if it is of the opinion that the Bush Fire Brigade is not complying with the Act or this local law; or is not achieving the objectives for which it was established.

(2) Upon a Bush Fire Brigade's dissolution, the equipment, assets and funds of the Brigade must be placed under the control of the Local Government and dealt with in accordance with the *Local Government Act 1995*.

3.2 New Arrangement After Dissolution

If the Local Government cancels the registration of a Bush Fire Brigade, the Local Government is to make alternative arrangements in respect of the Brigade Area.

Part 4 - Organisation and Maintenance of Bush Fire Brigades

4.1 Local Government Responsible for Structure

The Local Government is to ensure that there is an appropriate structure through which the organisation of Bush Fire Brigades is maintained.

4.2 Managerial Role of the Local Government

(1) Subject to any direction by the Chief Executive Officer, the Local Government has primary managerial responsibility for the organisation and maintenance of Bush Fire Brigades.

(2) Considering recommendations from the Bush Fire Advisory Committee, the Chief Executive Officer will appoint suitably qualified persons as Bush Fire Control Officers.

(3) The Local Government will report to the Chief Executive Officer not later than 30 April each year for the consideration and appropriate provision being made in the next Local Government budget, the status of a Bush Fire Brigade's –

(i) training and readiness;

(ii) protective clothing;

(iii) equipment; and

(iv) vehicles and appliances.

(4) The Local Government is to monitor Bush Fire Brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year or as directed by the Chief Executive Officer to the Chief Executive Office.

(5) The Local Government is to ensure that Bush Fire Brigades are registered, that the list of Brigade Members is maintained, and the Department informed of relevant changes as per the Act.

4.3 Functions of Chief Bush Fire Control Officer

(1) The functions of the Chief Bush Fire Control Officer are –

(a) to provide leadership to Bush Fire Brigades;

(b) to liaise with the Local Government concerning fire prevention / suppression matters generally and directions to be issued by the Local Government to Bush Fire Control Officers; and

(c) responsibilities and powers as conferred in the *Bush Fires Act 1954* and *Bush Fire Regulations 1954*.

(2) The Chief Bush Fire Control Officer or the Deputy Chief Bush Fire Control Officer may attend as a non-voting representative of the Local Government at any meeting of a Bush Fire Brigade.

4.4 Equipment and Maintenance of Bush Fire Brigades

(1) A Bush Fire Brigade is to report to the Local Government the quantity and quality of all appliances, apparatus and equipment of the Bush Fire Brigade when directed to do so.

(2) The maintenance, replacement and upkeep of all Bush Fire Brigade protective clothing, equipment and appliances is to be the responsibility of Local Government.

4.5 Functions of Captain and Other Brigade Officers

(1) The functions of the Captain of a Bush Fire Brigade are to –

(a) provide leadership to the Bush Fire Brigade;

(b) monitor the Bush Fire Brigade's resourcing, equipment and training levels;

(c) liaise with the Local Government concerning –

(i) fire prevention or fire suppression matters generally; and

(ii) the Brigade's Officers;

(d) ensure that a list of the Bush Fire Brigade's Members is maintained;

(e) report annually to the Local Government the office bearers of the Bush Fire Brigade in accordance with the Regulations; and

(f) arrange for normal brigade activities as authorised by the Act or by the Local Government.

(2) The functions of other Brigade Officers of a Brigade are to support the Captain of the Brigade in their role.

Part 5 - Administration of Bush Fire Brigades

5.1 Local Government Appointments

(1) The Local Government may appoint, and may suspend or terminate the appointment of, persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.

(2) A decision to suspend or terminate a person's appointment to a position under clause 5.1(1) must be made in accordance with the principles of procedural fairness.

(3) A person's appointment to a position under clause 5.1(1) ends –

(a) if the appointment is for a fixed term (on the expiry of that term);

(b) if the person dies (on the date of their death);

(c) if a person gives written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Chief Executive Officer); or

(d) if the appointment is terminated by the Local Government (on the date that written notice of the termination is given to the person),

whichever occurs first.

5.2 Membership of a Bush Fire Brigade

(1) The type of membership of a Bush Fire Brigade consists of the following –

(a) Fire Fighter – being those persons being at least 16 years of age who undertake all normal Bush Fire Brigade activities; and

(b) Auxiliary – being those persons being at least 16 years of age who are prepared to render other assistance required by the Bush Fire Brigade.

(2) A person wishing to be a Bush Fire Brigade Member may make an application for membership to the Captain of the Bush Fire Brigade.

(3) An application for membership of a Bush Fire Brigade –

(a) is to be assessed by the Captain of the Bush Fire Brigade who is to make a recommendation to the Local Government; and

(b) is to be determined by the Local Government who is to accept or reject the application.

(4) A person whose membership application is accepted is to be appointed as a Brigade Member of a Bush Fire Brigade.

(5) A person's membership of a Bush Fire Brigade under this clause 5.2 ends –

(a) if the person dies (on the date of their death);

(b) if a person gives the Captain of the Bush Fire Brigade written notice of resignation (on the date, as specified in the written notice, that the resignation is to take effect or, if no date is specified, on the date that the written notice is given to the Captain); or

(c) if the appointment is terminated by the Chief Executive Officer (on the date that the written notice of the termination is given to the person);

whichever occurs first.

(6) Subject to clause 5.2(8), the Chief Executive Officer may suspend or terminate the membership of a Brigade Member appointed under clause 5.2(4) if, in the opinion of the Chief Executive Officer, the Brigade Member is unfit to serve as a member of the Bush Fire Brigade.

(7) A decision to suspend or terminate a person's membership of a Bush Fire Brigade under clause 5.2(5) must be made in accordance with the principles of procedural fairness.

(8) If the Chief Executive Officer has a conflict of interest in considering and determining whether a person's membership should be suspended or terminated –

(a) the Chief Executive Officer must refer the matter to the Chief Bush Fire Control Officer; and

(b) the Chief Bush Fire Control Officer is to consider and determine the matter.

(9) At the end of the period of suspension imposed under clause 5.2(6) or 5.2(8), the Chief Executive Officer (or if clause 5.2(8) applies, the Chief Bush Fire Control Officer) must –

(a) extend the period of suspension;

(b) terminate the membership; or

(c) confirm the continuation of the membership.

5.3 Meetings of Bush Fire Brigades

(1) A Brigade may hold Ordinary Meetings on such days and at such times and places, as the Brigade considers appropriate.

(2) A Brigade should hold at least six Ordinary Meetings each year.

(3) A Brigade must hold an Annual General Meeting each year by the month of June.

(4) At the Annual General Meeting, the Brigade is to –

(a) elect Bush Fire Brigade Officers;

(b) receive the Captain's annual report;

(c) receive the Brigade Officers' annual report; and

(d) adopt the annual financial statements of the Brigade.

(5) Notice of the Annual General Meeting and any ordinary meeting must be given to all Brigade Members at least fourteen days before the commencement of the meeting.

(6) A Brigade may hold a Special Meeting to allow the membership to deal with a specific motion or business.

(7) A notice of a Special Meeting must be given at least 72 hours before the commencement of the meeting.

(8) The purpose of the Special Meeting must be included in the notice of meeting.

(9) Meetings are to be conducted in accordance with the requirements of the Bush Fire Operating Procedures.

Part 6 - General

6.1 Consideration in the Local Government Budget

In addition to funding made available through emergency services grants, the Local Government may provide further funding depending on the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995.*

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Toodyay.
Bush Fire Brigades Local Law 2025

AUTHORISATION

Dated this……day of ……2025

The Common Seal of the)
Shire of Toodyay was)
affixed by authority of a)
resolution of the Council)
in the presence of)

Cr Michael McKeown Shire President	Aaron Bowman JP Chief Executive Officer
Date	Date

performance audit means an examination or investigation carried out under the Auditor General Act section 18 (as applied by section 7.12AJ(1) of this Act);

qualified person means a person who is an approved auditor or a registered company auditor and who is not a disqualified person;

registered company auditor means a person who is for the time being registered as an auditor or taken to be registered as an auditor under Part 9.2 of the *Corporations Act 2001* of the Commonwealth;

regulations means regulations made for the purposes of this Part;

supplementary audit means an audit conducted under section 7.12AG.

[Section 7.1 amended: No. 10 of 2001 s. 124; No. 49 of 2004 s. 4; No. 5 of 2017 s. 10; Local Government Amendment Bill 2024 cl. 86.]

Division 1A — Audit, risk and improvement committee

[Heading inserted: Local Government Amendment Bill 2024 cl. 87.]

7.1A. Establishment of audit, risk and improvement committee

(1) A local government must establish a committee of its council under section 5.8 to be called the audit, risk and improvement committee.

(2) The following provisions apply in respect of the membership of the audit, risk and improvement committee —

(a) an employee of the local government is not to be a member;

(b) no member is to be nominated by, or is to be appointed to represent, any employee of the local government;

(c) section 5.10(1)(b) does not apply.

(3) The presiding member of the audit, risk and improvement committee cannot be a council member of the local government or of any other local government.

(4) Any deputy presiding member of the audit, risk and improvement committee cannot be a council member of the local government or of any other local government.

[Section 7.1A inserted: Local Government Amendment Bill 2024 cl. 87.]

7.1B. Deputy of presiding member or of deputy presiding member

(1) The local government must appoint a person under section 5.11A to be a deputy of the presiding member of the audit, risk and improvement committee.

(2) In addition to the requirement of section 5.11A(2)(c), the deputy of the presiding member cannot be a council member of any other local government.

(3) If section 5.14 applies to a meeting of the audit, risk and improvement committee, the committee members present at the meeting must choose the deputy of the presiding member, if present, to preside at the meeting.

(4) If the local government appoints a person under section 5.11A to be a deputy of the deputy presiding member of the audit, risk and improvement committee, in addition to the requirement of section 5.11A(2)(c), the appointed deputy cannot be a council member of any other local government.

[Section 7.1B inserted: Local Government Amendment Bill 2024 cl. 87.]

7.1C. Delegation to audit, risk and improvement committee

(1) The only powers and duties that the local government may delegate to the audit, risk and improvement committee under section 5.16 are as follows —

(a) any of its powers and duties under this Part;

(b) any prescribed power or duty.

(2) The provision that may be made by regulations for the purposes of subsection (1)(b) is not limited by the other subject matter of this Part.

(3) The local government's power to delegate to the audit, risk and improvement committee is not limited by section 5.17.

[Section 7.1C inserted: Local Government Amendment Bill 2024 cl. 87.]

7.1CA. Decisions of audit, risk and improvement committee

Despite section 5.20, a decision of the audit, risk and improvement committee is to be made by a simple majority.

[Section 7.1CA inserted: Local Government Amendment Bill 2024 cl. 87.]

7.1CB. Two or more local governments may have shared audit, risk and improvement committee

(1) Two or more local governments may agree to establish a single committee to be the audit, risk and improvement committee of each of their councils (a ***shared committee***).

(2) The following provisions apply to the establishment of a shared committee —

(a) each member, including the presiding member or any deputy presiding member, must be appointed by the local governments in accordance with their agreement;

(b) each local government must approve* each member's appointment;

(c) each local government must approve* the appointment of the presiding member and of any deputy presiding member;

(d) there must be at least 3 members;

(e) no employee of any of the local governments is to be a member;

(f) no member is to be nominated by, or is to be appointed to represent, any employee of any of the local governments;

(g) neither the presiding member nor any deputy presiding member can be a council member of any of the local governments or of any other local government.

** Absolute majority required.*

(3) In sections 5.98(1) and 5.99, references to a committee meeting include a meeting of a shared committee.

(4) Section 5.100 applies to a member of a shared committee, except a member who is a council member of any of the local governments.

(5) For the purposes of subsection (4), the local governments' agreement must —

(a) provide for the payment of fees, and for the reimbursement of expenses, under section 5.100 to be split between the local governments in accordance with the agreement; and

(b) provide for any discretion of a local government under section 5.100 to be exercised by the local governments in accordance with the agreement.

(6) Regulations may make provision in relation to shared committees, including local governments' agreements to establish them.

(7) Without limiting subsection (6), regulations made for the purposes of that subsection may do the following —

(a) provide for this Division, Part 5 Division 2 Subdivision 2 or any other provision of this Act that applies in relation to committees of a council to apply in relation to shared committees with or without modifications;

(b) make provision in relation to the matters that must be included in an agreement under subsection (5).

[Section 7.1CB inserted: Local Government Amendment Bill 2024 cl. 87.]

~~**Division 1A — Audit committee**~~

~~*[Heading inserted: No. 49 of 2004 s. 5.]*~~

~~**7.1A. Audit committee**~~

~~(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.~~

~~(2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.~~

~~* *Absolute majority required.*~~

~~(3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.~~

~~(4) An employee is not to be a member of an audit committee.~~

~~*[Section 7.1A inserted: No. 49 of 2004 s. 5; amended: No. 5 of 2017 s. 11.]*~~

~~**7.1B. Delegation of some powers and duties to audit committees**~~

~~(1) Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.~~

~~* *Absolute majority required.*~~

~~(2) A delegation to an audit committee is not subject to section 5.17.~~

~~*[Section 7.1B inserted: No. 49 of 2004 s. 5.]*~~

~~**7.1C. Decisions of audit committees**~~

~~Despite section 5.20, a decision of an audit committee is to be made by a simple majority.~~

~~*[Section 7.1C inserted: No. 49 of 2004 s. 5.]*~~

Division 2 — Appointment of auditors [28]

7.1D. Application

This Division applies in relation to a local government that has an audit contract that is in force.

[Section 7.1D inserted: No. 5 of 2017 s. 12.]

7.2. Audit

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

7.3. Appointment of auditors

(1) Subject to subsection (1A), a local government is to, from time to time whenever such an appointment is necessary or

Audit, Risk and Improvement Committee Charter

Approved and adopted by Council on Thursday 27 March 2025 (CRN: **OCM/061/03/25**)

1. Introduction

1.1 Council must establish an Audit, Risk and Improvement Committee of 3 or more persons to assist the Council, pursuant to section 7.1A(1) of the *Local Government Act 1995.*

2. Role

2.1 The Committee assists the Council in fulfilling its oversight responsibilities in relation to the systems of risk management and internal control, the Shire's processes for monitoring compliance with laws and regulations, including the code of conduct, financial and performance reporting, and audit. The committee is not responsible for the management of these functions and cannot involve itself in management processes or procedures;

2.2 The Committee will engage with management in a constructive and professional manner to perform its responsibilities;

2.3 The Committee is responsible to and reports to Council;

2.4 Members of the Committee are expected to:

(a) understand the legal and regulatory obligations of the Council for governing the Shire of Toodyay;

(b) understand the Shire of Toodyay governance arrangements that support achievement of the Shire of Toodyay strategies and objectives;

(c) exercise due care, diligence and skill when performing their duties;

(d) adhere to the Shire of Toodyay's Code of Conduct for Council Members, Committee Members and Candidates, and the Code of Ethics of any professional body which they are a member of;

(e) help to set the right tone in the Shire of Toodyay, by demonstrating behaviours which reflect the Shire of Toodyay's vision, primary values and desired culture;

(f) be aware of contemporary and relevant issues impacting the local government sector; and

(g) respect that information provided to the Committee is to be used only to carry out their responsibilities, unless expressly agreed by Council; and

2.5 The Committee will prepare an annual work plan that outlines when it will perform key activities, in consultation with Council.

3. Authority

3.1 The Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility or powers pursuant to section 7.1C of the *Local Government Act 1995.*

3.2 The Council authorises the Committee, in accordance with this Charter, to:

(a) obtain any information it requires (subject to any legal obligation to protect information) for the purpose of fulfilling its duties, in consultation with the Chief Executive Officer;

(b) request the attendance of any official, including the Council, at committee meetings in consultation with the Chief Executive Officer; and

(c) provide advice and guidance to Council in terms of achieving Council's strategic direction which is illustrated via the adoption of the Shire of Toodyay Council Plan 2023-2033 and associated Integrated Planning Strategic documents.

3.3 The Audit, Risk and Improvement Committee may undertake other activities as requested by the Council, subject to section 7.1C of the *Local Government Act 1995* "Delegation to Audit, Risk and Improvement Committee.

4. Title of Committee

The committee shall be known as the 'Audit, Risk and Improvement Committee.'

5. Decisions made by the Committee

Decisions made by the Audit, Risk and Improvement Committee are to be made pursuant to 7.1CA of the Local Government Act 1995.

6. Membership

Membership shall consist of up to seven members.

6.1 Committee Members

(a) When members of the Committee are formally appointed by Council under *absolute majority* most of the members must be Councillors pursuant to s.7.1A(2) of the *Local Government Act 1995;*

(b) Council is required to review the membership of the Committee after every ordinary election day in accordance with s.5.11 of the *Local Government Act 1995;*

(c) Where Council reviews the membership of the Committee, they may choose to re-appoint members based on their ability to contribute to the work of the committee. This ensures an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills, and experience.

(d) The total length of time an independent community member can sit on the committee shall not exceed 6 years;

(e) Where a person is appointed as a member of a committee the person's membership of the committee continues until:

i. the person resigns from membership of the committee; or

ii. Council removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or

iii. the committee is disbanded; or

iv. the next ordinary elections day,

whichever happens first.

(f) Where a vacancy arises for independent community members the process at 6.2.6 (b) of this charter applies;

(g) Committee members will collectively have a broad range of skills, knowledge, and experience to competently perform their duties.

6.2 Appointment of Presiding and Deputy Presiding Member

6.2.1 Appointment made by Council

(a) Council must appoint a member of a committee to be the Presiding Member of the Committee pursuant to section 5.12(1) of the *Local Government Act 1995* however the Presiding Member must be an independent Presiding Member pursuant to section 7.1A(3);

(b) Council must appoint a member of the Committee to be the Deputy Presiding Member of the Committee (to chair the meeting if the independent presiding member is unable to do so) pursuant to section 7.1B(1) of the *Local Government Act 1995* however the Deputy Presiding Member must also be an independent Deputy Presiding Member pursuant to section 7.1A(4);

6.2.2 Knowledge and skills

The following criteria will be used when assessing applications:

- relevant professional qualifications (such as accounting, auditing, legal, Information technology, and business);
- relevant professional knowledge and expertise;
- understanding of / or experience in local government;
- understanding of the role of corporate governance in organisations; and
- previous experience on similar committees.

6.2.3 Independence

To ensure the committee maintains its independence and is seen as being independent, neither the Presiding nor Deputy Presiding Member can be:

- A councillor of the Shire or of any other local government;
- An employee of the Shire or someone who is nominated by, or is to be appointed to represent any employee of the Shire;
- Have any operating responsibilities within the Shire;
- Provide any paid services to the Shire either directly or indirectly in any other role.

6.2.4 Term

(a) appointments of the Presiding Member and the Deputy Presiding Member shall be for a maximum term of two years, with terms coinciding with the electoral cycle of the Shire.

(b) A maximum of three terms (6 years) is to be set as the maximum for either position.

6.2.5 Remuneration

(a) The Independent members upon submission of relevant paperwork will be reimbursed for the following:

i. Mileage to and from audit risk and improvement committee meetings at the rate set out in the salaries and allowance tribunal determination for Elected members; and

ii. 85% of the maximum allowance permitted to pay the independent members per the *Salaries and Allowance Act 1975.*

6.2.6 Recruitment process

(a) If the Committee is of the view that current independent members meet the criteria set out in this guidelines then it may recommend to Council the continued appointment of the independent members for a further two years if the current member wishes to.

(b) Where a vacancy arises, the following process will be undertaken:

i. The vacancy shall be publicly advertised pursuant to s.1.7 of the *Local Government Act 1995*;

ii. Applications shall be reviewed and assessed by an internal panel of Shire Officers that will include: The Chief Executive Officer, Executive Manager Finance and Corporate Services, and the Governance Coordinator;

iii. A report shall be provided to the Selection Panel which will consist of the Chief Executive Officer and the Shire

President; making a recommendation of shortlisted candidates for interview;

iv. The Chief Executive Officer will prepare a report on the selection process and make a recommendation for the appointment of the Presiding and Deputy Presiding Members. The report shall be submitted directly to Council;

v. The Chief Executive Officer will send out letters of appointment;

vi. The Chief Executive Officer will conduct an induction with the appointed Presiding and Deputy Presiding Members.

Meeting Attendees While the CEO, nor his or her delegate, must not be a member of the Committee, it is important that they attend meetings to provide context on important issues impacting the Shire of Toodyay;

6.3 The Presiding Member of the Committee may, through the office of the Chief Executive Officer, invite other Council representatives, the CEO, Shire Officers, an Officer from the Auditor-General's Office, or the Auditor to present information to the meeting or to attend as an observer;

6.4 The Committee will be administratively supported by a Shire Officer nominated by the Chief Executive Officer;

6.5 Committee members can request attendance by electronic means pursuant to regulation 14C(2)(b) of the *Local Government (Administration) Regulations 1996,* when authorised to attend the meeting electronically by the Shire President or by Council; however the Shire President cannot authorise a member to attend a meeting electronically if the member's attendance would result in the member attending more than half of the meetings (including the proposed meeting) of the committee scheduled for the calendar year, pursuant to the provisions of Regulation 14C(3) of the *Local Government (Administration) Regulations 1996*; and

6.6 Members must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting pursuant to regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*.

7. Responsibilities

7.1 The Committee is an independent committee whose functions are in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996.*

7.2 The Committee assists Council in fulfilling its responsibilities in relation to:

(a) Risk management, fraud and internal control

i. providing oversight on significant risk exposures and control issues, including fraud risks, corporate governance issues, or other matters as necessary when requested by the Chief Executive Officer or Council;

ii. review financial policies, governance policies, complaints management, conflict of interest, or public interest disclosure policies and make a recommendation to Council;

iii. reviewing summary reports from the Chief Executive Officer on communication from external parties including regulators (i.e. LGIS, Office of the Auditor General, LGIS, Corruption and Crime Commission, etc) that indicate problems in the internal control system or inappropriate management of risk actions in accordance with Regulation 16 (c) of the *Local Government (Audit) Regulations 1996;*

iv. annually reviewing the Shire of Toodyay's assurance map to ensure that risk and control activities are coordinated, communicated, and managed effectively;

v. bi-annually reviewing the Shire of Toodyay's risk management framework and risk register dashboard to ensure that the Shire will achieve its strategic objectives related to governance;

vi. reviewing the effectiveness of business operations and oversight frameworks, as the third line of defence within the Shire's risk management framework by considering and reviewing reports from the Chief Executive Officer on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, risk profiles, internal control, and legislative compliance. The Committee will make a recommendation to Council on the results of that review;

vii. monitoring changes in government strategies, the economic and business environment and other trends and factors related to the Shire's risk profile by meeting periodically with key management, internal auditors, the OAG, and compliance staff, to understand and discuss the impact of these changes or trends on the risk profile;

viii. reviewing whether Council has an effective Risk Management Framework, and, based on knowledge and understanding of the Shire's risks, that material business risks are appropriately reflected in the risk profile and reported to Council;

ix. reviewing and assessing the effectiveness of processes for identifying, managing, treating, and mitigating the Shire's risks in accordance with the Shire's Risk Management Framework and ensuring that remaining risks align with the Shire's risk appetite;

x. considering the adequacy and effectiveness of internal controls and the risk management framework by:

   a. Reviewing reports from the Administration, Internal Audit, consultants, regulators, and the OAG and/or auditor.

   b. ensuring risk registers consider risks that may impact whether the Shire of Toodyay will achieve its strategic objectives.

   c. reviewing Shire's response to IT risks, including cyber risks.

d. monitoring the Administration responses and ensuring timely correction actions are taken by the Administration.

e. understanding the process of managing insurable risks and assessing whether the Shire of Toodyay has adequate insurance cover for these risks.

f. assessing whether the Administration has controls in place for non-routine types of transactions and/or any potential transactions that might carry an unacceptable degree of risk.

g. enquiring with the Administration and the OAG and/or auditor regarding their assessment of the risk of material misstatement in the financial report due to fraud.

h. enquiring with the Administration and the OAG and/or auditor about whether they are aware of any actual, suspected, or alleged fraud or corruption affecting the Shire, including any response to the matters.

i. reviewing the Shire's processes and systems to detect, capture and respond to fraud risks, including preventative measures.

xi. reviewing the business continuity planning process and be assured that material risks are identified and appropriate business continuity plans, including disaster recovery plans, are in place;

xii. reviewing summary reports on all suspected, alleged, and actual frauds, thefts, and breaches of or non-compliance with laws, regulations and standards and ensuring these are reported to the Council and/or relevant authorities; and

xiii. reviewing summary reports on communication from external parties including regulators that indicate problems in the internal control systems or inappropriate management actions.

(b) Compliance and ethics

i. understanding Council's compliance framework including its obligations, the officers responsible for compliance activities and Administration oversight and review of these processes;

ii. considering the impact of Council's culture on compliance processes;

iii. aware of the Shire's processes for communication and the Shire's Code of Conduct;

iv. assessing the effectiveness of, and compliance with, the Shire of Toodyay's Code of Conduct;

v. obtain updates from the Complaints Officer appointed by Council;

vi. overseeing compliance by reviewing arrangements that monitor the impact of changes in key laws, regulations, internal policies, and accounting standards affecting Shire of Toodyay operations;

vii. review the annual Compliance Audit Return in accordance with the *Local Government (Audit) Regulations 1996* and report to the Council the results of that review;

viii. obtaining updates from the Chief Executive Officer on matters of compliance and ethical matters that may have material impact on the Council's financial statements, strategy, operations, health and safety or reputation; and

ix. review of the Disclosure of Interests Register and the Delegation and Returns Register.

(c) Financial and performance reporting

i. reviewing the annual financial statements and provide advice to the Council about whether they should be accepted by Council. This review includes assessing:

a. whether the financial statements comply with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards;

b. whether the financial statements accurately reflects the Shire of Toodyay's financial position and performance, and if not, whether additional disclosures are required;

c. the appropriateness of accounting policies and disclosures, including changes to accounting policies;

d. areas of significant judgement, estimation and significant or non-routine transactions;

e. whether appropriate Administration action has been taken in response to any issues raised by the OAG and/or auditor, including financial statement adjustments or revised disclosures;

f. the quality of the Shire of Toodyay's processes for preparing the financial statements, including how Administration has checked that they comply with relevant requirements; and

g. significant issues, errors or discrepancies in the draft financial statements and ensuring members understand the reasons why these occurred.

ii. receive and review the report from the Chief Executive Officer in regard to the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to financial management, internal control, and legislative compliance; and

iii. determine whether appropriate action has been taken in response to any issues reported by the Chief Executive Officer in terms of the quality of the Shire's processes for preparing financial statements, and how

significant issues, errors or discrepancies in the financial statements are communicated to members.

(d) Audit

The Committee will have an opportunity to meet with the OAG's Auditor at least once in every year to be able to discuss the results of financial and performance audits conducted within the Shire of Toodyay, including any difficulties encountered during the conduct of the audit, restrictions on scope of activities or access to information.

Other committee responsibilities may include:

i. liaising with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation;

ii. receiving the Administration's response to OAG and/or Auditor findings and recommendations;

iii. receiving reports from the OAG and/or Auditor including Auditor's reports, closing reports and Administration letters, and discussing any significant resolved, or unresolved disagreements within the reports provided to the Shire;

iv. receiving a copy of representation letters signed by the Chief Executive Officer;

v. reviewing performance audits conducted at the Shire of Toodyay and ensuring that agreed recommendations are implemented;

vi. reviewing results of relevant OAG and/or auditor's audit reports and better practice publications for guidance on good practices, including any self-assessment by the Administration;

vii. reviewing the form and content of the Auditor's report on the local government's financial and performance report. This may include any proposed modification, emphasis of matter, key audit matters, other matters, and uncorrected misstatements in other information;

viii. examine the reports of External Auditors after receiving a report from the Chief Executive Officer on the matters to:

(a) determine if any matters raised require action to be taken by the Council;

(b) review the implementation of any action so determined in respect of those matters; and

(c) determine whether appropriate action has been taken in response to any issues raised by the Office of the Auditor General and/or External Auditors, including financial statement adjustments or revised disclosures.

(e) Other responsibilities

Perform other activities related to the role of this Charter as requested by the Council.

8. Meetings

8.1 The Committee will meet at least 4 times each calendar year. Meeting dates are set by Council; and

8.2 A meeting of the Committee may be called at any time in accordance with the *Shire of Toodyay* Standing Orders Local Law *2008.*

9. Independence and conflicts of interest

9.1 External members should consider past employment, consultancy arrangements and related party issues when making these declarations to the Council. In consultation with the Presiding Member, the Council should be satisfied that there are sufficient processes in place to manage any actual, perceived, or potential conflicts of interest;

9.2 At the start of each Committee meeting, members are required to declare any personal interests that may apply to specific matters on the meeting agenda. The Presiding Member, in consultation with the Committee where appropriate, is responsible for deciding if the members should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s); and

9.3 Details of any personal interests declared by the Presiding Member and other members, and actions taken to manage the conflicts, should be appropriately recorded in the meeting minutes and the Register of Financial Interests in accordance with Section 5.88(2)(b) of the *Local Government Act 1995.*

10. Performance Assessment arrangements

10.1 The Presiding Member of the Committee, in consultation with the Council, will review the performance of the Committee annually;

10.2 The review is performed with appropriate input from Council, Committee Members, Shire Officers, and other relevant stakeholders;

10.3 The Presiding Member will provide advice to the Council on the members' performance, particularly for external members, or members where an extension of tenure is being considered; and

10.4 The Committee will always consider the costs and benefits of activities the Committee performs.

11. Reporting

11.1 The Committee will, as often as necessary, and at least once a year, report to the Council on its operations and activities during the year and confirm to the Council that all functions outlined in this charter have been satisfactorily addressed; and

11.2 The Committee may at any time, report to the Council on any other matters it deems to be sufficiently important. In addition, any individual Committee members may request a meeting with the Council at any time.

12. Review of charter

12.1 The Committee will review the charter once every two years following local government ordinary elections or more frequently if required, with appropriate input from Committee Members and Shire Officers, and other relevant stakeholders;

12.2 The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will consider proposed amendments from the Committee when necessary to ensure that it accurately reflects the committee's role and responsibilities; and

12.3 Council will review and formally approve this charter.

Approval by Council – Resolution No OCM061/03/25

Signature – Shire President	**Date**

Received by the Audit, Risk and Improvement Committee:

Signature – Audit, Risk and Improvement Committee Presiding Member	**Date**

Reference Information

- *Committee Book endorsed by Council.*
- *Risk Management Framework endorsed by Council.*

Legislation

- *Local Government Act 1995*
- *Local Government (Audit) Regulations 1996*

Associated documents

- Shire of Toodyay Standing Orders (Local Law) 2008(3.4, Part 13, and 17.6);
- Code of Conduct for Council Members, Committee Members and Candidates
- Statement of Business Ethics

Document control information	
Document Category	Governance
Document Title	Audit. Risk and Improvement Committee Charter
Document ID	CD05
Document Owner (position title)	Council
Author (position title)	CEO
Initial Council Adoption (including Date and Resolution No.)	15 December 2020 Resolution No 361/12/20
Last Council Review (including Date and Resolution No.)	27 March 2025 Resolution No OCM061/03/25
Date of approval	27 March 2025
Approving authority	Council
Absolute or Simple Majority Decision:	Absolute Majority
Access restrictions	Nil
Date Published	4 April 2025
Date of review	27 March 2025
Date of next review	As per 12.1 in the Charter.

Memo to Councillors

From the Office of the CEO

Date: 26 February 2025

Subject: Audit, Risk and Improvement Committee
Presiding Member Transition

Dear Councillors

The Shire must establish a Committee of Council under section 5.8 to be called the Audit, Risk and Improvement Committee (the Committee). This can be easily addressed by renaming the current Audit and Risk Committee and amending their current charter.

Existing requirements for Council membership of the committee remain valid. New requirements are established for the position of Presiding and Deputy Presiding members. The current independent members appointment is valid until 30 September 2025.

In order to be compliant with the new requirements, which will be required to be in place by 1 July 2025 and provide the Shire with an effective and efficient transition to meeting the requirements, a transitional arrangement will be recommended with Council appointing the current Chair and one of the other current independent members to Deputy Presiding Member for the period from 1 April 2025 through to 30 September 2027.

Aaron Bowman JP
Chief Executive Officer

Date

Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) **9574 9300**
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Financial Hardship

Introduction

This Policy ensures that the Shire offers fair, equitable, consistent and dignified support to ratepayers suffering genuine financial hardship, while treating all members of the community with respect and understanding.

Objective

To provide guidance to Shire Officers and Members in regard to rate relief to ratepayers who are able to evidence financial hardship.

Scope

This policy applies to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

Definitions

Term	Definition
Act	*Local Government Act 1995.*
Corporate Services	The Corporate Services Business Unit, comprising of the Manager Corporate Services, the Finance Coordinator, and the Accounts/HR Officer.
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995* and under the *Shire's Standing Orders Local Law 2008.*
Member	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Regulations	*Local Government (Financial Management) Regulations 1996*
Shire	The Shire of Toodyay.

Policy Statement

Council delegates to the CEO the exercise of its power or the discharge of any of its duties in relation to Part 6, Division 6 "Rates and Services Charges to make an agreement with a person for the payment of rates or service charges (referred to in Subdivision 4 – Payment of rates and service charges of the Act).

1. Payment difficulties, hardship and vulnerability

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates, fees and service charges debt.

Financial hardship occurs where a person is unable to pay rates, fees and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.

2. Financial Hardship Criteria

While evidence of hardship is required, the Shire recognises that not all circumstances are alike. The Shire has a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment;
- Sickness or recovery from sickness;
- Low income or loss of income;
- Unanticipated circumstances such as caring for and supporting extended family.

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment arrangement.

The Shire considers all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with statutory responsibilities.

3. Payment Arrangements

Payment arrangements are facilitated in accordance with Section 6.49 of the Act.

Such arrangements are of an agreed frequency and amount, considering the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Toodyay of any change in circumstance that jeopardises the agreed payment schedule.

4. Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;

- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

5. Debt recovery

The Shire will suspend its debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises the Shire and makes an alternative plan before defaulting on the 3rd due payment, the Shire will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, any rates and charges that remain outstanding will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*, as outlined in Debt Collection policy. If interest had been held, this will also begin to accrue.

6. Review

Corporate Services establishes a mechanism for review of decisions made under this policy and advises the applicant of their right to seek review and the procedure to be followed.

7. Communication and Confidentiality

The Shire maintains confidential communications and undertakes to communicate with a nominated support person or other third party when requested.

The Shire must ensure that all Workers sign a confidentiality agreement and abide by the Code of Conduct.

The Shire advises Shire debtors of this policy and its application, when communicating in any format (i.e. verbal or written) with a debtor that has an outstanding rates, fees or service charge debt.

The Shire recognises that applicants for hardship consideration are experiencing additional stressors and may have complex needs. The Shire will provide additional time to respond to communication and will communicate in alternative formats where appropriate. The Shire ensures all communication with applicants is clear and respectful.

Reference Information

- Financial Control Matters from the Office of the Auditor General.
- Code of Conduct
- Register of Delegations – CS4 Approval of Payment Arrangement for Payment of Rates and Service Charges.

- Adapted from the Ombudsman Western Australia publication, Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance

Legislation

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

Associated documents

- Payment arrangement;
- Employee Code of Conduct – When staff are employed, they sign a Confidentiality Agreement and Code of Conduct.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	28/4/2020	Adoption	WALGA	Council
V2	21/12/2022	Review	ARC	Council

Document control information	
Document Theme	Finance
Document Category	Finance
Document Title	Financial Hardship
Document ID	FIN22
Document Owner (position title)	Chief Executive Officer
Author (position title)	Chief Executive Officer
Date of approval	21 December 2022 (CRN: OCM001/12/22)
Approving authority	Council
Access restrictions	Nil
Date Published	22 December 2022
Date of last review	21 December 2022
Date of next review	26 November 2025

Document control information	
Archived antecedent documents and previous versions	28 April 2020 (Res. No. 140/04/20)

Financial Hardship

Introduction

This Policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised and outlines the scope and criteria for assessing applications of financial hardship.

~~ensures that the Shire offers fair, equitable, consistent and dignified support to ratepayers suffering genuine financial hardship, while treating all members of the community with respect and understanding.~~

Objective

To ensure the Shire supports ratepayers experiencing financial hardship, offering them fair, equitable, consistent and dignified support while treating all members of the community with empathy, fairness, respect and understanding.

To provide guidance to Shire Officers and Members in regard to rate relief to ratepayers who ~~are able to~~can evidence financial hardship.

Scope

This policy applies to all ratepayers experiencing financial hardship regardless of their status, whether they are ~~be they a~~ property owners, tenants, business owners, etc., and are unable to meet their rate payment obligations.~~.~~

Definitions

Term	Definition
~~Act~~	~~*Local Government Act 1995.*~~
Financial Hardship	A situation where a ratepayer is unable to meet their rate payment obligations due to circumstances beyond their control.
Vulnerable Ratepayer	A ratepayer experiencing financial hardship due to factors such as disability, unemployment, illness, bereavement, domestic violence, or low English proficiency.
~~Corporate Services~~	~~The Corporate Services Business Unit, comprising of the Manager Corporate Services, the Finance Coordinator, and the Accounts/HR Officer.~~
Please refer to the Shire of Toodyay Glossary (Definitions) document located on the Shire of Toodyay (Shire) website for other definitions not listed: https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)	
~~CEO~~	~~Chief Executive Officer~~

Term	Definition
~~Council~~	~~The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995* and under the *Shire's Standing Orders Local Law 2008*.~~
~~Member~~	~~In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.~~
~~Regulations~~	~~*Local Government (Financial Management) Regulations 1996*~~
~~Shire~~	~~The Shire of Toodyay.~~

Policy Statement

Council recognises that there are cases of genuine financial hardship where additional charges would cause the debtor or ratepayer further financial hardship.

The Shire is committed to supporting ratepayers experiencing financial hardship by providing flexible payment arrangements, waiving penalty interest, and offering access to financial counselling services.

This policy establishes guidelines to ensure all applicants are treated with respect, equality and confidentiality.

~~**Council delegates to the CEO the exercise of its power or the discharge of any of its duties in relation to Part 6, Division 6 "Rates and Services Charges to make an agreement with a person for the payment of rates or service charges (referred to in Subdivision 4 – Payment of rates and service charges of the Act).**~~

~~1. Payment difficulties, hardship and vulnerability~~

1. Financial Hardship examples

While evidence of hardship will be required, the Shire recognises that not all circumstances are alike.

~~Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates, fees and service charges debt.~~

~~Financial hardship occurs where a person is unable to pay rates, fees and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.~~ A flexible approach will be taken to a range of individual circumstances including, but not limited to, the following situations:

(a) Loss of a ratepayer's/debtor's (or their family member's) primary income; including small businesses income loss due to major work projects

(b) Recent unemployment or under-employment;

(c) Sickness or recovery from sickness;

(d) Low income or loss of income;

(e) Unanticipated circumstances such as caring for and supporting extended family.

(f) Sudden bereavement within a family;

(g) Severe/life threatening illness or medical condition;

(h) Physical or mental health problems;

(i) Domestic or family violence; or

(j) A chronically ill child.

2. Financial Hardship Criteria

~~While evidence of hardship is required, the Shire recognises that not all circumstances are alike. The Shire has a flexible approach to a range of individual circumstances including, but not limited to, the following situations:~~

- ~~Recent unemployment or under-employment;~~
- ~~Sickness or recovery from sickness;~~
- ~~Low income or loss of income;~~
- ~~Unanticipated circumstances such as caring for and supporting extended family.~~

Ratepayers and debtors are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment arrangement.

The Shire considers all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with our statutory responsibilities.

Documentation for assessment can include the following:

(a) A letter from a recognised financial counsellor (i.e. must be a member of a financial counselling association, for example Financial Counsellors' Association of WA (FCAWA) or financial planner confirming financial hardship or a Statutory Declaration from a ratepayer or debtor outlining reasons for applying for hardship is recommended;

(b) Copy of recent bank statements of all bank accounts;

(c) Any related Centrelink documentation (if applicable);

(d) A prepayment proposal;

(e) Ratepayer or debtor is not bankrupt or subject to a bankruptcy petition

3. Debt recovery

The Shire will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor.

Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises the Shire and makes an alternative plan before defaulting on the 3rd due payment, the Shire will continue to suspend debt recovery processes.

The debt will need to be fully repaid by the end of the subsequent financial year of the debt repayment arrangement commencing, e.g. debt arrangement in place 2024/25 must be fully repaid by 30 June 2026.

~~3.~~4. Payment Arrangements

Payment arrangements are facilitated in accordance with Section 6.49 of the Act.

Such arrangements are of an agreed frequency and amount, considering the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Toodyay of any change in circumstance that ~~jeopardises~~ affects the agreed payment schedule.
- The need to have the debt fully repaid by the end of the subsequent financial year.
-

In the case of severe financial hardship, the Shire reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

5. Interest Charges

A ratepayer or debtor who meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case-by-case basis.

4.6. Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or a combination of both a Seniors Card and Commonwealth Seniors Health Care Card registered on their property (as stated in the Rates and Charges (Rebates and Deferments) Act 1992.). The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

5. Debt recovery

The Shire will suspend its debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises the Shire and makes an alternative plan before defaulting on the 3rd due payment, the Shire will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, any rates and charges that remain outstanding will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995, as outlined in Debt Collection policy. If interest had been held, this will also begin to accrue.

6. Review

Corporate Services establishes a mechanism for review of decisions made under this policy and advises the applicant of their right to seek review and the procedure to be followed.

7. Communication and Confidentiality

The Shire will maintains confidential communications at all times and undertake to communicate communications and undertakes to communicate with a nominated support person or other third party when requested.

The Shire must ensure that all Workers sign a confidentiality agreement and abide by the Code of Conduct.

The Shire will advises ratepayers Shire debtors of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayerdebtor that has an outstanding rates, fees or service charge debt.

The Shire recognises that applicants for hardship consideration are experiencing additional stressors and may have complex needs.

The Shire will provide additional time to respond to communication and will communicate in alternative formats where appropriate. The Shire will ensure~~s~~ all communication with applicants is clear and respectful.

8. Review

The applicant will be informed of the outcome within 5 business days. The Shire will establish a mechanism for review of decisions made under this policy and advise the applicant of their right to seek review and the procedure to be followed.

Reference Information

- Financial Control Matters from the Office of the Auditor General.
- Code of Conduct
- Register of Delegations – CS4 Approval of Payment Arrangement for Payment of Rates and Service Charges.
- Adapted from the Ombudsman Western Australia publication, Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance

Legislation

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*
- Rates and Charges (Rebates and Deferments) Act 1992

Associated documents

- Appendix One: Financial Hardship Application form;
- Appendix Two: Financial Hardship Application Assessment Checklist;
- Payment arrangement;
- Employee Code of Conduct – When staff are employed, they sign a Confidentiality Agreement and Code of Conduct.

Document control information	
Document Category	Finance
Document Title	Financial Hardship
Document ID	FIN22
Document Owner (position title)	Chief Executive Officer
Author (position title)	Chief Executive Officer

Document control information	
Date of approval	~~21 December 2022 (CRN: OCM001/12/22)~~t.b.a.
Approving authority	Council
Absolute or Simple Majority Decision:	Absolute
Access restrictions	Nil
Date Published	~~22 December 2022~~t.b.a.
Date of last review	~~21 December 2022~~10 February 2025
Date of next review	~~26 November 2025~~as and when required.

Child Safe Awareness

Introduction

This Shire of Toodyay (the Shire) is committed to supporting the safety and wellbeing of all children and young people, including protection from abuse.

Objective

To reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments.

Scope

The Shire has a leadership role in the community to support relevant organisations to be child safe and promote child safe practices.

Although the Shire is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise Shire facilities to operate in alignment with the Child Safe Awareness policy.

This Policy applies to Workers, Elected Members and anyone else who undertakes work on behalf of the Shire, regardless of whether the work relates to children or young people. It also applies to occupants of Shire owned facilities and venues, including visitors, and contractors.

Definitions

Term	Definition
Abuse	An act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, and sexual abuse, and neglect.
Act	*Local Government Act 1995.*
CEO	Chief Executive Officer
Child/Children	A person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.
Child Safe	Protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.
Child Safe Organisation	Is defined in the Royal Commission into Institutional Responses to Child Sexual Abuse Royal Final Report as one that: • creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions

Term	Definition
	• places emphasis on genuine engagement with and valuing of children and young people • creates conditions that reduce the likelihood of harm to children and young people • creates conditions that increase the likelihood of identifying any harm, and • responds to any concerns, disclosures, allegations, or suspicions of harm. Note: in the context of local governments, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate. Implementation of the National Principles for Child Safe Organisations give effect to the above.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995* and under the *Shire's Standing Orders Local Law 2008.*
Harm	In relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.
Member	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Shire	the Shire of Toodyay.
Wellbeing	Includes the care, development, education, health and safety of children and young people.

Policy Statement

The Shire is committed to encouraging local organisations to create and maintain child safe environments and ensure that children are safe and empowered.

This Policy has been developed in response to recommendation 6.12 of the 'Royal Commission into Institutional Responses to Child Sexual Abuse' and recognises that the Shire is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to take all reasonable steps to protect children and young people from harm and/or abuse. The Shire will promote the safety and wellbeing of children across the community.

Consistent with the 'National Principles for Child Safe Organisations' and the 'Commonwealth Child Safe Framework', this policy provides a framework that outlines the role of the Shire in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

1. Policy Principles

(a) The rights of children and young people are upheld.

(b) Children and young people are respected, listened to, and informed about their rights.

(c) Children and young people have the fundamental right to be safe and cared for.

(d) Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.

(e) The safety and best interests of children and young people are a primary consideration when making decisions that concern them.

(f) Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.

(g) Communities are informed and involved in promoting the safety and wellbeing of children and young people, including protection from harm.

(h) Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

2. Policy Functions

The Shire will ensure the following functions of this policy are resourced and assigned to the relevant Shire Officers for implementation.

(a) Developing a process to deliver child safe messages (for example at the Shire's venues, grounds and facilities or events).

(b) Connecting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

Reference Information

- National Principles for Child Safe Organisations
- Commonwealth Child Safe Framework
- Workers Code of Conduct;
- Reportable Conduct Scheme Policy
- Government of Western Australia reference material:
- Guidelines for promoting child safe messages;
- Responding to Disclosure of Child Abuse and Neglect; and
- Guidelines for protecting children 2020
- National Principles for Child Safety Organisations

- Referral pathways for complaints, concerns and disclosure of abuse

Legislation

- *Child Care Services Act 2007*
- *Children and Community Services Act 2004*
- *Civil Liability Act 2002*
- *Corruption, Crime and Misconduct Act 2003*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*
- *Local Government Act 1995*
- *Parliamentary Commissioner Act 1971*
- *Public Interest Disclosure Act 2003r*
- *Public Sector Management Act 1994*
- United Nations Convention on the Rights of the Child (CRC)
- *Work Health and Safety Act 2020*
- *Working with Children (Criminal Record Checking) Act 2004*

Review

This Policy will be reviewed every two years or upon the introduction of other relevant policy or legislation related to the safety and wellbeing of children and young people.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	27/09/2023	Governance Officer reviewed in June 2023	DLGSC Template	Council
V2				

Document control information	
Document Theme	Community
Document Category	Community
Document Title	Child Safe Awareness
Document ID	COM08

Document control information	
Document Owner (position title)	Executive Manager Corporate and Community Services
Author (position title)	Executive Manager Corporate and Community Services
Date of approval	27 September 2023 (CRN: 215/09/23)
Approving authority	Council
Access restrictions	Nil
Date Published	9 October 2023
Date of last review	27 September 2023 (CRN: 215/09/23)
Date of next review	2 June 2027
Archived antecedent documents and previous versions	N/A

Child Safe Awareness

Introduction

This Shire of Toodyay (the Shire) is committed to supporting the safety and wellbeing of all children and young people, including protection from abuse.

Objective

- To reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments.
- To encourage local organisations to be child safe and ensure children are safe and empowered.
- To promote the safety and wellbeing of children across the community.
- To ensure that all designated officers contribute effectively to creating and maintaining child safe environments.

Scope

~~The Shire has a leadership role in the community to support relevant organisations to be child safe and promote child safe practices.~~

~~Although the Shire is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise Shire facilities to operate in alignment with the Child Safe Awareness policy.~~

This p~~P~~olicy applies to Workers, ~~Elected Members~~Councillors, volunteers, trainees, work experience students and anyone else who undertakes work on behalf of the Shire, regardless of whether the work relates to children or young people. It also applies to occupants of Shire owned facilities and venues, including visitors, ~~and~~ contractors and suppliers.~~.~~

Definitions

Term	Definition
Abuse	Abuse is a~~A~~n act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, and sexual abuse, and neglect.
Child/Children	A person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

Term	Definition
Child Safe	For the purpose of this policy, child safe meals p~~P~~rotecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.
Child Safe Organisation	Is defined in the Royal Commission into Institutional Responses to Child Sexual Abuse Royal Final Report as one that: • creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions; • places emphasis on genuine engagement with and valuing of children and young people; • creates conditions that reduce the likelihood of harm to children and young people; • creates conditions that increase the likelihood of identifying any harm~~,~~ ; and • responds to any concerns, disclosures, allegations, or suspicions of harm. Note: in the context of local governments, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate. Implementation of the National Principles for Child Safe Organisations give effect to the above.
Harm	Harm, in relation to a child, means a~~A~~ny detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.
Wellbeing	Wellbeing of children and young people i~~I~~ncludes the care, development, education, health and safety of children and young people.
Please refer to the Shire of Toodyay Glossary (Definitions) document located on the Shire of Toodyay (Shire) website for other definitions not listed: ***https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)***	

Policy Statement

The Shire is committed to encouraging local organisations to create and maintain child safe environments and ensure that children are safe and empowered.

This Policy has been developed in response to recommendation 6.12 of the 'Royal Commission into Institutional Responses to Child Sexual Abuse' and recognises that the Shire is uniquely placed within the local community to demonstrate leadership by supporting

organisations to be child safe and to take all reasonable steps to protect children and young people from harm and/or abuse. The Shire will promote the safety and wellbeing of children across the community.

Consistent with the 'National Principles for Child Safe Organisations' and the 'Commonwealth Child Safe Framework', this policy provides a framework that outlines the role of the Shire in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

1. Policy Principles

(a) The rights of children and young people are upheld.

(b) Children and young people are respected, listened to, and informed about their rights.

(c) Children and young people have the fundamental right to be safe and cared for.

(d) Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.

(e) The safety and best interests of children and young people are a primary consideration when making decisions that concern them.

(f) Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.

(g) Communities are informed and involved in promoting the safety and wellbeing of children and young people, including protection from harm.

(h) Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

2. Policy Functions

The Shire will ensure the following functions of this policy are resourced and assigned to the relevant Shire Officers for implementation.

(a) Developing a process to deliver child safe messages (for example at the Shire's venues, grounds and facilities or events).

(b) Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

3. Responsibilities

(a) The Shire has a leadership role in the community to support relevant organisations to be child safe and promote child safe practices.

(b) Although the Shire is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise Shire facilities to operate in alignment with the Child Safe Awareness policy.

Reference Information

- National Principles for Child Safe Organisations
- Commonwealth Child Safe Framework
- Workers Code of Conduct;
- Reportable Conduct Scheme Policy
- Government of Western Australia reference material:
- Guidelines for promoting child safe messages;
- Responding to Disclosure of Child Abuse and Neglect; and
- Guidelines for protecting children 2020
- National Principles for Child Safety Organisations
- Referral pathways for complaints, concerns and disclosure of abuse

Legislation

- *Child Care Services Act 2007*
- *Children and Community Services Act 2004*
- *Civil Liability Act 2002*
- *Corruption, Crime and Misconduct Act 2003*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*
- *Local Government Act 1995*
- *Parliamentary Commissioner Act 1971*
- *Public Interest Disclosure Act 2003r*
- *Public Sector Management Act 1994*
- United Nations Convention on the Rights of the Child (CRC)
- *Work Health and Safety Act 2020*
- *Working with Children (Criminal Record Checking) Act 2004*

Associated documents

- Child Safe messages
- Frequently Asked questions
- Responding to Disclosure – Staff resource
- Resources for Child Safe organisations
- Referral Pathways information – Staff resource
- Guidelines for Promoting child safe messages
- Implementation Checklist

- Creating a child safe culture
- BOP: Responsibilities for Child Safe Awareness Messaging.

Document control information	
Document Category	Governance
Document Title	Child Safe Awareness
Document ID	COM08
Document Owner (position title)	Executive Manager Economic Development and Community Services
Author (position title)	Executive Manager Economic Development and Community Services
Initial Council Adoption *(including Date and Resolution No.)*	27 September 2023 (CRN: 215/09/23)
Last Council Review *(including Date and Resolution No.)*	27 September 2023 (CRN: 215/09/23)
Date of Approval	Click or tap to enter a date.
Approving authority	Council
Absolute or Simple Majority Decision:	Choose an item.
Access restrictions	
Date Published	Click or tap to enter a date.
Date of Next Review	Every two years or upon the introduction of other relevant policy or legislation related to the safety and wellbeing of children and young people

Child Safe Awareness

Introduction

This Shire of Toodyay (the Shire) is committed to supporting the safety and wellbeing of all children and young people, including protection from abuse.

Objective

- To reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments.
- To encourage local organisations to be child safe and ensure children are safe and empowered.
- To promote the safety and wellbeing of children across the community.
- To ensure that all designated officers contribute effectively to creating and maintaining child safe environments.

Scope

This policy applies to Workers, Councillors, volunteers, trainees, work experience students and anyone else who undertakes work on behalf of the Shire, regardless of whether the work relates to children or young people. It also applies to occupants of Shire owned facilities and venues, including visitors, contractors and suppliers.

Definitions

Term	Definition
Abuse	Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, and sexual abuse, and neglect.
Child/Children	A person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.
Child Safe	For the purpose of this policy, child safe meals protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.
Child Safe Organisation	Is defined in the Royal Commission into Institutional Responses to Child Sexual Abuse Royal Final Report as one that: • creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions;

Term	Definition
	• places emphasis on genuine engagement with and valuing of children and young people; • creates conditions that reduce the likelihood of harm to children and young people; • creates conditions that increase the likelihood of identifying any harm; and • responds to any concerns, disclosures, allegations, or suspicions of harm. Note: in the context of local governments, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate. Implementation of the National Principles for Child Safe Organisations give effect to the above.
Harm	Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.
Wellbeing	Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.
Please refer to the Shire of Toodyay Glossary (Definitions) document located on the Shire of Toodyay (Shire) website for other definitions not listed: https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)	

Policy Statement

The Shire is committed to encouraging local organisations to create and maintain child safe environments and ensure that children are safe and empowered.

This Policy has been developed in response to recommendation 6.12 of the 'Royal Commission into Institutional Responses to Child Sexual Abuse' and recognises that the Shire is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to take all reasonable steps to protect children and young people from harm and/or abuse. The Shire will promote the safety and wellbeing of children across the community.

Consistent with the 'National Principles for Child Safe Organisations' and the 'Commonwealth Child Safe Framework', this policy provides a framework that outlines the role of the Shire in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

1. Policy Principles

(a) The rights of children and young people are upheld.

(b) Children and young people are respected, listened to, and informed about their rights.

(c) Children and young people have the fundamental right to be safe and cared for.

(d) Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.

(e) The safety and best interests of children and young people are a primary consideration when making decisions that concern them.

(f) Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.

(g) Communities are informed and involved in promoting the safety and wellbeing of children and young people, including protection from harm.

(h) Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

2. Policy Functions

The Shire will ensure the following functions of this policy are resourced and assigned to the relevant Shire Officers for implementation.

(a) Developing a process to deliver child safe messages (for example at the Shire's venues, grounds and facilities or events).

(b) Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

3. Responsibilities

(a) The Shire has a leadership role in the community to support relevant organisations to be child safe and promote child safe practices.

(b) Although the Shire is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise Shire facilities to operate in alignment with the Child Safe Awareness policy.

Reference Information

- National Principles for Child Safe Organisations
- Commonwealth Child Safe Framework
- Workers Code of Conduct;
- Reportable Conduct Scheme Policy

- Government of Western Australia reference material:
- Guidelines for promoting child safe messages;
- Responding to Disclosure of Child Abuse and Neglect; and
- Guidelines for protecting children 2020
- National Principles for Child Safety Organisations
- Referral pathways for complaints, concerns and disclosure of abuse

Legislation

- *Child Care Services Act 2007*
- *Children and Community Services Act 2004*
- *Civil Liability Act 2002*
- *Corruption, Crime and Misconduct Act 2003*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*
- *Local Government Act 1995*
- *Parliamentary Commissioner Act 1971*
- *Public Interest Disclosure Act 2003r*
- *Public Sector Management Act 1994*
- United Nations Convention on the Rights of the Child (CRC)
- *Work Health and Safety Act 2020*
- *Working with Children (Criminal Record Checking) Act 2004*

Associated documents

- Child Safe messages
- Frequently Asked questions
- Responding to Disclosure – Staff resource
- Resources for Child Safe organisations
- Referral Pathways information – Staff resource
- Guidelines for Promoting child safe messages
- Implementation Checklist
- Creating a child safe culture
- BOP: Responsibilities for Child Safe Awareness Messaging.

Document control information	
Document Category	Governance
Document Title	Child Safe Awareness
Document ID	COM08
Document Owner (position title)	Executive Manager Economic Development and Community Services
Author (position title)	Executive Manager Economic Development and Community Services
Initial Council Adoption *(including Date and Resolution No.)*	27 September 2023 (CRN: 215/09/23)
Last Council Review *(including Date and Resolution No.)*	27 September 2023 (CRN: 215/09/23)
Date of Approval	Click or tap to enter a date.
Approving authority	Council
Absolute or Simple Majority Decision:	Choose an item.
Access restrictions	
Date Published	Click or tap to enter a date.
Date of Next Review	Every two years or upon the introduction of other relevant policy or legislation related to the safety and wellbeing of children and young people

Reportable Conduct Scheme

Introduction

This policy is made in accordance with the reporting requirements of the Reportable Conduct Scheme (the Scheme), which was established under the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022,* as a consequence of the *Royal Commission into Institutional Responses to Child Sexual Abuse* (the Royal Commission). The Scheme is intended to make Western Australian children safer by ensuring that child abuse in organisations will always be:

- Notified to an impartial and independent body;
- Investigated fully; and
- Dealt with to ensure children are protected from abuse.

Objective

The Chief Executive Officer (CEO) is compelled to notify the Ombudsman of reportable allegations and convictions of child abuse by Shire of Toodyay (the Shire) employees, investigate the allegations, report the outcome, and take appropriate action to prevent reportable conduct by employees.

Scope

The Scheme applies to the CEO who has reporting conduct responsibilities; and to any employee who exercises care, supervision or authority over children. The following Shire facilities have been identified as meeting this criterion:

- Community Resource Centre;
- Toodyay Library;
- Toodyay Recreation Centre;
- Toodyay Visitors Centre;
- Newcastle Gaol Museum; and
- Connor's Mill Museum.

Definitions

Term	Definition
Act	*Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022.*
CEO	Chief Executive Officer.
Child	A person who is under 18 years of age.

Term	Definition
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995* and under the *Shire's Standing Orders Local Law 2008.*
Employee	An employee includes the following persons over 18 years of age: • An individual employed by the Shire; • Contractors engaged by the Shire; and • Volunteers engaged by the Shire Under the Scheme, volunteers and contractors are only considered employees, if they have been engaged by the Shire to provide services to children.
Ombudsman	Ombudsman Western Australia.
Procedural Justice	There are four key principles of procedural justice: voice, neutrality, respect and trust. Adherence to these principles is linked to improved compliance and positive outcomes.
Reportable Allegation	Any information that leads a person to form the belief on reasonable grounds that an employee of an organisation covered by the Scheme, has engaged in reportable conduct, whether or not the conduct is alleged to have occurred in the employee's course of employment.
Reportable Conviction	A conviction (including a finding of guilt without the court proceeding to a conviction) in Western Australia or elsewhere, of an offence involving reportable conduct.
Shire	the Shire of Toodyay.

Policy Statement

This policy is limited to Shire employees who have engaged in conduct that may be reportable conduct or employees who are the subject of a conviction that is considered a reportable conviction.

Reportable Conduct:

Shire employees **must** report a 'reportable allegation' or 'reportable conviction' to the CEO as soon as they become aware. Reportable conduct under the Scheme includes:

- Sexual offences;
- Sexual misconduct; and
- Physical assault.

The CEO is compelled to notify the Ombudsman of allegations or convictions of child abuse by any employee within seven (7) days of becoming aware of the allegation. The CEO is also

required to investigate the allegation(s) and provide a report to the Ombudsman of the investigation and any action taken. The Ombudsman will monitor, oversee and review these allegations.

If the CEO suspects criminal conduct has occurred, then the reportable conduct will be referred to the Western Australia Police Force (WAPF) in the first instance.

In consultation with WAPF, the CEO may suspend the Shire's investigation, to ensure there is no compromise to the criminal investigation. Any perceived risk will be managed through consultation with WAPF.

The CEO will inform the Ombudsman of the suspension and any actions taken to manage the risk during the suspension period.

The Scheme also includes historical conduct of a current employee. Whilst the conduct may have occurred in the past, the Royal Commission determined that the nature of child abuse still requires reporting and investigation. This will ensure any risks presented by a current employee are considered and addressed appropriately.

Protections to Prevent Identification:

An employee who makes a report of a reportable allegation or reportable conviction, must not publish identifying information of a child who is the subject of reportable conduct; or the person who is making the reportable allegation.

The seriousness of publishing such information is reflected in the penalty of 2 years imprisonment or a fine of $8,000.

Protections for Providing Information:

There are protections under the *Parliamentary Commissioner Act 1971* for providing information under the Scheme, which include:

- Protection from liability for giving information;
- Protection from victimisation; and
- A prohibition on publishing information that identifies or is likely to identify a person who has made a report under the Scheme.

The Investigation Process:

The Shire will ensure the principles of confidentiality, procedural fairness and natural justice apply to all investigations undertaken. In this regard:

- Employees who are the subject of reportable allegations will be informed of the nature of the allegations and afforded the opportunity to make submissions before any adverse finding is made;
- Only parties with a need to know about the reportable allegation should be informed of it;
- Records will be adequately secured and protected from unauthorised access;
- All such parties should be advised of the need for confidentiality during the investigation; and
- The Shire will have systems in place to deal with any breaches of confidentiality.

Reference Information

HRD.1 Employee Code of Conduct

Legislative Compliance

Legislation

Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022

Criminal Procedure Act 2004

Parliamentary Commissioner Act 1971

Local Government Act 1995

Criminal Code Act Compilation Act 1913

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	21/12/2022	New	Governance Officer	Council

Document control information	
Document Theme	Governance
Document Category	Administration
Document Title	Reportable Conduct Scheme
Document ID	ADM23
Document Owner (position title)	Chief Executive Officer
Author (position title)	Governance Officer
Date of approval	21 December 2022 (CRN: OCM263/12/22)
Approving authority	Council
Access restrictions	Nil
Date Published	22 December 2022
Date of last review	21 December 2022
Date of next review	26 November 2025

Document control information	
Archived antecedent documents and previous versions	N/A

Reportable Conduct Scheme

Introduction

This policy is made in accordance with the reporting requirements of the Reportable Conduct Scheme (the Scheme), which was established under the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022,* as a consequence of the *Royal Commission into Institutional Responses to Child Sexual Abuse* (the Royal Commission). The Scheme is intended to make Western Australian children safer by ensuring that child abuse in organisations will always be:

- Notified to an impartial and independent body;
- Investigated fully; and
- Dealt with to ensure children are protected from abuse.

Objective

The Chief Executive Officer (CEO) is compelled to notify the Ombudsman of reportable allegations and convictions of child abuse by Shire of Toodyay (the Shire) employees, investigate the allegations, report the outcome, and take appropriate action to prevent reportable conduct by employees.

Scope

The Scheme applies to the CEO who has reporting conduct responsibilities; and to any employee who exercises care, supervision or authority over children. The following Shire facilities have been identified as meeting this criterion:

- Community Resource Centre;
- Toodyay Library;
- Toodyay Recreation Centre;
- Toodyay Visitors Centre;
- Newcastle Gaol Museum; and
- Connor's Mill Museum.

Definitions

Term	Definition
Act	*Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022.*
~~CEO~~	~~Chief Executive Officer.~~
Child	A person who is under 18 years of age.

Term	Definition
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995* and under the *Shire's Standing Orders Local Law 2008.*
Employee	An employee includes the following persons over 18 years of age: • An individual employed by the Shire; • Contractors engaged by the Shire; and • Volunteers engaged by the Shire Under the Scheme, volunteers and contractors are only considered employees, if they have been engaged by the Shire to provide services to children.
Ombudsman	Ombudsman Western Australia.
Procedural Justice	There are four key principles of procedural justice: voice, neutrality, respect and trust. Adherence to these principles is linked to improved compliance and positive outcomes.
Reportable Allegation	Any information that leads a person to form the belief on reasonable grounds that an employee of an organisation covered by the Scheme, has engaged in reportable conduct, whether or not the conduct is alleged to have occurred in the employee's course of employment.
Reportable Conviction	A conviction (including a finding of guilt without the court proceeding to a conviction) in Western Australia or elsewhere, of an offence involving reportable conduct.
~~Shire~~	~~the Shire of Toodyay.~~
Please refer to the Shire of Toodyay Glossary (Definitions) document located on the Shire of Toodyay (Shire) website for other definitions not listed: ***https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)***	

Policy Statement

This policy is limited to Shire employees who have engaged in conduct that may be reportable conduct or employees who are the subject of a conviction that is considered a reportable conviction.

1. Reportable Conduct:

(a) Shire employees **must** report a 'reportable allegation' or 'reportable conviction' to the CEO as soon as they become aware. Reportable conduct under the Scheme includes:

- (i) Sexual offences;
- (ii) Sexual misconduct;
- (iii) Physical assault;
- (iv) Significant neglect of a child;
- (v) Any behaviour that causes significant emotional or psychological harm to a child; and
- (vi) Other prescribed offences.

(b) The CEO is compelled to notify the Ombudsman of allegations or convictions of child abuse by any employee within seven (7) days of becoming aware of the allegation. The CEO is also required to investigate the allegation(s) and provide a report to the Ombudsman of the investigation and any action taken. The Ombudsman will monitor, oversee and review these allegations.

(c) If the CEO suspects criminal conduct has occurred, then the reportable conduct will be referred to the Western Australia Police Force (WAPF) in the first instance.

(d) In consultation with WAPF, the CEO may suspend the Shire's investigation, to ensure there is no compromise to the criminal investigation. Any perceived risk will be managed through consultation with WAPF.

(e) The CEO will inform the Ombudsman of the suspension and any actions taken to manage the risk during the suspension period.

(f) The Scheme also includes historical conduct of a current employee. Whilst the conduct may have occurred in the past, the Royal Commission determined that the nature of child abuse still requires reporting and investigation. This will ensure any risks presented by a current employee are considered and addressed appropriately.

2. Protections to Prevent Identification:

(a) An employee who makes a report of a reportable allegation or reportable conviction, must not publish identifying information of a child who is the subject of reportable conduct; or the person who is making the reportable allegation.

(b) The seriousness of publishing such information is reflected in the penalty of 2 years imprisonment or a fine of $8,000.

3. Protections for Providing Information:

(a) There are protections under the *Parliamentary Commissioner Act 1971* for providing information under the Scheme, which include:

- (i) Protection from liability for giving information;
- (ii) Protection from victimisation; and

(iii) A prohibition on publishing information that identifies or is likely to identify a person who has made a report under the Scheme.

4. The Investigation Process:

(a) The Shire will ensure the principles of confidentiality, procedural fairness and natural justice apply to all investigations undertaken. In this regard:

(i) Employees who are the subject of reportable allegations will be informed of the nature of the allegations and afforded the opportunity to make submissions before any adverse finding is made;

(ii) Only parties with a need to know about the reportable allegation should be informed of it;

(iii) Records will be adequately secured and protected from unauthorised access;

(iv) All such parties should be advised of the need for confidentiality during the investigation; and

(v) The Shire will have systems in place to deal with any breaches of confidentiality.

Reference Information

Worker's Code of Conduct

Legislative Compliance

Ombudsman Western Australia – Information about the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021.

~~HRD.1 Employee Code of Conduct~~

~~Legislative Compliance~~

~~Ombudsman Western Australia – Information about the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021.~~

Legislation

Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022

Criminal Procedure Act 2004

Parliamentary Commissioner Act 1971

Local Government Act 1995

Criminal Code Act Compilation Act 1913

Associated ~~Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022~~

~~*Criminal Procedure Act 2004*~~

~~*Parliamentary Commissioner Act 1971*~~

~~*Local Government Act 1995*~~

~~*Criminal Code Act Compilation Act 1913*~~

Documents

7-day Notification Form

30 Day Interim Report Form

Outcome Report form

Document control information	
Document Category	Governance
Document Title	Reportable Conduct Scheme
Document ID	ADM23
Document Owner (position title)	Chief Executive Officer
Author (position title)	Chief Executive Officer
Initial Council Adoption *(including Date and Resolution No.)*	21 December 2022 (CRN: OCM263/12/22)
Last Council Review *(including Date and Resolution No.)*	
Absolute or Simple Majority Decision:	Choose an item.
Access restrictions	
Date Published	Click or tap to enter a date.
Date of Next Review	Annually or as required

Reportable Conduct Scheme

Introduction

This policy is made in accordance with the reporting requirements of the Reportable Conduct Scheme (the Scheme), which was established under the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022,* as a consequence of the *Royal Commission into Institutional Responses to Child Sexual Abuse* (the Royal Commission). The Scheme is intended to make Western Australian children safer by ensuring that child abuse in organisations will always be:

- Notified to an impartial and independent body;
- Investigated fully; and
- Dealt with to ensure children are protected from abuse.

Objective

The Chief Executive Officer (CEO) is compelled to notify the Ombudsman of reportable allegations and convictions of child abuse by Shire of Toodyay (the Shire) employees, investigate the allegations, report the outcome, and take appropriate action to prevent reportable conduct by employees.

Scope

The Scheme applies to the CEO who has reporting conduct responsibilities; and to any employee who exercises care, supervision or authority over children. The following Shire facilities have been identified as meeting this criterion:

- Community Resource Centre;
- Toodyay Library;
- Toodyay Recreation Centre;
- Toodyay Visitors Centre;
- Newcastle Gaol Museum; and
- Connor's Mill Museum.

Definitions

Term	Definition
Act	*Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022.*
Child	A person who is under 18 years of age.

Term	Definition
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995* and under the *Shire's Standing Orders Local Law 2008.*
Employee	An employee includes the following persons over 18 years of age: • An individual employed by the Shire; • Contractors engaged by the Shire; and • Volunteers engaged by the Shire Under the Scheme, volunteers and contractors are only considered employees, if they have been engaged by the Shire to provide services to children.
Ombudsman	Ombudsman Western Australia.
Procedural Justice	There are four key principles of procedural justice: voice, neutrality, respect and trust. Adherence to these principles is linked to improved compliance and positive outcomes.
Reportable Allegation	Any information that leads a person to form the belief on reasonable grounds that an employee of an organisation covered by the Scheme, has engaged in reportable conduct, whether or not the conduct is alleged to have occurred in the employee's course of employment.
Reportable Conviction	A conviction (including a finding of guilt without the court proceeding to a conviction) in Western Australia or elsewhere, of an offence involving reportable conduct.
Please refer to the Shire of Toodyay Glossary (Definitions) document located on the Shire of Toodyay (Shire) website for other definitions not listed: ***https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)***	

Policy Statement

This policy is limited to Shire employees who have engaged in conduct that may be reportable conduct or employees who are the subject of a conviction that is considered a reportable conviction.

1. Reportable Conduct:

(a) Shire employees **must** report a 'reportable allegation' or 'reportable conviction' to the CEO as soon as they become aware. Reportable conduct under the Scheme includes:

(i) Sexual offences;

(ii) Sexual misconduct;

(iii) Physical assault;

(iv) Significant neglect of a child;

(v) Any behaviour that causes significant emotional or psychological harm to a child; and

(vi) Other prescribed offences.

(b) The CEO is compelled to notify the Ombudsman of allegations or convictions of child abuse by any employee within seven (7) days of becoming aware of the allegation. The CEO is also required to investigate the allegation(s) and provide a report to the Ombudsman of the investigation and any action taken. The Ombudsman will monitor, oversee and review these allegations.

(c) If the CEO suspects criminal conduct has occurred, then the reportable conduct will be referred to the Western Australia Police Force (WAPF) in the first instance.

(d) In consultation with WAPF, the CEO may suspend the Shire's investigation, to ensure there is no compromise to the criminal investigation. Any perceived risk will be managed through consultation with WAPF.

(e) The CEO will inform the Ombudsman of the suspension and any actions taken to manage the risk during the suspension period.

(f) The Scheme also includes historical conduct of a current employee. Whilst the conduct may have occurred in the past, the Royal Commission determined that the nature of child abuse still requires reporting and investigation. This will ensure any risks presented by a current employee are considered and addressed appropriately.

2. Protections to Prevent Identification:

(a) An employee who makes a report of a reportable allegation or reportable conviction, must not publish identifying information of a child who is the subject of reportable conduct; or the person who is making the reportable allegation.

(b) The seriousness of publishing such information is reflected in the penalty of 2 years imprisonment or a fine of $8,000.

3. Protections for Providing Information:

(a) There are protections under the *Parliamentary Commissioner Act 1971* for providing information under the Scheme, which include:

(i) Protection from liability for giving information;

(ii) Protection from victimisation; and

(iii) A prohibition on publishing information that identifies or is likely to identify a person who has made a report under the Scheme.

4. The Investigation Process:

(a) The Shire will ensure the principles of confidentiality, procedural fairness and natural justice apply to all investigations undertaken. In this regard:

(i) Employees who are the subject of reportable allegations will be informed of the nature of the allegations and afforded the opportunity to make submissions before any adverse finding is made;

(ii) Only parties with a need to know about the reportable allegation should be informed of it;

(iii) Records will be adequately secured and protected from unauthorised access;

(iv) All such parties should be advised of the need for confidentiality during the investigation; and

(v) The Shire will have systems in place to deal with any breaches of confidentiality.

Reference Information

Worker's Code of Conduct

Legislative Compliance

Ombudsman Western Australia – Information about the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021.

Legislation

Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022

Criminal Procedure Act 2004

Parliamentary Commissioner Act 1971

Local Government Act 1995

Criminal Code Act Compilation Act 1913

Associated Documents

7-day Notification Form

30 Day Interim Report Form

Outcome Report form

Document control information	
Document Category	Governance
Document Title	Reportable Conduct Scheme
Document ID	ADM23
Document Owner (position title)	Chief Executive Officer
Author (position title)	Chief Executive Officer
Initial Council Adoption *(including Date and Resolution No.)*	21 December 2022 (CRN: OCM263/12/22)

Document control information	
Last Council Review *(including Date and Resolution No.)*	
Absolute or Simple Majority Decision:	Choose an item.
Access restrictions	
Date Published	Click or tap to enter a date.
Date of Next Review	Annually or as required

Standards for CEO recruitment, selection, performance, and termination

Introduction

This Policy ensures the Shire of Toodyay is compliant with s.5.39B of the *Local Government Act 1995, by adopting the standards for CEO recruitment, selection, performance and termination*.

Objective

To adhere to r18FA of the Local Government (Administration) Regulations 1996 in relation to the standards for CEO recruitment, selection, performance, and termination.

Scope

This policy applies to the process followed by Council in regard to CEO recruitment, selection, performance, and termination.

Definitions

Term	Definition
Act	*Local Government Act 1995.*
Additional performance criteria	Performance criteria agreed by the Shire and the CEO under clause 2.1(1)(b) of this policy.
Applicant	A person who submits an application to the Shire for the position of CEO.
CEO	Chief Executive Officer
Commencement day	The day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
Contract of Employment	The written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO.
Contractual performance criteria	The performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995* and under the *Shire of Toodyay's Standing Orders Local Law 2008.*
Independent person	A person other than any of the following —

Term	Definition
	(a) a Council member; (b) an employee of the Shire; (c) a human resources consultant engaged by the Shire.
Job description form	The job description form for the position of CEO approved by Council under clause 1.2 of this policy.
Member	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Regulations	Local Government (Administration) Regulations 1996.
Selection criteria	The selection criteria for the position of CEO determined by Council under clause 1.2 of this policy and set out in the job description form.
Selection panel	The selection panel established by Council under clause 1.5 for the employment of a person in the position of CEO.
Shire	The Shire of Toodyay or the term *local government* as stated in Schedule 2 of the *Local Government (Administration) Regulations 1996.*

Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act unless the contrary intention appears.

Policy Statement

This Policy sets out standards to be observed by the Shire.

1. Standards for recruitment of CEOs

1.1 Application

(1) Except as provided in subclause (2), this part applies to any recruitment and selection process carried out by the Shire for the employment of a person in the position of CEO.

(2) This part does not apply —

(a) If it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or

(b) In relation to a renewal of the CEO's contract of employment, except in circumstances referred to in clause 1.10.

1.2 Determination of selection criteria and approval of job description form

(1) Council must determine the selection criteria for the position of CEO, based on its consideration of the knowledge, experience, qualifications

and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the Shire.

(2) Council must, by resolution of an absolute majority, approve a job description form for the position of CEO which sets out —

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

1.3 Advertising requirements

(1) If the position of CEO is vacant, the Shire must ensure it complies with section 5.36(4) of the Act and regulation 18A of the Regulations.

(2) If clause 1.10 applies, the Shire must advertise the position of CEO in the manner referred to in regulation 18A of the Regulations as if the position was vacant.

1.4 Job description form to be made available by Shire

If a person requests the Shire to provide to that person a copy of the job description form, the Shire must —

(a) inform the person of the website address where the job description form for the position can be accessed; or

(b) if the person advises the Shire that the person is unable to access that website address —

(i) email a copy of the job description form to an email address provided by the person; or

(ii) mail a copy of the job description form to a postal address provided by the person.

1.5 Establishment of selection panel for employment of CEO

(1) The Shire must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.

(2) The selection panel must comprise —

(a) Members who have demonstrated relevant training or experience (the number of which must be determined by the Council); and

(b) at least one Independent Person with demonstrated relevant training or experience.

1.6 Recommendation by selection panel

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the Shire —

(a) a summary of the selection panel's assessment of each applicant; and

(b) unless subclause (3) applies, the selection panel's recommendation as to which Applicant(s) are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to Council —

(a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and

(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

(a) in an impartial and transparent manner; and

(b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to Council under subclause (2)(b) unless the selection panel has —

(a) assessed the Applicant as having demonstrated that the Applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

(b) verified any academic, or other tertiary level, qualifications the Applicant claims to hold; and

(c) whether by contacting referees provided by the Applicant or making any other inquiries the selection panel considers appropriate, verified the Applicant's character, work history, skills, performance and any other claims made by the Applicant.

(6) Council must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

1.7 Application where new process carried out

(1) This clause applies if Council accepts a recommendation by the selection panel under clause 1.6(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

(2) Unless Council considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

(a) clause 1.2 does not apply to the new recruitment and selection process; and

(b) the job description form previously approved by the local government under clause 1.2(2) is the job description form for the purposes of the new recruitment and selection process.

1.8 Offer of employment in the position of CEO

Before making an Applicant an offer of employment in the position of CEO, the Council must, by resolution of an absolute majority, approve —

(a) the making of the offer of employment to the Applicant; and

(b) the proposed terms of the contract of employment to be entered into by the Shire and the Applicant.

1.9 Variations to proposed terms of contract of employment

If an Applicant who is made an offer of employment in the position of CEO under clause 1.8, negotiates terms different to the proposed terms approved by Council under clause 1.8(b), the Council must, by resolution of an absolute majority, approve the terms of the negotiated contract, before entering into the negotiated contract.

1.10 Recruitment to be undertaken on expiry of certain CEO contracts

(1) This clause applies if —

(a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —

(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and

(b) the incumbent CEO has notified Council that they wish to have their contract of employment renewed upon its expiry.

(2) Before the expiry of the incumbent CEO's contract of employment, the Shire must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

(3) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (2) to be employed in the position of CEO.

1.11 Confidentiality of information

The Shire must ensure that information provided to, or obtained by, the Shire in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

2. Standards for review of performance of CEOs

2.1 Performance review process to be agreed between Shire and CEO

(1) Council and the CEO must agree on —

(a) the process by which the CEO's performance will be reviewed; and

(b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 2.2, 2.3 and 2.4.

(3) The matters referred to in subclause (1) must be set out in a written document.

(4) An independent Consultant must be engaged by Council to assist Council in the performance review process.

2.2 Carrying out a performance review

(1) A review of the performance of the CEO by Council must be carried out in an impartial and transparent manner.

(2) Council must —

(a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and

(b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

2.3 Endorsement of performance review

Following a review of the performance of the CEO, Council must, by resolution of an absolute majority, endorse the review.

2.4 CEO to be notified of results of performance review

After Council has endorsed a review of the performance of the CEO under clause 2.3, the Shire President must inform the CEO in writing of —

(a) the results of the review; and

(b) if the review identifies any issues about the performance of the CEO — how the Shire proposes to address and manage those issues.

3. Standards for termination of employment of CEOs

3.1 General principles applying to any termination

(1) Council must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.

(2) Council must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —

(a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and

(b) notifying the CEO of any allegations against the CEO; and

(c) giving the CEO a reasonable opportunity to respond to the allegations; and

(d) genuinely considering any response given by the CEO in response to the allegations.

3.2 Additional principles applying to termination for performance related reasons

(1) This clause applies if Council proposes to terminate the employment of a CEO for reasons related to the CEO's performance.

(2) The Shire must not terminate the CEO's employment unless Council has:

(a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and

(b) informed the CEO of the performance issues; and

(c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and

(d) determined that the CEO has not remedied the performance issues to the satisfaction of Council.

(3) The Shire must not terminate the CEO's employment unless Council has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

3.3 Decision to terminate

Any decision by Council to terminate the employment of a CEO must be made by resolution of an absolute majority of Council.

3.4 Notice of termination of employment

(1) If Council terminates the employment of a CEO, the Shire President must give the CEO notice in writing of the termination.

(2) The notice must set out Council's reasons for terminating the employment of the CEO.

3.5 Termination payment

Any decision by the Shire to provide a termination payment to the CEO in excess of the conditions of the CEO employment contract must be made by resolution of an absolute majority of the Council.

Reference Information

- DLGSC Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination – WA Department of Local Government, Sport & Cultural Industries
- CEO Model Standards – Explanatory Notes – WA Department of Local Government, Sport & Cultural Industries
- Appointment of Acting CEO (GOV15).

Legislation

- *Local Government Act 1995*
- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government (Administration) Regulations 1996*
- *Records Management Act 2000*

Associated documents

Template Standards for CEO Recruitment, Performance and Termination – downloadable from the Western Australian Local Government Association (WALGA) website.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V0	07/07/2021	Initial	CEO	N/A
V1	15/07/2021	Minor amendments following workshop	CEO	Council
V2	23/11/2022 (CRN: OCM242/11/22)	Review	Executive Services	Council

Document control information	
Document Theme	Governance
Document Category	Executive
Document Title	Standards for CEO Recruitment and Selection, Performance Review and Termination
Document ID	GOV5
Document Owner (position title)	Chief Executive Officer
Author (position title)	Chief Executive Officer

Document control information	
Date of approval	23 November 2022 (CRN: OCM242/11/22)
Approving authority	Council
Access restrictions	Nil
Date Published	24 November 2022
Date of last review	23 November 2022
Date of next review	5 November 2025
Archived antecedent documents and previous versions	27/7/2021 Council Resolution No. 152/07/21

Standards for CEO recruitment, selection, performance, and termination

Introduction

This Policy ensures the Shire of Toodyay is compliant with s.5.39B of the *Local Government Act 1995, by adopting the standards for CEO recruitment, selection, performance and termination*.

Objective

To adhere to r18FA of the *Local Government (Administration) Regulations 1996* in relation to the standards for CEO recruitment, selection, performance, and termination.

Scope

This policy applies to the process followed by Council in regard to CEO recruitment, selection, performance, and termination.

Definitions

Term	Definition
Additional performance criteria	Performance criteria agreed by the Council and the CEO under clause 2.1(1)(b) of this policy.
Applicant	A person who submits an application to the Shire for the position of CEO.
Commencement day	The day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
Contract of Employment	The written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO.
Contractual performance criteria	The performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act.
Independent person	A person other than any of the following — (a) a Council member; (b) an employee of the Shire; (c) a human resources consultant engaged by the Shire.
Job description form	The job description form for the position of CEO approved by Council under clause 1.2 of this policy.

Term	Definition
Member	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Selection criteria	The selection criteria for the position of CEO determined by Council under clause 1.2 of this policy and set out in the job description form.
Selection panel	The selection panel established by Council under clause 1.5 for the employment of a person in the position of CEO.
Shire	The Shire of Toodyay or the term *local government* as stated in Schedule 2 of the *Local Government (Administration) Regulations 1996.*
Refer to the Corporate Documents Glossary	https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)

Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act unless the contrary intention appears.

Policy Statement

~~TThis Policy sets out standards to be observed by the Shire.~~ hese are the Shire of Toodyay Standards for CEO Recruitment, Performance and Termination.

1. Standards for recruitment of CEOs

1.1 Application

(1) Except as provided in subclause (2), this part applies to any recruitment and selection process carried out by the Shire for the employment of a person in the position of CEO.

(2) This part does not apply —

(a) If it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or

(b) In relation to a renewal of the CEO's contract of employment, except in circumstances referred to in clause 1.10.

1.2 Determination of selection criteria and approval of job description form

(1) Council must determine the selection criteria for the position of CEO, based on its consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the Shire of Toodyay.

(2) Council must, by resolution of an absolute majority, approve a job description form for the position of CEO which sets out —

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

1.3 Advertising requirements

(1) If the position of CEO is vacant, the Shire must ensure it complies with section 5.36(4) of the Act and regulation 18A of the Regulations.

(2) If clause 1.10 applies, the Shire must advertise the position of CEO in the manner referred to in regulation 18A of the Regulations as if the position was vacant.

1.4 Job description form to be made available by Shire

If a person requests the Shire to provide to that person a copy of the job description form, the Shire must —

(a) inform the person of the website address where the job description form for the position can be accessed; or

(b) if the person advises the Shire that the person is unable to access that website address —

(i) email a copy of the job description form to an email address provided by the person; or

(ii) mail a copy of the job description form to a postal address provided by the person.

1.5 Establishment of selection panel for employment of CEO

(1) ~~The~~ Council ~~Shire~~ must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.

(2) The selection panel must comprise —

(a) Members who have demonstrated relevant training or experience (the number of which must be determined by the Council); and

(b) at least one Independent Person with demonstrated relevant training or experience.

1.6 Recommendation by selection panel

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the Shire —

(a) a summary of the selection panel's assessment of each applicant; and

(b) unless subclause (3) applies, the selection panel's recommendation as to which Applicant(s) are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to Council —

(a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and

(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

(a) in an impartial and transparent manner; and

(b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to Council under subclause (2)(b) unless the selection panel has —

(a) assessed the Applicant as having demonstrated that the Applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

(b) verified any academic, or other tertiary level, qualifications the Applicant claims to hold; and

(c) whether by contacting referees provided by the Applicant or making any other inquiries the selection panel considers appropriate, verified the Applicant's character, work history, skills, performance and any other claims made by the Applicant.

(6) Council must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

1.7 Application where new process carried out

(1) This clause applies if Council accepts a recommendation by the selection panel under clause 1.6(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

(2) Unless Council considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

(a) clause 1.2 does not apply to the new recruitment and selection process; and

(b) the job description form previously approved by the local government under clause 1.2(2) is the job description form for the purposes of the new recruitment and selection process.

1.8 Offer of employment in the position of CEO

Before making an Applicant an offer of employment in the position of CEO, the Council must, by resolution of an absolute majority, approve —

(a) the making of the offer of employment to the Applicant; and

(b) the proposed terms of the contract of employment to be entered into by the Shire and the Applicant.

1.9 Variations to proposed terms of contract of employment

If an Applicant who is made an offer of employment in the position of CEO under clause 1.8, negotiates with the Council a contract of employment (***the negotiated contract***) containing terms different to the proposed terms approved by Council under clause 1.8(b), the Council must, by resolution of an absolute majority of the Council, approve the terms of the negotiated contract, **before** entering into the negotiated contract.

1.10 Recruitment to be undertaken on expiry of certain CEO contracts

(1) This clause applies if —

(a) upon the expiry of the contract of employment of the person (the ***incumbent CEO***) who holds the position of CEO —

(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and

(b) the incumbent CEO has notified Council that they wish to have their contract of employment renewed upon its expiry.

(2) Before the expiry of the incumbent CEO's contract of employment, the Shire must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

(3) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (2) to be employed in the position of CEO.

1.11 Confidentiality of information

The Shire must ensure that information provided to, or obtained by, the Shire in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

2. Standards for review of performance of CEOs

2.1 Performance review process to be agreed between Shire and CEO

(1) Council and the CEO must agree on —

(a) the process by which the CEO's performance will be reviewed; and

(b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 2.2, 2.3 and 2.4.

(3) The matters referred to in subclause (1) must be set out in a written document.

(4) An independent Consultant must be engaged by Council to assist Council in the performance review process.

2.2 Carrying out a performance review

(1) A review of the performance of the CEO by Council must be carried out in an impartial and transparent manner.

(2) Council must —

(a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and

(b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

2.3 Endorsement of performance review

Following a review of the performance of the CEO, Council must, by resolution of an absolute majority, endorse the review.

2.4 CEO to be notified of results of performance review

After Council has endorsed a review of the performance of the CEO under clause 2.3, the Shire President must inform the CEO in writing of —

(a) the results of the review; and

(b) if the review identifies any issues about the performance of the CEO — how the Shire proposes to address and manage those issues.

3. Standards for termination of employment of CEOs

3.1 General principles applying to any termination

(1) Council must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.

(2) Council must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —

(a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and

(b) notifying the CEO of any allegations against the CEO; and

(c) giving the CEO a reasonable opportunity to respond to the allegations; and

(d) genuinely considering any response given by the CEO in response to the allegations.

3.2 Additional principles applying to termination for performance related reasons

(1) This clause applies if Council proposes to terminate the employment of a CEO for reasons related to the CEO's performance.

(2) The Shire must not terminate the CEO's employment unless Council has:

(a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the ***performance issues***) related to the performance of the CEO; and

(b) informed the CEO of the performance issues; and

(c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and

(d) determined that the CEO has not remedied the performance issues to the satisfaction of Council.

(3) The Shire must not terminate the CEO's employment unless Council has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

3.3 Decision to terminate

Any decision by Council to terminate the employment of a CEO must be made by resolution of an absolute majority of Council.

3.4 Notice of termination of employment

(1) If Council terminates the employment of a CEO, the Shire President must give the CEO notice in writing of the termination.

(2) The notice must set out Council's reasons for terminating the employment of the CEO.

3.5 Termination payment

Any decision by the Shire to provide a termination payment to the CEO in excess of the conditions of the CEO employment contract must be made by resolution of an absolute majority of the Council.

Reference Information

- DLGSC Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination – WA Department of Local Government, Sport & Cultural Industries
- CEO Model Standards – Explanatory Notes – WA Department of Local Government, Sport & Cultural Industries
- Appointment of Acting CEO (GOV15).

Legislation

- *Local Government Act 1995*
- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government (Administration) Regulations 1996*
- *Records Management Act 2000*

Associated documents

Template Standards for CEO Recruitment, Performance and Termination – downloadable from the Western Australian Local Government Association (WALGA) website.

Document control information	
Document Category	Governance
Document Title	Standards for CEO recruitment, selection, performance, and termination
Document ID	GOV5
Document Owner (position title)	Chief Executive Officer
Author (position title)	Chief Executive Officer
Initial Council Adoption *(including Date and Resolution No.)*	27 July 2021
Last Council Review *(including Date and Resolution No.)*	23 November 2022 (CRN: OCM242/11/22)
Date of approval	t.b.a.
Approving authority	Council
Absolute or Simple Majority Decision:	Absolute Majority
Access restrictions	Nil

Document control information	
Date Published	Click or tap to enter a date.
Date of last review	Annually or as required

Shire of Toodyay

Bushfire Risk Management Plan

2025 – 2027



Document control

Document name	Bushfire Risk Management Plan	Current version	2
Document owner	CEO Shire of Toodyay	Issue date	24/04/2025
Document location	Shire Offices/Website	Next review date	30/05/2027

Document endorsements

This Bushfire Risk Management Plan has been endorsed by the Office of Bushfire Risk Management as consistent with the standards detailed in the *Guidelines for Preparing a Bushfire Risk Management Plan 2024*.

The approval of the Bushfire Risk Management Plan by the Shire of Toodyay Council signifies support of the plan's implementation and commitment to working with risk owners to manage bushfire risk. Approval does not signify acceptance of responsibility for risk, treatments or outcomes on land that is not managed by the Shire of Toodyay.

Local Government	Representative	Signature	Date
Shire of Toodyay	Aaron Bowman CEO		

Publication information

Wherever a third party holds copyright in material presented in this publication, the copyright remains with that party. Their permission may be required to use the material.

Table of Contents

Chapter 1 Introduction 1
1.1. Background 1
1.2. Objective of the Bushfire Risk Management planning program 1
1.3. Legislation, policy and standards 1
Chapter 2 The risk management process 2
2.1. Roles and responsibilities 3
2.2. Stakeholder engagement 4
Chapter 3 Establishing the context 5
3.1 Strategic and corporate framework 5
3.2 Land use and tenure 5
3.3 Community demographics and values 7
3.4 Cultural heritage 10
3.5 Economic activities and industry 13
3.6 Topography and landscape features 14
3.7 Climate and weather 15
3.8 Vegetation and fuel 16
3.9 Important species and communities 17
3.10 Historical bushfire occurrence (optional) 18
3.11 Bushfire risk controls 20
Chapter 4 Asset identification and risk assessment 20
Chapter 5 Risk evaluation 21
5.1. Risk acceptance criteria 21
Chapter 6 Risk treatment 21
6.1. Treatment Strategy 21
6.2. Treatment Schedule 24
Chapter 7 Monitoring and review 24
7.1. Monitoring and review 24
7.2. Reporting 24
Chapter 8 Common Abbreviations Glossary 25
Chapter 11 Appendices 26

Chapter 1 Introduction

1.1. Background

The development of a Bushfire Risk Management (BRM) Plan is required for Local Governments identified as having high or extreme bushfire risk within the State Hazard Plan – Fire Section 2.2.8.

This BRM Plan provides contextual information to inform a structured approach to identifying, assessing, prioritising, monitoring and treating bushfire risk. The BRM Plan prepared by Shire of Toodyay encompasses all land within the Shire of Toodyay and has been written on behalf of all stakeholders within that area. The BRM Plan is informed by consultation and communication with land and asset managers that has occurred throughout its development to ensure an informed and collaborative approach to managing bushfire risk.

The BRM Plan has been prepared with due consideration of the requirements stated in the *Guidelines for Preparing a Bushfire Risk Management Plan* (the Guidelines) published by the Office of Bushfire Risk Management (OBRM) including the principles described in *ISO 31000:2018 Risk Management*.

1.2. Objective of the Bushfire Risk Management planning program

The BRM planning program supports local governments to reduce the threat posed by bushfire. The Shire of Toodyay BRM Plan will contribute to achieving the objective of the BRM program by:

- Guiding and coordinating a cross-tenure, multi-stakeholder approach to BRM planning.
- Facilitating the effective use of the financial and physical resources available for BRM activities.
- Supporting integration between risk owners, strategic objectives and tactical outcomes.
- Documenting processes used to monitor and review the implementation of treatments to ensure risk is managed to an acceptable level.

1.3. Legislation, policy and standards

Legislation, policy and standards that were applied in the development of this BRM Plan can be found in the *Bushfire Risk Management Planning Handbook – Appendix 1 – Summary of Related Legislation, Policy and Guidelines*.

Chapter 2 The risk management process

The BRM planning process is a cycle of understanding the context and assessing and treating risks (Figure 1). Each of these steps is informed by communication and consultation and supported by monitoring and review. The three products produced during the BRM planning process are the BRM Plan, Asset Risk Register and Treatment Schedule.

Further details on the guiding principles and process for the development of this plan can be found in Chapter 2 of the Guidelines for Preparing a Bushfire Risk Management Plan.

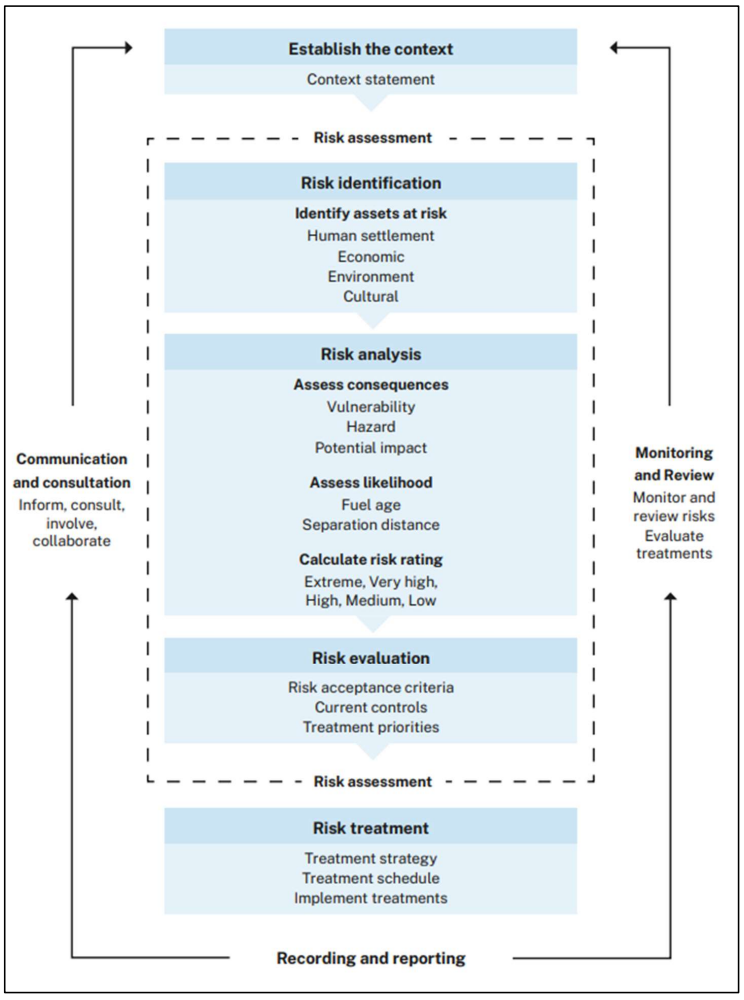


Figure 1 - The Bushfire Risk Management Planning Process Overview

2.1. Roles and responsibilities

The roles and responsibilities of the key stakeholders involved in the development of the BRM Plan are outlined in Table 1 below.

Stakeholder*	Roles and responsibilities
Local government	• Custodian of the BRM Plan. • Coordinate the development and ongoing review of the BRM Plan. • Undertake bushfire risk assessment of local government area. • Submit the draft BRM Plan to OBRM for review and endorsement. • Develop and implement a Treatment Schedule for local government managed land. • Encourage risk owners to treat identified risks. • Communicate the plan to the community
DFES	• Contribute to the development and implementation of the BRM Plan. • Facilitate involvement of state and federal government agencies in the BRM planning process. • Undertake treatments on unmanaged reserves and unallocated Crown land within gazetted town sites. • By agreement, implement treatment strategies for other land managers. • Endorse BRM Plans as consist with the Guidelines, BRM Program and dynamic risk environment. • Administer the Mitigation Activity Fund Grants Program.
Department of Biodiversity, Conservation and Attractions (DBCA)	• Contribute to the development of the BRM Plan. • Implement their treatment program on DBCA managed land. • Provide advice on environmental assets and appropriate treatment strategies for their protection.
Department of Planning, Lands and Heritage	• Identify managed assets. • Provide advice on management of Aboriginal Cultural Heritage.
Other State and Commonwealth Government agencies and public utilities	• Identify managed assets. • Provide advice on current risk treatment programs. • Contribute to the development of BRM Plans. • Undertake treatments on lands they manage.
Corporations and private landowners	• Identify managed assets. • Provide advice on current risk treatment programs. • Undertake treatments on lands they manage.

Table 1 - Roles and responsibilities in the Bushfire Risk Management (BRM) Planning Process

2.2. Stakeholder engagement

Engagement with stakeholders during the development, implementation and review of the BRM Plan ensures planning is based on comprehensive information and considers the values and objectives of the entire community.

The following table identifies key stakeholders in the BRM planning process. These are stakeholders that are identified as having a significant role or interest in the planning process or are likely to be significantly impacted by the outcomes.

Stakeholder	Role or interest	Level of impact of outcomes	Level of engagement
Office of Bushfire Risk Management	Oversees and endorses BRMPs.	Medium	Inform, consult, involve
DFES Bushfire Risk Management Branch	Custodian of Bushfire Risk Management System. Custodian of mitigation funding programs including MAF & UCL.	Medium	Consult, involve.
Bushfire Advisory Committee	To be informed and provide advice where necessary.	Medium	Inform, consult.
Local Emergency Management Committee	To be informed and provide advice where necessary.	Medium	Inform, consult.
Shire of Toodyay (including Council).	Document owner. Asset owner/manager. Resource allocator. Key Implementor.	High	Inform, consult, involve, empower.

Table 2 - Key stakeholders identified in the BRM planning process for the Shire of Toodyay

As indicated in Figure 1, communication and consultation throughout the risk management process is fundamental to the preparation of an effective BRM Plan. To ensure appropriate and effective communication occurred with relevant stakeholders in the development of the BRM Plan, a Communication Strategy was prepared as outlined in Appendix 2 – Communications Plan.

Chapter 3 Establishing the context

In this BRM Plan, the context of bushfire in the landscape encompasses an understanding of physical, ecological and societal factors that collectively influence the likelihood and impact of bushfires.

3.1 Strategic and corporate framework

The Shire of Toodyay Bush Fire Preparedness and Resilience Strategies Report 2022, adopted by Council, provides an in depth analysis of bushfire related risks and strategies concerning the Shire of Toodyay. It reviewed and expanded upon similarly themed report from 2015.

The primary focus of the report was to analyse, identify and make recommendations related to egress deficiencies within sub-division areas.

Secondary aspects of the report included emergency related infrastructure (such as fire emergency water), risk reduction programs (i.e. mitigation and public education) and appropriate resourcing and tasking of Shire resources (systems and staff).

This report elaborates on objectives with the Shire of Toodyay's Council Plan 2023-2033 (Mitigation and Community safety).

Shire of Toodyay's Council Plan 2023-2033 specifically advocates for enhanced fire emergency water infrastructure, Bejoording Fire Station renewal and public education resources.

The Shire's Chief Executive Officer holds ultimate accountability for bushfire risk management and currently employs a Community Emergency Services Manager (CESM), Emergency Management Officer (EMO) and Reserves Management Officer (RMO). The combined roles assist in activities related to building awareness, improving preparedness for bushfire events (including the Shire's emergency response capability) and the BRM Plan review and implementation.

The BRM Plan will assist by improving the community's awareness of bushfire risk and treatment activities planned in their area' identification of treatment priorities will the Shire's forward planning and budgeting for treatment activities within the BRM Plan area.

The Shire's Local Emergency Management Committee (LEMC) and Bushfire Advisory Committee (BFAC) are identified as key stakeholders in the development, implementation and review of the BRM Plan. Their input and advice are critical to the bushfire risk management process and will provide an important forum for consultation, joint-agency partnerships and the resolution of local issues affecting bushfire risk management.

The Shire administration informs these committees on progress of bushfire related mitigation activities and initiatives.

3.2 Land use and tenure

As seen in Table 3 the private land estate is the largest land tenure in the Shire, as a result there are a large number of landowners and stake holders involved in fire and land management. The bushfire risk associated with private landholders is heightened due to the decentralized nature of land management practices. Risk arises with activities associated with private land used for agricultural purpose and by properties that have full time residents, transient weekenders and businesses other than agriculture where the level of awareness and experience in fire land management tends to be more inconsistent.

Beyond private land holders the largest tenure is managed by the Department of Biodiversity, Conservation and Attractions and the Department of Defence (Commonwealth). These

organisations have bushfire risk management strategies and varying levels of expertise and resourcing to implement. The Shire of Toodyay has limited authority to enforce bushfire risk related outcomes, leaving engagement and advice the most effective tool to achieve outcomes. This is also true for other state or commonwealth agencies with assets or management responsibly within the Shire.

Despite the small percentage of land that the Shire has management responsibilities for, the BRM Plan highlights the wide range and high number of people/agencies to engage in consultation, education programs, mitigation works and other aspects of the Shire's fire management.

Land Manager	Local Government Area (%)	Area (ha)
Local Government	1.35	2,284.70
Private	65.41	110,656.17
Department of Biodiversity, Conservation and Attractions	24.44	41,372.20
Department of Planning, Lands and Heritage	0.37	623.98
Commonwealth Government	7.74	13,090.19
Other	0.69	1,135.38
Total	**100%**	**169,162.62**

Table 3 - Summary of land management responsibilities within the Shire of Toodyay (Office of Bushfire Risk Management, DFES, 2025).

The lay of tenure and resulting infrastructure development, presents a number of vulnerabilities including:

- Telecommunication infrastructure is particularly exposed to bushfire. Towers for a range of services are usually situated in otherwise undeveloped elevated locations venerable to bushfire spread. In addition, power supply networks to these facilities are often long and themselves highly venerable to bushfire representing an offsite risk to the function of such telecommunication infrastructure.
- As highlighted in the Shire of Toodyay Bush Fire Strategies and Resilience Report (2022), Toodyay has a high number of semi-rural sub-division areas that have limited egress, severely reducing the options for evacuation planning for residents and authorities.
- Local businesses that do not have back-up power facilities are indirectly vulnerable to the impact of bushfire on loss of power and telecommunications, causing logistic and financial issues relating to refrigeration, high supply and demand products, fuel access (vehicles and generators), electronic payment facilities. etc. This in turn affects those in the community unprepared for an emergency that are lacking in basic emergency supplies.

3.3 Community demographics and values

Figure 2 below represent the number of resident dwellings per 500 metres within the Shire of Toodyay. Although it does not specifically represent the population density or the full occupation of residents, the distribution of this data correlates to the residential sub-divisions, and elevated townsite areas (Figure 3).

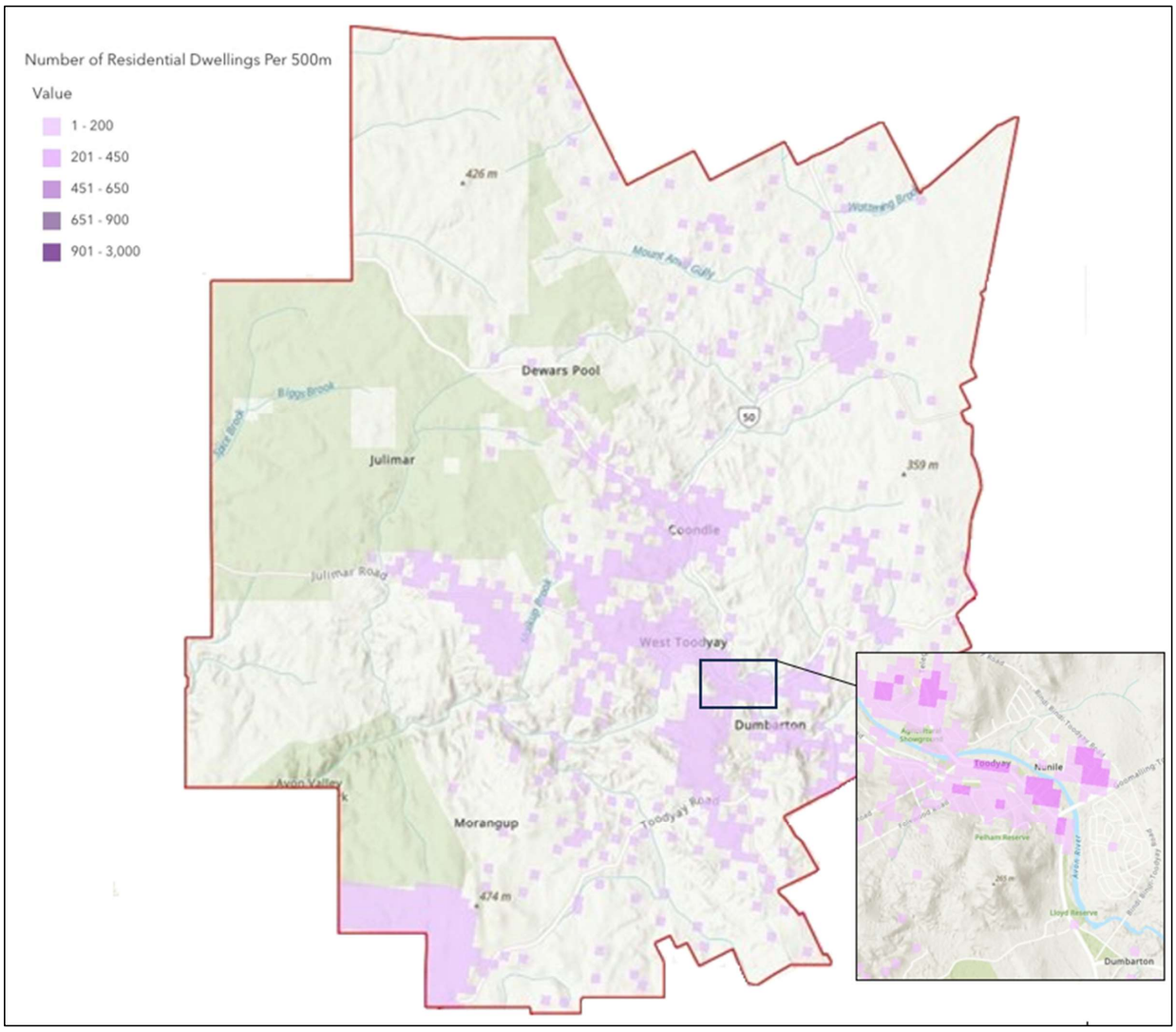


Figure 2 - Number of Resident Dwellings Per 500m in the Shire of Toodyay (Duce, 2024)

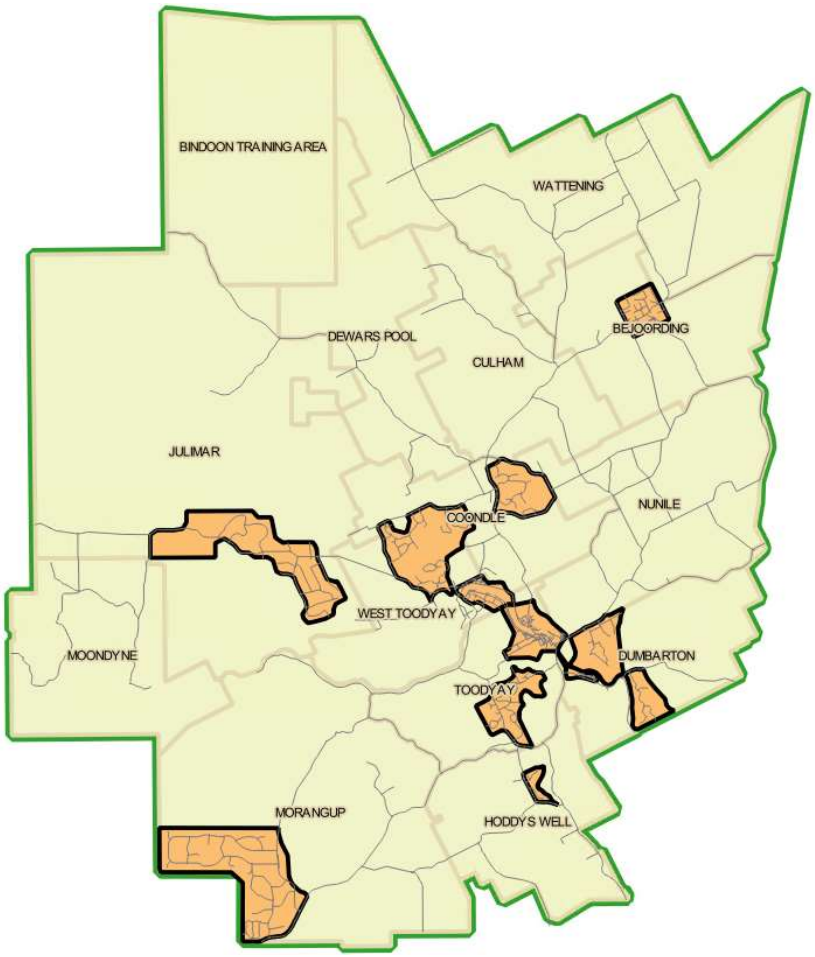


Figure 3 - Distribution of residential subdivision in Toodyay

People	**4,601**
Male	51.5%
Female	48.5%
Median age	54
Families	**1,261**
Average number of children per family	
for families with children	1.9
for all households (a)	0.5
All private dwellings	**2,377**
Average number of people per household	2.3
Median weekly household income	$1,272
Median monthly mortgage repayments	$1,564
Median weekly rent (b)	$285
Average number of motor vehicles per dwelling	2.5

Table 4 - Statistics from ABS Census 2021

Toodyay has an ageing population and one that reflects a much higher average than for WA as a whole.

The resident population of Toodyay was 4,601 in 2021, compared to 4,439 in 2016 (Refer Table 4. With an increase of Toodyay's population, Toodyay has also experienced an increase in the median age 54 in 2021, compared to 51 in 2016, significantly higher than that of the Western Australian median age of 38 years old.

The 50 year and over age group represents 57.1% of Toodyay's population, whereas the same group in WA is only 34.4%. According to the Western Australian Planning Commission's forecasts the proportion of the population aged 65 and over is forecast to increase from 16%in 2022, to 19.5% by 2036 (Department of Planning, Lands and Heritage, 2024). Multiple factors pending, if this prediction occurs and Toodyay's already higher than average median age increases, the vulnerable group of the elderly is poised to grow also.

Toodyay's aged population represents a vulnerable group in the community in relation to bushfire capacity and resilience.

Characteristics that make the elderly a vulnerable group during a fire event include:

- Less likely to be able to defend the property and protect themselves
- Physical and financial limitations relating to bushfire compliance
- Have additional needs in evacuation
- Less technologically aware in terms of emergency alerts and warnings
- Socially isolated
- Health impacts (especially smoke related to existing lung conditions)
- Older individuals may be hesitant to evacuate before a fire breaks out (O'neill and Handmer 2012)

Toodyay has a high number of lifestyle properties (weekenders) and retirees from the Perth metropolitan area seeking an alternative semi-rural lifestyle. Challenges that can arise with these groups of people in the community include (not all aspects relate equally):

- Not always well connected to the community and often unaware of the 'normal' community engagement activities relating to emergency planning or threat of living in a rural area that longer term residents understand.
- Not familiar with systems that inform; for instance, alerts and warnings, Total Fire Bans, Harvest and Vehicle Movement Bans.
- Unprepared in the event of an emergency (lack of evacuation plan, equipment and items needed for sheltering in place.
- Property compliance and preparation: If a Toodyay property is someone's holiday home, they may not have or make the time, own equipment or have financial ability to conduct the required property maintenance or may attempt to mitigate by burning and not have the knowledge or experience and cause an escaped burn.
- Toodyay is not their primary area of residence, so therefore may not be a priority.

Additionally, Toodyay is known for its picturesque landscape. Reluctance of property owners (whether full time residents or weekenders) to mitigate bushfire risk to their property and home, feels like an unnecessary sacrifice and disturbance to the ambience of their surroundings.

Toodyay consistently experiences bushfire incidents. However, Toodyay has not experienced widespread devastation or death since 2009 and 2007 respectively. It stands to reason, as demonstrated in the 'Complacency cycle between Catastrophic Bushfires' (Victorian Bushfire Report, 2009), that Toodyay could easily be described as being in the stage of growing complacency. This is particularly true of high turnover lifestyle properties. Longer term residents, tend to have a better comprehension, however are not immune from increasing complacency particularly in areas which may have experienced longer durations between significant fire events. Conversely those in the agricultural sector tend to have a deeper-rooted understanding of fire as they have a vested business interest in minimising ignition, to protect their assets (i.e. crops) while also being a fire practitioner (crop preparation burning).

The challenge is conveying the fire risks associated with the Shire's landscape to groups of people with different backgrounds and bushfire risk understanding, via different methods of engagement across different mentalities and personal values in such a way that encourages action to be taken before an emergency situation arises.

The Shire utilises engagement mediums such as social media (Facebook and website) and the local Newspaper. Annually, the Shire sends property owners the Fire-break notice including additional fire safety and control information. These activities are supplemented by other targeted programs leveraging grant funding where/when available.

3.4 Cultural heritage

For over 45,000 years, the traditional landowners belonging to the Noongar tribes (the Ballardong, Yued and Whadjuk people) lived and moved across the Toodyay valley and are native title holders in the South West Native Title Settlement. Boundaries of these groups are shown in Figure 4. The major occurrence of aboriginal heritage exists along the Avon River and its tributaries, with several other registered site across the Shire (Figure 5 - Aboriginal Cultural Heritage Inquiry System (ACHIS).

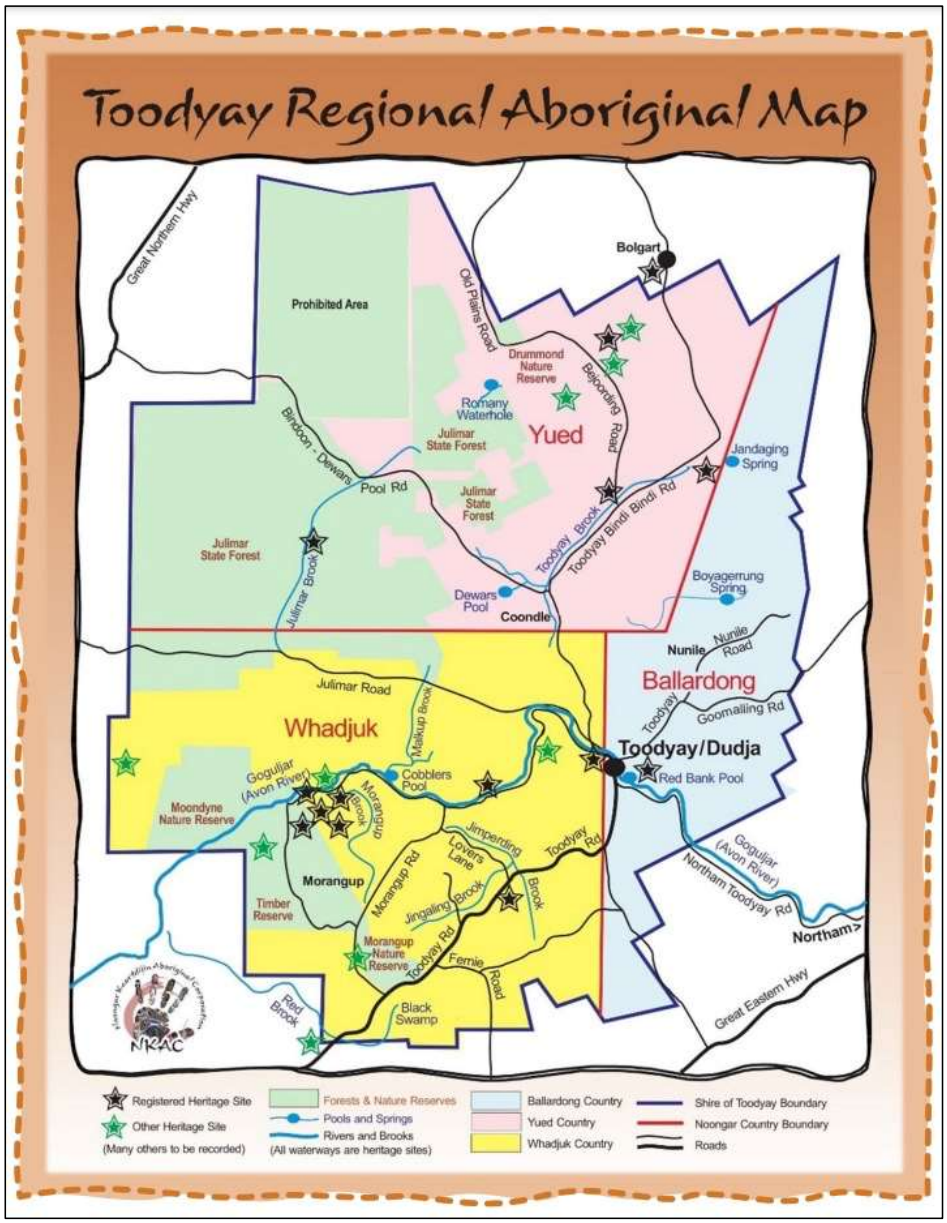


Figure 4 - Distribution of Aboriginal groups under the South West Native Title Settlement

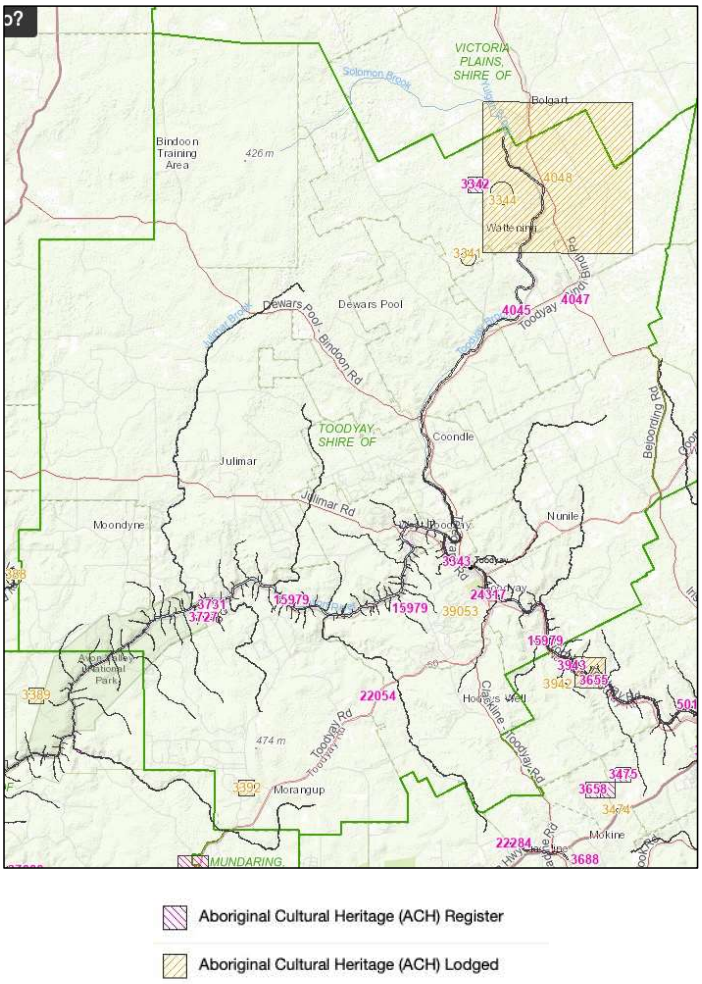


Figure 5 - Distribution of Registered/Lodged Aboriginal Cultural Heritage

The 'Shire of Toodyay and Noongar Kaartdijin Aboriginal Corporation – Reconciliation Framework – Reconciliation Action Plan (2023), promotes collaboration and consultation with Noongar traditional landowners for advice and guidance. The Shire endeavours to undertake such activities prior to any works or grant funding applications for that may impact aboriginal heritage sites.

In early 2025 a working group of stakeholders lead by DFES and DPLH agreed upon and announced a framework for management of aboriginal cultural heritage during bushfire response. The Shire has developed its process to reflect this. The process includes the following components:

- Availability of Aboriginally Cultural Heritage mapping to Bush Fire Service Personnel allowing identification; and
- Shire account with the DPLH ACH knowledge Portal, with prefilled (templated) application to undertake suppression works.

Outside of response, aboriginal cultural heritage is carefully considered when implementing bushfire mitigation or bushfire related infrastructure.

Non-aboriginal heritage values are captured in the Shire's Municipal Inventory and Heritage List, providing details on locally significant heritage sites and 16 State registered locations (historic buildings, infrastructure, memorials). The list can be viewed on the Department of Planning, Lands and Heritage website.

3.5 Economic activities and industry

The Shire of Toodyay is located within the Avon sub region of the wheatbelt. This region is built on a solid agricultural foundation. A tourism sector heavily revolving around the history of the town and little country town 'getaway' atmosphere is also a key economic contributor. The Shire also contains major national rail infrastructure which contributes to the wider state economy. These industries are known to be impacted by fire events through both physical loss and post fire impacts.

Table 5 shows that 'Agriculture, Forestry and Fishing' is still the largest industry of employment. Tourism, retail and lifestyle sectors are becoming increasingly important in the Shire's economy, Table 5 shows that 18% of the Shire's workforce are employed in retail/tourism related fields. This is likely to continue as the appeal of Toodyay's heritage buildings and natural amenity has resulted in large visitor numbers and 'tree-changers' moving to the area.

Agriculture, Forestry and Fishing	16%
Mining	5%
Manufacturing	6%
Electricity, Gas, Water and Waste Services	<1%
Construction	11%
Wholesale Trade	<1%
Retail Trade	8%
Accommodation and Food Services	6%
Transport, Postal and Warehousing	4%
Information Media and Telecommunications	0%
Financial and Insurance Services	1%
Rental, Hiring and Real Estate Services	2%
Professional, Scientific and Technical Services	4%
Administrative and Support Services	3%
Public Administration and Safety	7%
Education and Training	8%
Health Care and Social Assistance	6%
Arts and Recreation Services	4%
Other Services	4%
Inadequately described/Not stated	6%
Total	**100%**

Table 5 - ABS Census 2021 Industry Type of Employment Data

Agriculture, tourism and transport can significantly be impacted by a bushfire event, however these industry types also contribute to an increased risk of bushfire ignition.

Agricultural activities such as harvesting, crop preparation and hay storage have inherent risk of being the ignition cause of a bushfire.

A bushfire risk associated with tourism is the lack of awareness or understanding of fire weather seasons, conditions, restrictions and bans, both by business owners and visitors. The bushfire risk that ebbs and flows with tourism activities and population can be attributed to the summer holiday period when bushfire conditions are intensified. For Toodyay, risk also comes with the timing of the autumn school holidays and the cusp of the Restricted Burning Period ending, where

families and people are looking for a holiday getaway in cooler conditions and the prospect of having a campfire or other recreational activities increases bushfire risk.

Ignition from rail infrastructure and rollingstock also represents a risk, partially noting the remoteness of the Avon Valley and the associated potential for delay in detection and access.

Public utilities, companies and other contractors that use vehicles, equipment or machinery near vegetation (dead or alive), including activities such as mitigation, road works, hot works etc, also raise the risk of bushfire ignition.

3.6 Topography and landscape features

Topography contributes to bushfire risk by influencing fire rate of spread (ROS) and therefore intensity, impeding access for suppression resources and limiting options for fuel reduction, as inappropriate removal of vegetation can lead to erosion and other issues. The influence topography has on bushfire risk is considered in relation to its effect on treatment and response access, and as a variable in predicting the potential fire behaviour assets may be exposed to, and the likelihood of significant ember attack.

To the west of the Shire are the forested areas of the Darling Plateau, including the Avon Valley National Park and Julimar Conservation Park. This is a dissected, rolling landscape, studded by domed granite outcrops. This topography restricts and, in many cases, prevents access by fire appliances. This means that tactics to directly attack a fire in difficult terrain are often not possible or limited to aerial response, and ground crews must wait until access can be established or the fire reaches an area of suitable topography to actively suppress the fire front. As a result, fires can be larger in size and have time to grow into full developed fires with higher intensity and rate of spread. When fighting larger, more intense fires, alternate methods of fire control such as specially constructed fire access tracks made by heavy machinery are required.

Fire Service Access Routes (FSAR)) can be very expensive and complex to establish due to a range of constraints, including environmental and construction issues. Fire access tracks can be established in response to a fire but take valuable time to construct. Well planned fire access tracks that are suitably located and constructed is preferable.

The forested areas include mainly gnarled jarrah with banksia and grass trees. Rough, grey, red-stained Marri is found mainly on the loamy soils of lower valley slopes, often with Wandoo. The valley floors, with deeper clay soils, support Wandoo and Blackbutt. The dense understory of this woodland includes Bull Banksia, Scratchy Parrot Bush, Couch Honeypot and The Bushy Snail Hakea. The combination of vegetation and slope result in quick moving fires that produce a large amount of embers, often creating spot fires ahead of the main fire front. This type of fire behaviour can increase the spread of the fire and be dangerous for firefighters if caught between the spot fires. The ability of embers to travel well ahead of the main fire is why landowners are advised and encouraged to reduce fuels around their properties and remove items that may easily ignite from around their homes.

The Avon River dissects the surface of the darling uplands with diverse valleys and irregular slopes. In river valley areas, flooded gum and paperbarks may be found. Access into the valley is, in many areas, not possible for firefighting appliances as the terrain and fuel loads make entry far too dangerous.

Clearing for agriculture has taken place mainly on the red alluvial soils of the slopes and valleys. Further east, the area is dominated by agricultural land use and the natural vegetation has been extensively cleared. This area presents a significant bushfire hazard, especially during harvest season (November to March) when harvesting activities have the greatest potential to ignite a fire and crops are cured. Fortunately, the landscape in these areas is gently undulating with broad fields and scattered remnants on the periphery, making access for firefighting appliances easier than in the northern and western forested areas.

3.7 Climate and weather

The Shire of Toodyay experiences a mediterranean climate, characterised by cool, wet winters and hot, dry summers. On average, the annual rainfall is 520 mm in Toodyay. However, rainfall distribution varies markedly throughout the Shire. Most of the rain falls during the cool winter months of June to August and is associated with the passage of winter cold fronts. Thunderstorms may locally provide rain during the summer, however lightening associated with these storms can also be a source of fire ignition when not accompanied by rain.

Annual maximum temperatures (between January 2020 and January 2025 (Refer Figure 6) range from 20°C to 49°C with average minimum temperatures ranging from -2°C to 14.1°C. In the Avon Valley dense air falls to the valley floor resulting in temperature inversions during winter months, resulting in fogs. Frosts occur from May to September and are most frequent in July and August.

Windy conditions are experienced in the Shire from late winter through spring and summer. The predominant and prevailing winds in summer are from a south/south easterly to south easterly direction. However, historical evidence points to occasional very high winds ranging from westerly to north westerly, these unstable atmospheric conditions are usually the result of cyclonic activity in the north of the state and tend to bring with them dry lightning. These conditions coupled with other high risk fire conditions have produced some of the worst fire events in Toodyay (Refer Chapter 3.10 – Historical bushfire occurrences).

The harvest period, typically around November/December, is a high risk for the Shire. The summer conditions of high temperatures, low rainfall, strong summer winds and low humidity mean that fires are likely to build quickly. Harvesting activities can lead to ignitions, which will rapidly develop under the severe fire weather conditions commonly experienced at this time of year.

The fire season is typically from October through to April, this statement is supported by the fact that the Shire of Toodyay has Gazetted Restricted Burning Times in place starting on 1st October and finishing on 30th April annually. The Prohibited Burning Times commence on 1st November and end on the 8th March. (Government Gazette, 3rd February 2012 No.16).

The Shire of Toodyay falls within the Swan Inland North forecast district. The Fire Danger Rating (FDR) for the Shire is predominantly influenced by the major fuel type models of the Forest Fire Danger Index (FFDI) and Grass Fire Danger Index (GFDI). Typically, the forecast district will maintain a fire danger index of High, and occasionally Extreme during the fire season.

Potential for extended dry autumn periods, combined with accumulated rainfall deficiency related vegetation stress over an extend period, has resulted in condensed windows of prescribed burning opportunity. Prescribed burning is generally scheduled for autumn, however winter and spring burning opportunities may present themselves occasionally.

Figure 5 represents data taken over a five-year period, January 2020 – January 2025, from the BOM Northam weather station (closest available station to Toodyay, located approximately 27Km away in a south easterly direction).

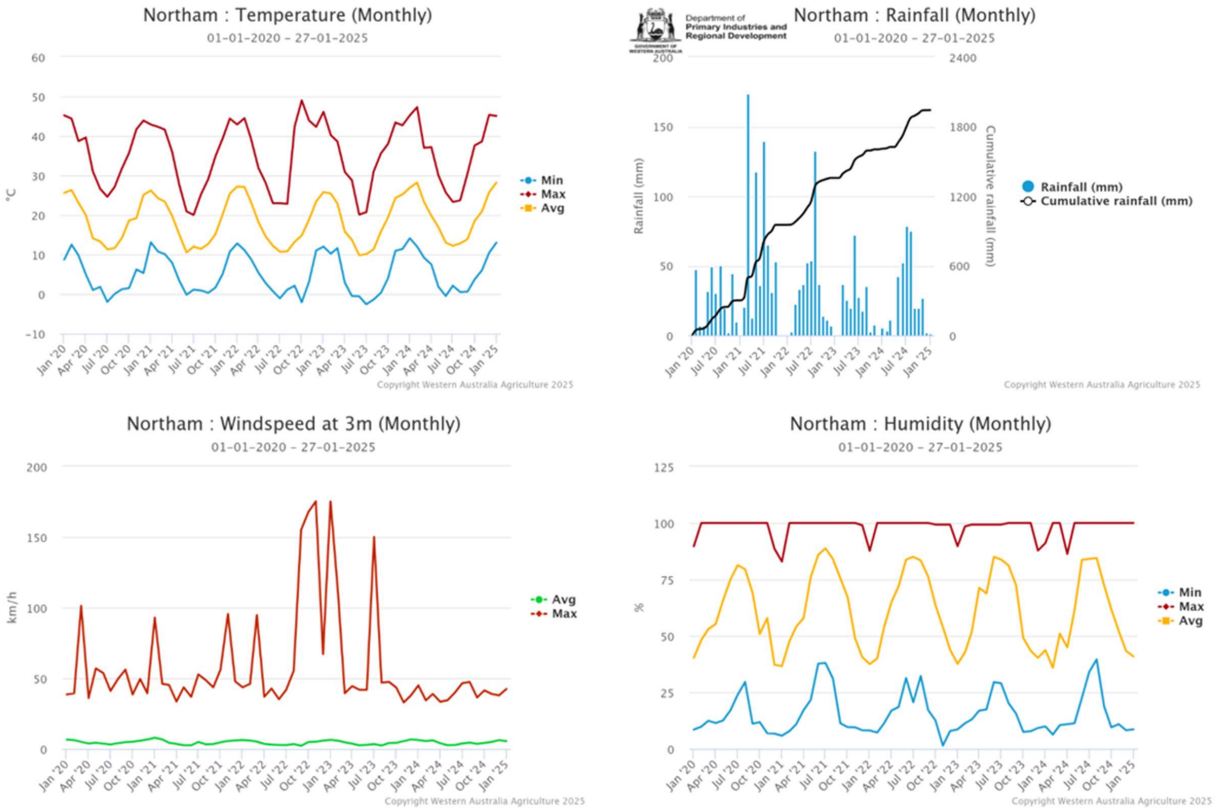


Figure 6 - Shire of Toodyay Weather Data January 2020 – January 2025
(Western Australia Agriculture, 2025).

3.8 Vegetation and fuel

Nine vegetation associations have been identified in the Shire of Toodyay and broadly represent the decreasing occurrence of rainfall as cold fronts move inland from west to east.

The Jarrah/Marri forest and the Marri/Wandoo woodlands occur in the south-west corner of the Shire, which coincides with the area of highest rainfall. This area denotes the north-eastern limit of the Jarrah dominated forest of the greater southwest. This vegetation typically has higher fuel loads and carries a diverse understory. These dense understories provide excellent fuels and in many cases form a "ladder", allowing a fire burning under the right conditions to enter the canopy and possibly develop into a crown fire. To reduce the potential for this type of fire behaviour cool prescribed burns or mechanical modification to remove or reduce understory fuels is of high importance, particularly in proximity to priority assets.

The more open Wandoo, York Gum and Powder Bark dominate to the central and eastern parts of the Shire. Soil-type associations are demonstrated throughout the Shire with intermittent areas of Jam Wattle and Scrub/Heath Sandplain. The presence of the shrubby form of the wattles and Jam trees in these ecosystems means that there is little separation between the ground layer vegetation and the canopy. This results in canopy fires developing more readily in this vegetation type.

The riparian zones of the Avon River and its various tributaries within the Shire are dominated by Sheoak, Flooded Gum and Swamp Paperbark. This ecosystem is quite diverse and has been

highly modified in many areas due to stock grazing and altered hydrology. As a result, the riparian areas vary from highly managed parkland areas to natural dense vegetation. These structures influence the likely fire behaviour experienced in the different riparian zones..

In the Wongamine area of the eastern part of the Shire, vegetation is typical of the wheatbelt and is the only known occurrence of Salmon Gums within the Shire. Despite broad scale clearing, weed infestation and environmental degradation, the vegetation types and individual flora species of the Shire are of inestimable biological value. Fires in areas of weed infestation tend to be high intensity and quick moving. These fires often carry into other areas rapidly. Post fire, fast growing weeds and invasive species will come back quickly and increase in density, often spreading into adjoining areas that have been impacted and increasing fuel loads. The highly fragmented and disturbed nature of these areas makes the small amount of remanent native vegetation critical for ecosystem function and landscape connectivity. Any fire that impacts on this vegetation is likely to have significant and detrimental impacts on the local environment.

3.9 Important species and communities

Important species and communities are listed on the Department of Biodiversity, Conservation and Attractions (DBCA) website. This website will be consulted with due diligence practiced to protect identified species and communities when planning and conducting appropriate bushfire mitigation activities.

The Threatened Priority Flora List contains 48 priority flora species known to exist in the Shire of Toodyay. Of those 7 are classified as threatened using conservation codes for Western Australia and are listed in Table 6 below.

The Threatened Priority Fauna List contains 33 priority flora species known to exist in the Shire of Toodyay. Of those 13 are classified as threatened using conservation codes for Western Australia, and are listed in Table 6 below.

Flora	
Acacia chapmanii subsp. australis	Endangered
Caladenia huegelii	Critically Endangered
Eleocharis keigheryi	Vulnerable
Grevillea bracteosa subsp. bracteosa	Endangered
Grevillea corrugata	Vulnerable
Grevillea flexuosa	Vulnerable
Thelymitra stellata	Endangered
Fauna	
Bettongia penicillata ogilbyi	Critically Endangered
Calyptorhynchus banksii naso	Vulnerable
Dasyurus geoffroii	Vulnerable
Galaxiella munda	Vulnerable
Idiosoma nigrum	Endangered
Leipoa ocellata	Vulnerable
Macrotis lagotis	Vulnerable

Myrmecobius fasciatus	Endangered
Petrogale lateralis lateralis	Endangered
Westralunio carteri	Vulnerable
Zanda baudinii	Endangered
Zanda latirostris	Endangered
Zanda sp. 'white-tailed black cockatoo'	Endangered

Table 6 - Threatened Flora & Fauna species of Toodyay

3.10 Historical bushfire occurrence (optional)

Bushfires are considered frequent within the shire of Toodyay. The greatest proportion of fires occur in the rural residential subdivisions which makeup a substantial percentage of the Shire's population. These areas are spread throughout the south, west and north of the Shire in in a variety of fuel types ranging from Jarrah/Marri, Wandoo Woodland, Jam Wattle, Surb/Heath Sandplain, and grass (former farmland). Other ignitions sources include, agricultural activities, railway activity, power infrastructure and lightening, among others.

Shire's Bush Fire Service responds to approximately 60 'in-shire' incidents annually.

The Shire has experienced a number of significant incidents including:

- 2007 Chatcup Fire (Power Infrastructure) – Loss of life.
- 2009 Toodyay Fire (Power Infrastructure) – Loss of property (multiple).
- 2014 Toodyay Road Fire (Equipment Failure) – Loss of property.
- 2017 Julimar Forrest Fire - DBCA (Deliberate)
- 2020 Toodyay Road Fire (Undetermined Roadside Ignition)
- 2023 Avon Valley Fire (Railway Activity)
- 2023 Julimar Fire (Undetermined)

A key outcome of the *Major Incident Review of the Toodyay Fire December 2009* was Recommendation 3: "*FESA, in partnership with other agencies and the community, develops Western Australia's urban interface fire fighting capability and capacity.".*

Since this time a concerted effort has been made to assist the development of the Rural Urban Interface (RUI) firefighting strategies and capabilities which have likely resulted in minimised property losses.

The below chart (Figure 7) and map (Figure 8) show the annual and spatial distribution of bushfires within the Shire of Toodyay for the period 1st July 2017 – 30th June 2024. Ignition source is also noted in Figure 8.

A deeper analysis of the data indicates that:

- 43% of fires occur in the five months outside of the Restricted & Prohibited Burning Periods.
- May has the highest occurrence of fires – 27% of all fires occurred in this month which coincides with the cessation of fire restrictions each year. However, encouragingly, of the 7 years of data, the last four show a marked reduction of fires in May. This indicates that an increased focus on education and carefully considered extensions to the Restricted Burning Period based on seasonal conditions are having a desirable effect.

- Only 10 of the recorded 81 ignitions attributed to 'burn-offs', occurred during the Restricted Burning Period. This indicates that current permit issuing controls and resident awareness of restrictions is somewhat effective. This was listed in the Shire's previous Bushfire Risk Management Plan as an area of focus.
- There is a high correlation between population density (sub-division areas) and occurrences of fire.

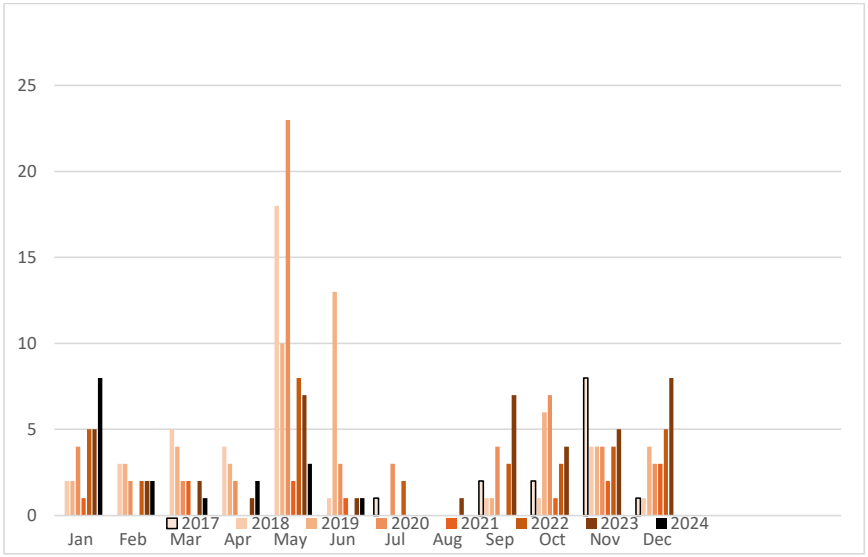


Figure 7 – Frequency of Fires – Monthly Distribution (01/07/2017-30/06/2024)

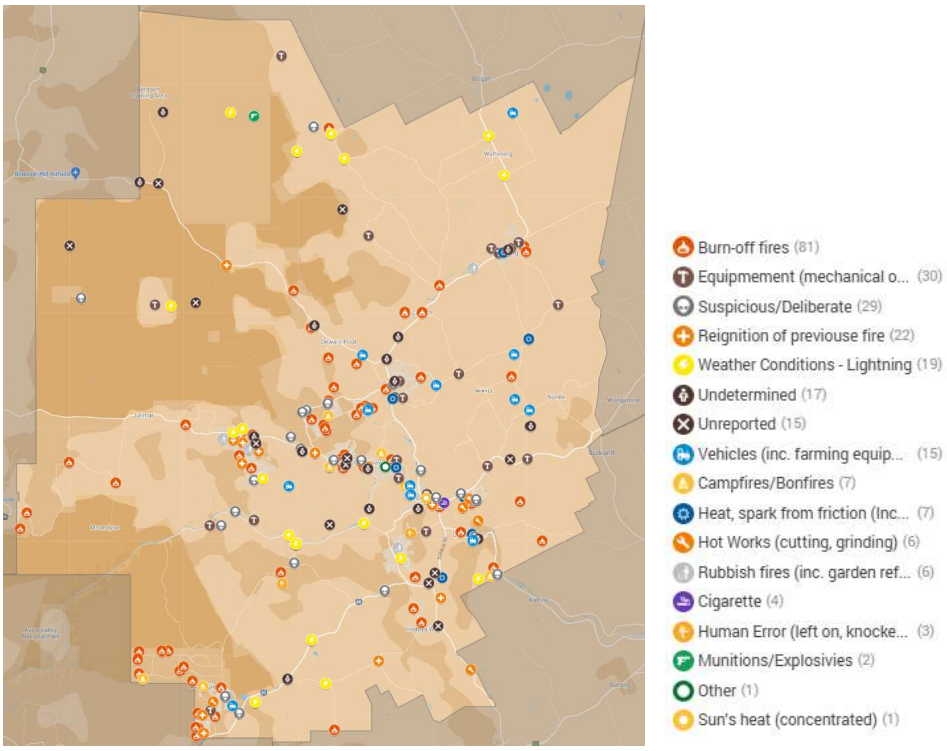


Figure 8 – Ignition Type and Location (01/07/2017-30/06/2024)

3.11 Bushfire risk controls

The Shire of Toodyay uses a range of control methods to manage bushfire risk. These include legislative requirements and/or business as usual programs which contribute to the risk reduction for the community – *Appendix 3 – Bushfire Risk Controls Summary*.

Chapter 4 Asset identification and risk assessment

Assets at risk from bushfire in Shire of Toodyay are recorded in the *Asset Risk Register* in the Bush Fire Risk Management System (BRMS). Assets are divided into four categories: human settlement, economic, climate, and cultural. Each asset has been assigned a bushfire risk rating between low and extreme based on the risk assessment methodology described in the Guidelines and Handbook.

4.1. Local government asset risk profile

A summary of the risks assessed in Shire of Toodyay is shown in Table 7. This table shows the number of assets at risk from bushfire in each risk category at the time the BRM Plan was endorsed. This table is correct at the time of publication but may become outdated as risks are treated or additional risks are identified and assessed. A report can be generated from the BRMS to provide the current risk profile.

Asset Category	Risk Rating					
		Low	Medium	High	Very High	Extreme
	Human Settlement	11	15	58	87	368
	Economic	1	1	8	14	23
	Environmental	1	1	10	2	10
	Cultural	0	0	1	1	2

Table 7 - Local Government Asset Risk Summary

Chapter 5 Risk evaluation

5.1. Risk acceptance criteria

The acceptable level of risk for each asset category is shown in Table 8. A risk that is assessed as exceeding these limits will be considered for treatment within the Shire's financial and resource capability.

	Asset category			
	Human settlement	**Economic**	**Environmental**	**Cultural**
Acceptable risk level	Medium	Medium	High	High

Table 8 - Risk acceptance criteria for bushfire risk in Shire of Toodyay.

Risks below or at the acceptable level do not require treatment during the life of this BRM Plan. They will be managed by routine bushfire risk controls and monitored to detect any increase in their risk rating.

Chapter 6 Risk treatment

The purpose of risk treatment is to reduce the potential impact of bushfire on the community, economy and environment. This is achieved by implementing treatments that modify the characteristics of the hazard, the community or the environment to make bushfires less likely or less harmful.

6.1. Treatment Strategy

The Treatment Strategy describes the overall approach to managing bushfire risk in the medium to long term in Shire of Toodyay. The strategy is shaped by factors such as the distribution of risk in the landscape, the community's values and objectives, stakeholders' mitigation programs and constraints on treatment options. The Treatment Strategy helps guide the development of integrated annual treatment schedules.

Approximately a quarter of land in the Shire is managed by DBCA. DBCA's fuel management program is a key component of managing bushfire risk in Toodyay. The more bespoke treatments implemented by local government, other agencies and landholders may not be as effective in adequately reducing risk without the large scale management implemented by DBCA.

For land which the Shire owns or manages, the Shire considers the different fuel characteristics and response to mitigation techniques to address fuel load with considerations for risk reduction and environmental outcome. Thus, under the identification - analysis – evaluation model, the Shire can be confident the most appropriate mitigation treatment is being applied to induvial land parcels to achieve the best overall outcome.

A summary of mitigation methods is provided in Table 9 below.

METHOD & SUITABILITY	ADVANTAGES	DISADVANTAGES
FORESTRY MULCHING Machinery based approach using a spinning toothed drum to change the structure of the vegetation, via a mulching action. Mulched material is left in-situ reducing a fire's access to well-structured fuel. It is an effective mitigation method. Particularly useful on dense shrub fuel types such as Banksia (dryandra). The Shire has used this method on selected road verges and reserves.	The in-situ mulch, which is left behind, provides a natural barrier against weed growth and erosion. Can be conducted in a wide range of weather or seasonal conditions. This method can be selective to avoid key vegetation such as grass trees or trees, as well as assets such as fences or utilities. Encourages regrowth of more diverse species from seed bank in soil. This technique is gaining recognition within the industry, resulting in more contractors able to conduct this type of work. Does not have the patrol and follow up requirements of hazard reduction burning.	Can be expensive, particularly when dealing with small areas.
CHEMICAL (Spraying) Suitable on grass fuels such as road verges or grass reserves.	Relatively cheap and quick. Correctly timed spray can reduce grass going to seed and therefor reducing grass growth for the next season. Wide availability of contractors.	Limited application window. Relies on a consistent and timely budget settlement process.
MECHANICAL Machine Clean-up (Used on degraded reserves to improve the land such that a follow up	Wider timeframe to be able to conduct compared to spraying.	Produces heaped waist that requires secondary attention (burning).

mitigation strategy (slashing/spraying) can be carried out in a cost-effective manner in the future).	More cost effective than mulching in the context of clean-up. Generally regarded as a one-off process followed up by chemical method. Wide availability of contractors.	
BIOLOGICAL The use of stock animals such as sheep to reduce grass fuel levels on already degraded grassland reserves.	Cheap (high demand from sheep owners to obtain grazing opportunities for their stock) Can occur over a wide time frame. Suitable for grass land areas featuring rugged/steep terrain.	Animal welfare considerations (these responsibilities often deferred to stock owner). Need for adequate fencing to be established. It restricts the public use of land during the treatment.
BURNING Useful on larger, natural bushland reserves. The Shire has very few reserves of this nature at a scale where burning would be considered the most effective method.	It is the most natural mitigation method (mimics nature).	Requires largest personnel commitment of any method. Requires machinery preparation and standby. Potentially long patrolling requirements, which can last several days. Only cost effective with scale. Can be controversial with the public and potentially impactful to public (i.e. smoke). Can lead to weed invasion requiring following treatments (chemical) in some environments.

Table 9 - Consideration of Mitigation Methods used within the Shire of Toodyay

6.2. Treatment Schedule

The Treatment Schedule is a list of bushfire risk treatments recorded in the BRMS. It is developed considering the outcome of the risk assessment process and Treatment Strategy and in consultation with stakeholders.

A treatment schedule for the Shire of Toodyay has been entered to BRMS. This is a live document and will be regularly updated throughout the life of the BRM Plan.

In short, the Shire's annual treatment schedule has the following restraints..

- Planned Burning – Autumn-Spring (pursuant to seasonal conditions)
- Chemical Treatments – July/August
- Mechanical Slashing – Late October
- Other mechanical treatments – Generally not time critical however avoidance of ignition risk conditions/periods avoided.

Land managers are responsible for implementing agreed treatments on their own land. This includes costs associated with the treatment and obtaining the relevant approvals, permits or licenses to undertake an activity. Where agreed, another agency may manage a treatment on behalf of a land manager.

Chapter 7 Monitoring and review

Monitoring and review processes are in place to ensure that the BRM Plan remains current and considers the best available information.

7.1. Monitoring and review

Shire of Toodyay will monitor the BRM Plan and BRMS data to identify any need for change. The Plan and BRMS data will be reviewed at least every two years to ensure they continue to reflect the local context, assets at risk, level of risk and treatment priorities.

7.2. Reporting

The Shire of Toodyay CEO, or their delegate, will provide to OBRM the outcomes of the two-year review of the BRM Plan. This is required to maintain OBRM endorsement of the Plan.

Treatments will be recorded within BRMS for local and state reporting requirements.

Chapter 8 Common Abbreviations Glossary

ABS	Australia Bureau Statistics
ACHIS	Aboriginal Cultural Heritage Inquiry System
BFAC	Bush Fire Advisory Committee
BRM Plan	Bushfire Risk Management Plan
BRMS	Bushfire Risk Management System
CALD	Culturally and Linguistically Diverse
CEO	Chief Executive Officer
CESM	Community Emergency Services Manager
DBCA	Department of Biodiversity, Conservation and Attractions
DFES	Department of Fire and Emergency
DPLH	Department of Planning, Lands and Housing
EMO	Emergency Management Officer
FFDI	Forest Fire Danger Index
GFDI	Grassland Fire Danger Index
GIS	Geographic Information System
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG	Local Government
MAF	Mitigation Activity Fund
OBRM	Office of Bushfire Risk Management
RMO	Reserves Management Officer
SEMC	State Emergency Management Committee
UCL	Unallocated Crown Land
WAPC	Western Australia Planning Commission

Chapter 11 Appendices

Appendix 1 – Summary of Related Legislation, Policy and Guidelines

The following legislation, policy and standards are considered applicable to the development and implementation of the BRM Plan.

Legislation

- *Bush Fires Act 1954*
- *Emergency Management Act 2005*
- *Biodiversity Conservation Act 2016*
- *Aboriginal Heritage Act 1972*

Policies Guidelines and Standards

- State Emergency Management Policy and Procedures
- State Hazard Plan - Fire 2024
- State Planning Policy 3.7: Planning in Bushfire Prone Areas
- Guidelines for Planning in Bushfire Prone Areas (2024)
- Bushfire Risk Management Planning - Guidelines for preparing a Bushfire Risk Management Plan (2024)
- ISO 31000:2018 Risk Management.

Other Related Documents

- *Shire of Toodyay* Bush Fire Preparedness and Resilience Strategies 2022
- *Shire of Toodyay Council Plan 2023-2033*
- *Shire of Toodyay - Annual Fire Break Notice*
- *Shire of Toodyay* and Noongar Kaartdijin Aboriginal Corporation – 'Reconciliation Framework – Reconciliation Action Plan' (2023)
- *Shire of Toodyay Municipal Inventory and Heritage List (Dec 2012)*
- *Chatcup fire report Toodyay (Feb 2007)*
- *FESA Investigation of house losses - Toodyay Fire (2009)*
- Shire of Toodyay Local Planning Scheme No.5 (2024)
- Victorian Bush Fire Report, 2009
- ABS Census 2016
- ABS Census 2021
- *WA Tomorrow Population Report No. 12 (2024, DPLH)*

Appendix 2 – Communications Plan / Communications Log

This Communication Plan supports the development, implementation and review of the Shire of Toodyay Bushfire Risk Management (BRM) Plan. It should document the:

- Communication objectives
- Roles and responsibilities

- Key stakeholders engaged in the development of the BRM Plan and Treatment Schedule
- The implementation and review of the BRM Plan including: target audiences and key messages at each project stage; communication risks and strategies for their management; and communication monitoring and evaluation procedures.

Communication Objectives

The communication objectives for the development, implementation and review of the BRM Plan for the Shire of Toodyay are as follows:

- Key stakeholders understand the purpose of the BRM Plan and their role in the BRM planning process
- Stakeholders who are essential to the BRM planning process, or can supply required information
- Relevant stakeholders are involved in decisions regarding risk acceptability and treatment
- Key stakeholders engage in the review of the BRM Plan as per the schedule in place for the local government
- Key stakeholders engaged in the development of the BRM Plan and Treatment Schedule
- The community and other stakeholders engage with the BRM planning process and as a result are better informed about bushfire risk and understand their responsibilities to address bushfire risk on their own land

Roles and responsibilities

The Shire of Toodyay is responsible for the development, implementation and review of the Communication Plan. Key stakeholders support the Local Government by participating in the Communication Plan as appropriate. An overview of communication roles and responsibilities are as follows:

- CEO, Shire of Toodyay, is responsible for requesting OBRM endorse the BRM Plan.
- Communications Officer, Shire of Toodyay, is responsible for communication of the BRM Plan to the community.
- CESM, Shire of Toodyay, is responsible for communication between the Local Government and the Department of Fire and Emergency Services.

Communications Plan

Stakeholder (s)	*Communication Method*	Key Message or Purpose	Responsibility	Identified Risks to Communication	Strategy to Manage Risks	Monitoring & Evaluation Method	Communication Phase
Shire of Toodyay CEO, Senior Leadership Team and Council	• *Email* • *Face to face meetings* • *Committees of Council*	• *Inform and consult* • *Confirm accountability and responsibilities* • *Input into plan and treatments*	CESM RMO EMO	• Resource constraints could limit their ability to participate	• Clarify misunderstandings and intentions of plan • Express value of meeting	• Stakeholder's willingness to participate • Feedback on the presentation	Development, implementation, Review
Bushfire Advisory Committee (BFAC) **Local Emergency Management Committee (LEMC)**	• *Face to face meeting* • *Presentation*	• *Inform and consult* • *Confirm project objectives* • *Seek input into treatment plans* • *Project updates*	CESM EMO BRMO	• Stakeholder's willingness to participate	• Preparation • Ensure current information on the BRM Plan Project is available	• Seek feedback on the presentation and (anecdotal) community feedback	Development, implementation, Review
DBAC, Parks and Wildlife Service	• *Face to face meetings* • *Email* • *Telephone* • *Committees of Council*	• *Confirmation of environmental assets* • *Identification of DPAW and FPC burn plans* • *Confirming project objectives, seeking input into treatment plans and providing project updates* • *Development of treatment options*	CESM RMO	• Resource constraints could limit their ability to participate.	• Clarify misunderstandings and intentions of plan • Provide undertakings re the release of confidential data • Restrict release of information and document in plan	• Level of engagement • Environmental assets in BRMS	Implementation
Stakeholders – Landowners / Land Managers	• *Email* • *Face to face meeting* • *Telephone* • *Presentations* • *Community Engagement activities*	• *Asset identification/ confirmation* • *Outline BRMP process and objectives* • *Identify assets at risk* • *Identify existing controls/programs* • *Development of treatment options*	CESM RMO EMO	• Time constraints and travel • Level of interest and engagements in process • Lack of resourcing	• Select appropriate channel of communication • Prepare materials and good planning • Communicate funding opportunities when available	• Engagement and participation levels • Feedback • Contributions to treatment strategies	Implementation
Office of Bushfire Risk Management	• *Email* • *Face to face meetings*	• *Compliance and governance* • *Plan endorsement*	CESM RMO EMO	• Government funding • Government priorities • Identified non compliances	• Stay up to date with process improvements	• Plan endorsed	Development, implementation, Review

Stakeholder (s)	*Communication Method*	Key Message or Purpose	Responsibility	Identified Risks to Communication	Strategy to Manage Risks	Monitoring & Evaluation Method	Communication Phase
Dept of Fire and Emergency Services (DFES) – District/Regional Office (including BRMO)	• *Email* • *Face to face meetings* • *Telephone*	• *UCL/UMR planned works* • *Identification of treatment strategies* • *Identification of other planned works* • *Sharing information* • *Identifying funding opportunities*	CESM RMO	• Time constraints • Conflicting priorities • Response obligations	• Plan communications • Share information	• Other planned works identified • Funding opportunities identified • UCL/UMR treatments included on BRMS	Implementation
Stakeholders – Others	• *Email* • *Face to face meeting* • *Telephone* • *Presentations* • *Community Engagement activities*	• *Asset identification/ confirmation* • *Inform of BRMP process* • *Identify assets at risk* • *Identify existing controls/programs* • *Development of treatment options*	CESM RMO EMO	• Time constraints and travel • Level of interest and engagements in process	• Select appropriate channel of communication • Prepare materials • Plan communication	• Engagement and participation levels • Feedback	Implementation

Communications Log

Timing of Communication	Purpose of Communication
Dec 2024	Updating a Bushfire Risk Management Plan – Online Session
Jan 2025	Email communication with OBRM – Request for summary of Land Tenure Management Responsibilities
Jan 2025	Email communication with DFES – Request for Bushfires Summary of Ignition
Jan 2025	Email communication with DBCA – Request for Data relating to threatened Flora species in Toodyay
Jan 2025	Email communication with DBCA – Request for threatened Fauna species in Toodyay
Feb 2025	LEMC Meeting – Consultation of BRM Plan development
Feb 2025	BFAC Meeting – Consultation of BRM Plan development
Feb 2025	Email communication with and confirmation from BRMS support that all asset risks had been update within BRMS
Feb 2025	Submission of draft BRMP to OBRM for comment

Appendix 3 – Bushfire Risk Controls Summary

Control	Action or Activity description	Lead Agency	Notes and comments
Bush Fires Act 1954	Annual issuing of the Shire of Toodyay Fire-break Notice and compliance inspections.	Local Government	The Fire-break Notice sets the compliance standards for property owners in the Shire. Rangers conduct property inspections and if a property is non-compliance, follow a process until compliance has been achieved.
	Harvest and Vehicle Movement Ban (HVMB)		A HVMB is issued when the use of engines, vehicles, plant or machinery are identified as high bushfire risk activities, during particular times of the day, which reduces the risk for the Toodyay area.
	Bush Fire Service Brigades		5 Brigades – These are located at the five major population centres within the Shire: Bejoording; Coondle-Nunile; Julimar; Morangup; Toodyay Central. Combined the brigade have approximately 150 personnel and operate a fleet of 10 appliances with rural, rural urban interface and external structural firefighting capability.
	Total Fire Ban (TFB)	DFES	A TFB is declared when a fire is likely to spread rapidly or if widespread fires are already burning and firefighting resources are stretched, to prohibit or place restrictions on activities likely to start a fire, which reduces the risk for the Toodyay area.
	Restricted and Prohibited Burning Times		Restricted and Prohibited Burning times are designed to reduce risk by limiting or prohibiting certain activities likely to start a fire during periods of high fire danger risk.
Shire Purchasing Policy (FIN3)	Supporting economic development by maximising participation of local businesses.	Local Government	Utilisation of local business with fire response (i.e. machinery or water) or support (i.e. welfare) capability to ensure a strong overall response capability to augment brigade resources.
State Hazard Plan - Fire	Maintain and Review of Bushfire Risk Management Plan	Local Government	Implementation of risk mitigation treatments.
Infrastructure, Assets and Services Department	Mitigation, fire-break maintenance, verge spray, fuel reduction	Local Government	The Shire of Toodyay conduct various mitigation works on Shire owned and managed land to reduce bushfire risk.
Mitigation Activity Fund Grants Program (MAFGP)	Mitigation works on Crown land within the Shire in the form of Chemical, Mechanical and Burning.	Local Government	A funding source to reduce bushfire hazards that present a high risk to assets throughout the state.

Local Government Grant Scheme (LGGS)	A funding process for Local Governments to provide support of volunteers through funding the operations of their Bush Fire Brigades.	Local Government	LGGS funding covers the expenditure of Capital Grants (new firefighting appliances, new or modification of facilities) and Operational Grants (personal protective equipment, maintenance of firefighting appliances and other goods and services). Supporting volunteers contributes to bushfire risk by being able to provide functional facilities, appliances, training, equipment and emergency response.
State Planning Policy 3.7 - Bushfire	Implementation and compliance with State Planning Policy (SPP) 3.7 and the 'Guideline to Planning in Bush Fire Prone Areas' where required.	Local Government	Application of appropriate planning guidelines and framework by enforcing planning standards to reduce risk. The Shire has carefully considered the practical implementation for the SPP resulting tin the Shire of Toodyay Bush Fire Preparedness and Resilience Strategies Report adopted by Council to both guide future development, and improve legacy developments retrospectively.
Bush Fire Prone Planning Policy	Bush Fire Prone mapping	DPLH	The whole Shire of Toodyay is designated bushfire prone in recognition of the widespread bushfire risk.
National Disaster Risk Reduction	Construction of roads for the purpose of egress.	Local Government	Projects are funded that aim to increase WA communities' resilience to disasters through enhanced preparedness for, reduced exposure to, and minimisation of the effects of one or more natural hazards. This project aims to provide a secondary route of egress in at least two directions.
Disaster Ready Fund	Installation of power redundancy at a facility in Toodyay, so it can be used as an evacuation centre.	Local Government	Projects are funded that help communities prepare for and recover from natural disasters.
Disaster Ready Fund	Mitigation works on land adjacent to at risk residential areas.	Local Government	Projects are funded that help communities prepare for and recover from natural disasters.
Unallocated Crown Land/Unmanaged Reserve	UCL/UMR Townsite Mitigation	DFES (on behalf of DPLH)	Implementation of bushfire mitigation on townsite UCL/UMR. i.e. the Avon River through Toodyay townsite.
DBCA	Annual burn program.	DBCA	Implementation of bushfire mitigation (state prescribed burn program) on selected DPAW estate.

Rail Corridor mitigation	Annual rail corridor mitigation in Toodyay/West Toodyay Townsites.	Arc Infrastructure	Annual rail corridor mitigation in Toodyay/West Toodyay Townsites in line with Shire of Toodyay issued Bush Fires Act Section 33 (Fire-break) Notice.
Commonwealth Land risk mitigation	Mitigation program and response plans for Bindoon Defence Training Area.	Department of Defence	The Shire of Toodyay, along with other response stakeholders actively involved pre and post season briefings.
Road verge fuel reduction	Road Verge Spray Program	Local Government	Implementation of annual (Shire) road verge spray program to reduce roadside ignition potential and strengthen roads as linear breaks to bushfire fuels.
Community Engagement	Promotion of fire and emergency management related subjects to the community.	Local Government	Common strategies include: - Program of social media posts. - Local newspaper articles from the Shire (administration) and Brigades. - Face to face engagements a community events by the Shire (administration) and Brigades.
Memorandums of Understandings (MOUs)	Agreements in support of rehousing having local benefit.	DFES	The Shire of Toodyay has two MOUs with DFES: 1. Non-exclusive CESM (shared) 2. 12.2 (bulk water) appliance (regional host).

Government of Western Australia
Department of Fire & Emergency Services

DFES
Department of Fire & Emergency Services

Our Ref: 25/047774
Your Ref:

Aaron Bowman
Chief Executive Officer
Shire of Toodyay
PO Box 96
Toodyay WA 6566

Dear Mr Bowman

CONTINUATION OF ENDORSEMENT OF BUSHFIRE RISK MANAGEMENT PLAN

Thank you for reviewing and updating the Shire of Toodyay's Bushfire Risk Management (BRM) Plan received by the Office of Bushfire Risk Management (OBRM) on 7 March 2025. I am pleased to confirm the updated Shire of Toodyay BRM Plan maintains OBRM endorsement. This signifies it meets the standard required by the *Guidelines for Preparing a Bushfire Risk Management Plan* (the Guidelines).

The Guidelines were updated in 2023, introducing a 2-year review process for maintaining OBRM endorsement. The 2-year review simply requires the Shire of Toodyay to confirm the plan and Bushfire Risk Management System (BRMS) data have been reviewed and remain current and accurate. This replaces the more extensive requirements of the 5-year review. Consistent with this new process OBRM will next require confirmation the Shire of Toodyay's BRM Plan has been reviewed by 30 May 2027. More information on the 2-year review process can be found in the Guidelines.

As a participant in the BRM Program, the Shire of Toodyay will be required to submit an annual report to OBRM detailing progress against the BRM Plan. OBRM will extract much of the required data from the BRMS but will request you respond to a short survey to provide context. You will receive the survey in July 2025.

Thank you for your commitment to managing bushfire risk and I wish you well in implementing the Plan.

Yours sincerely

Glen Daniel
DIRECTOR OBRM
13 March 2025

PO Box P1174 Perth WA 6844
Cockburn Emergency Services Complex
20 Stockton Bend, Cockburn Central WA 6164
Tel (08) 6551 4060 obrm@dfes.wa.gov.au www.dfes.wa.gov.au