6.1.1 ARIC Recommendation regarding the 2025 Annual Compliance Audit Return (CAR)

Date of Report:	4 September 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	GOVR-13
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	Annual occurrence
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. 2025 Compliance Audit Return. 2. Tabled document - Revised 2025 Compliance Audit Return

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PURPOSE OF THE REPORT

To consider the completed 2025 Compliance Audit Return in accordance with regulation 14(6) of the *Local Government (Audit) Regulations 1996.*

The Compliance Audit Return assesses the Shire's compliance with prescribed statutory requirements for the period 1 January 2025 to 31 December 2025.

BACKGROUND

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires local governments to carry out a compliance audit for the previous calendar year in respect of prescribed statutory requirements. The audit is undertaken using the Compliance Audit Return issued by the Department of Local Government, Industry Regulation and Safety.

The completed Compliance Audit Return has been prepared by administration and is attached for the Committee's consideration. Following consideration by the Audit, Risk and Improvement Committee, the Return is required to be presented to Council for adoption and subsequent submission to the Inspector.

All Western Australian local governments must complete a CAR annually under Reg. 14 and submit it to the Department after Council adoption. ARIC's role is to review compliance performance, focus on systemic gaps, and advise on the adequacy of management responses.

COMMENTS AND DETAILS

Administration completed the 2025 Compliance Audit Return and assessed compliance with the prescribed statutory requirements applicable during the period 1 January 2025 to 31 December 2025. The majority of statutory requirements were assessed as compliant,

with a small number of non-compliances and administrative issues identified during the review process. Several questions were not applicable due to the nature of the Shire's operations or because the relevant circumstances did not arise during the audit period.

The Compliance Audit Return identified areas where governance and compliance processes can be strengthened. In each instance, administration has either implemented corrective action or commenced measures to prevent recurrence.

Summary of Results

The assessment identified five instances of non-compliance. Corrective action has been implemented in relation to these matters. The remaining applicable requirements were assessed as compliant.

Non-Compliance Matters Identified

Primary Return Not Lodged Within Required Timeframe

The Compliance Audit Return identified that a Primary Return was not lodged within the required statutory timeframe by an employee who had been granted delegated authority. The omission was identified by administration in April 2025 and subsequently rectified, with the matter reported to the Department. At the time, Officers reviewed onboarding and delegation processes to ensure all required disclosures are completed prior to the exercise of delegated authority.

Delegation Instrument Not Issued

The Compliance Audit Return identified that an employee may have exercised delegated authority without a written instrument of delegation being issued as required under section 5.44(2) of the *Local Government Act 1995*.

The Executive Manager Economic Development and Community Services had commenced the role on 9 September 2025 and resigned 23 February 2026. The oversight was identified on 1 April 2026 when Certificates of Authority were provided to the person who was acting in the role. Additional control measures were subsequently introduced to ensure Officers are notified in writing of their delegations and returns are received before Officers are able to exercise delegated functions on commencement with the Shire.

Minutes not issued within legislative timeframe

It was noted in the Compliance Management Calendar and has been added as a reference in the Compliance Audit Return 2025 that the minutes of the Bush Fire Advisory Committee had not been published onto the Shire's website within the 7 day timeframe.

The Shire had also received notification from the Department in August 2024 relating to the Special Council Meeting (SCM) held on Monday 12 August 2024 and the agenda for that council meeting not appearing on the website. The Department was responded to by saying that the matter of non-compliance would be put onto the 2024 Compliance Audit Return however that return had been lodged by 31 March 2026, well after the notification in August 2024. This is the reason why it has also been noted in 2025's compliance audit return.

The website is often audited by the Governance Coordinator which is why there is also a notation on the compliance audit return that the public agenda for the special council meeting held in January 2025 had also not been published. Training was instigated in regard to special council meeting processes to ensure this would not occur in the future.

Additional Information in respect to Purpose of the Report and the alternative motion presented with this report.

Council is to consider the completed 2025 Compliance Audit Return in accordance with regulation 14(6) of the Local Government (Audit) Regulations 1996 which requires Council

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to determine whether any matters raised by the Audit, Risk and Improvement Committee at their meeting held on 21 August 2026 require action to be taken by the local government; and either:

(a) adopt the compliance audit return; or

(b) adopt the compliance audit return subject to amendments proposed by the Council.

The purpose of providing the Alternative Officer Recommendation is to assist Council in discharging its obligations under Regulation 14(6) of the Local Government (Audit) Regulations 1996.

The 2025 Compliance Audit Return has been amended as per the Audit, Risk and Improvement Committee recommendation to Council. Comments in regard to those amendments are as follows:

(a) Item 2 is incorrectly declared "Yes" while the comments confirm it should be "No";

The response to the question under s.3.16 should be yes because all local laws, including the Standing Orders Local Law 2008 were reviewed by Council in November 2023 however, as it is a **2025 Compliance Audit Return** it has been changed to say "No". The comment has remained which clearly establishes that the local laws have in fact been reviewed.

Advice received from the Department of Local Government LG Hotline on 14 August 2026 was as follows:

"As the Shire have conducted a review of the Standing Orders, the local law's 15 year auto-repeal period is reset. Accordingly, the local law will remain in force unless it is repealed by another local law or it reaches its next "automatic repeal date" due to lack of review (i.e. 15 years). My understanding is that if a mandatory standing order regulation ever came into effect, it would likely be accompanied by some mechanism (such as a Governor's local law) to switch all local governments to the new system. However, any shift of that kind is likely to be announced to the LG Sector well in advance."

(b) Item 17 requires correction of the resolution number to OCM089/04/25 to reflect the confirmed minutes;

This change has been made. The correct resolution was OCM089/04/25.

(c) Item 25 is incorrectly declared "N/A" and should be "Yes";

This change has been made.

(d) Item 39 is incorrectly declared "Yes" while the comments confirm it should be "No";

This change has been made to mark it as No with the comment to be as follows:

Comment: Special Council Meeting (SCM) on Monday 12 August 2024. Public agenda had not been published due to the matter being confidential, and a public agenda had not been prepared to put onto the website. The matter rectified and responded to the department.

A Special Meeting Notice and public Agenda was not distributed prior to the meeting of 13 Jan 2025 nor published on the website.

The omission occurred due to an administrative oversight during a period of staff absence.

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Bush Fire Advisory Committee meeting May 2025 Minutes were published on 20 June 2025.

(e) Item 56 is incorrectly declared "No" while the comments confirm it should be "Yes";

This change has been made to say yes. The comment has been changed to the following:

Comment: The following two Councillors were elected in October 2025 and to date:

Cr Mills completed all modules of the certificate before 1 March 2026.

Cr Van der Heyden completed all modules except Meeting Procedures prior to 24 May 2026. The last module is to be completed by 30 September 2026.

(f) Item 63 is incorrectly declared "Yes", as ARIC is aware of duplicate payments of almost $250,000, indicating non-compliance and therefore the response should be "No".

This change has been made to mark it as No with the comment to be as follows:

Comment: During the audit of subsequent payments (payments after year end), we identified that an expenditure amount of $242,521.73 relating to financial year 2025 was paid twice in financial year 2026. The first payment was processed on 03/07/2025, and a second identical payment was processed again on 25/07/2025.

(g) Item 70 incorrect declared as "Yes", should be "No".

This change has been left as Yes because the following List of Payments and Monthly Financial Statements were presented to Council:

27 Feb 2025	January 2025 List of Payments
27 March 2025	February 2025 List of Payments
27 March 2025	January and February Monthly Financial Statements
24 April 2025	March 2025 List of Payments and Monthly Financial Statement
22 May 2025	April 2025 List of Payments and Monthly Financial Statements
26 June 2025	May 2025 List of Payments and Monthly Financial Statements
24 July 2025	June 2025 List of Payments
28 August 2025	June 2025 Monthly Financial Statements
28 August 2025	July 2025 List of Payments and Monthly Financial Statements
25 September 2025	August 2025 List of Payments and Monthly Financial Statements
30 October 2025	September 2025 List of Payments
27 November 2025	October 2025 List of Payments
27 November 2025	September 2025 and October 2025 Monthly Financial Statements
18 December 2025	November 2025 List of Payments and Monthly Financial Statements

For the comment to be "no" it would necessitate a comment as to why it is "no".

If Council wish to make it no then the suggested comment would be that in 2025 the December 2025 List of Payments and Monthly financial statements were not provided.

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However the above comment does not mean non-compliance as most other local governments would be unable to present the December payments list until the following year.

(h) Request within ARIC recommendation a Statement of Assurance from the CEO.

The Committee has requested a formal Statement of Assurance from the CEO regarding the accuracy and completeness of the remaining data within the Return. The legislation does not require the CEO to provide a formal statement of assurance.

Conclusion

It is recommended that Council consider the Alternate Officer's Recommendation.

The Alternate Officer's Recommendation acknowledges the Audit, Risk and Improvement Committee's review and recommendations, notes the amendments made to the Compliance Audit Return in response to matters identified by the Committee, and enables Council to fulfil its obligations under Regulation 14(6) of the *Local Government (Audit) Regulations 1996* by:

- determining whether any matters raised by the Committee require further action by the local government; and
- either adopting the Compliance Audit Return or adopting the Compliance Audit Return subject to amendments proposed by Council.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

The Compliance Audit Return supports effective governance, regulatory compliance, accountability and continuous improvement across the organisation.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995.

Local Government (Audit) Regulations 1996 in particular Regulations 13, 14 and 15 relating to compliance audits and the submission of Compliance Audit Returns

Risk related:

Failure to adopt and submit the Compliance Audit Return within the prescribed timeframe may result in non-compliance with legislative requirements.

Workforce related:

Nil.

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Additional Information – Update of Compliance Audit Return on Monday 14 Sept 2026.

The Inspectorate requires the CAR to be submitted using its prescribed template.

The template cannot be submitted until Council has made a decision in regard to its content and it has been signed off by the Shire President and Chief Executive Officer.

Page 18 of 24 of the tabled Revised Compliance Audit Return (**Attachment 2**) contains an updated response for regulation 13.

Of the amendments recommended by ARIC:

- the correction to Item 2 was made *;
- the correction to Item 17 was made;
- the amendment to Item 25 was made;
- the amendment to Item 39 was made;
- the amendment to Item 56 was made; and
- the amendment to Item 63 was made.

The **tabled Revised 2025 Compliance Audit Return** also includes the amendment to item 70 that ARIC requested which is the updated response for regulation 13.

** A change has been made to the comment of Item 2, at the direction of the Temporary CEO, with a view to specifically highlight the review of the Standing Orders Local Law 2008.*

It is recommended that Council consider the Alternate Officer's Recommendation.

Council is asked to consider the completed 2025 Compliance Audit Return (**Attachment 2**) as amended, and determine, in accordance with Regulation 14(6) of the *Local Government (Audit) Regulations 1996*, whether any matters raised by ARIC require further action and whether to adopt the CAR or adopt the CAR subject to amendments.

VOTING REQUIREMENTS

Absolute Majority

AUDIT RECOMMENDATION NO. ARIC068/08/26 1

That Council:

1. *That Amended ARIC Recommendation to Council, that Council:*
2. *Notes that the Audit, Risk and Improvement Committee has reviewed the draft 2025 Compliance Audit Return (CAR) as required under Regulation 14 of the Local Government (Audit) Regulations 1996.*
3. *Notes the following inaccuracies identified during the Committee's review of the draft return:*
   - *(a) Item 2 is incorrectly declared "Yes" while the comments confirm it should be "No";*
   - *(b) Item 17 requires correction of the resolution number to OCM089/04/25 to reflect the confirmed minutes;*
   - *(c) Item 25 is incorrectly declared "N/A" and should be "Yes";*
   - *(d) Item 39 is incorrectly declared "Yes" while the comments confirm it should be "No";*

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(e) Item 56 is incorrectly declared "No" while the comments confirm it should be "Yes";

(f) Item 63 is incorrectly declared "Yes", as ARIC is aware of duplicate payments of almost $250,000, indicating non-compliance and therefore the response should be "No".

(g) Item 70 incorrect declared as "Yes", should be "No".

4. Notes that a number of items within the draft CAR cannot be independently verified, as several questions rely on administrative declarations or internal compliance systems rather than documentary evidence, and therefore the Committee is unable to provide assurance on those items' accuracy.

5. Directs the Chief Executive Officer to amend the 2025 Compliance Audit Return to rectify the inaccuracies identified in Clause 2 and present the amended Return to Council for formal adoption prior to any submission to the Inspectorate.

6. Requests that the Chief Executive Officer provide a formal Statement of Assurance to Council confirming the accuracy and completeness of the remaining data within the Return prior to its adoption.

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ALTERNATIVE OFFICER'S RECOMMENDATION

That Council, in accordance with regulation 14(6) of the Local Government (Audit) Regulations 1996:

1. Notes that the Audit, Risk and Improvement Committee has reviewed the draft 2025 Compliance Audit Return (CAR) as required under Regulation 14 of the *Local Government (Audit) Regulations 1996;*
2. Notes the amendments made to the Compliance Audit Return arising from the Audit, Risk and Improvement Committee's review as per their recommendation (No. ARIC068/08/26 as contained in this report);
3. Determines that the matters raised by the Audit, Risk and Improvement Committee do not prevent adoption of the Compliance Audit Return and will be addressed through the Shire's ongoing compliance improvement processes.
4. Adopts the 2025 Compliance Audit Return, as amended (**Attachment 2**); and
5. Authorises the Chief Executive Officer to lodge the adopted Compliance Audit Return with the Local Government Inspectorate by 30 September 2026.

In accordance with regulation 11(da) of the Local Government (Administration) Regulations 1996, Council considered the Audit, Risk and Improvement Committee's recommendation and determined that the inaccuracies identified by the Committee have been addressed through amendments to the Compliance Audit Return.

Council further determined that the matters raised by the Committee do not prevent adoption of the Compliance Audit Return and that any ongoing compliance and governance matters will continue to be addressed through the Shire's existing compliance improvement processes. In accordance with Regulation 14(6) of the Local Government (Audit) Regulations 1996, Council therefore resolved to adopt the amended Compliance Audit Return and authorise its submission to the Local Government Inspectorate.

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Local Government Inspector

GOVERNMENT OF WESTERN AUSTRALIA

2025 Compliance Audit Return

Local Government Authority: The Shire of Toodyay

Local Government Act 1995

s. 2.29

Has every person elected or appointed to a mayor, president, deputy, or councillor role made the required declaration in the prescribed form before a prescribed person, prior to acting in the office?

Response: Yes

s. 3.16

Has the local government reviewed local laws, which have not been reviewed in the previous 8 years, to ensure compliance with Schedule 9.3, Clause 65?

Response: No

Comments: The Shire completed a review of all its local laws in November 2023 where the Council Resolution was as follows:

That Council:

1. Pursuant to section 3.16(4) of the Local Government Act 1995 (the Act), resolves its intent to not change the Cemeteries Local Law; and

2. Pursuant to section 3.16(4) of the Act, resolves its intent to repeal the Pest Plants Local Law subject to the Repeal Local Law 2023 being workshopped by Council;

3. Pursuant to section 3.16(4) of the Act, resolves its intent to workshop and amend the following local laws:

(a) Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;

(b) Cat Local Law;

(c) Dogs Local Law;

(d) Extractive Industries Local Law;

(e) Fencing Local Law;

(f) Health Local Laws;

(g) Local Government Property Local Law;

(h) Parking and Parking Facilities Local Law;

(i) Standing Orders Local Law.

4. Determines that the periodic review of the local laws for the Shire of Toodyay has concluded.

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s.3.57

Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?

Response: Yes

s. 3.58(3)

Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?

Response: Yes

s. 3.58(4)

Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property?

Response: Yes

Comments: Advertisements were placed for the disposal of a shed at the Community Depot (Toodyay Junction) to Arts Toodyay before the decision was made by Council.

Advertisements were placed for the disposal of the Radio Building at the Toodyay Junction (Community Depot) to Marsupial Mamas and Papas before the decision was made by Council.

s. 3.59(2)(a)

Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2025?

Response: N/A

s. 3.59(2)(b)

Has the local government prepared a business plan for each major land transaction that was not exempt in 2025?

Response: N/A

s. 3.59(2)(c)

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Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2025?

Response: N/A

s. 3.59(4)

Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2024?

Response: N/A

s. 3.59(5)

During 2025, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?

Response: N/A

s. 5.16 (1)

Were all delegations to committees resolved by absolute majority?

Response: N/A

s. 5.16 (2)

Were all delegations to committees in writing?

Response: N/A

s. 5.17

Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?

Response: N/A

s. 5.18

Were all delegations to committees recorded in a register of delegations?

Response: N/A

s. 5.36(4) and s. 5.37(3)

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Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?

Response: Yes

s. 5.37(2)

Did the CEO inform council of each proposal to employ or dismiss senior employee?

Response: Yes

Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?

Response: N/A

s. 5.39B

Has the local government adopted and maintained model standards that incorporate the prescribed model standards within required timeframes (including amendments), ensured adoption by absolute majority, published an up-to-date version on its official website, and avoided including any inconsistent additional provisions?

Response: Yes

Comments: 24 April 2025 (CRN: OCM089/04/25)

s. 5.42

Were all delegations to the CEO resolved by an absolute majority?

Response: Yes

Comments: Council met on 26 June 2025: Resolution No. OCM114/06/25

Were all delegations to the CEO in writing?

Response: Yes

Comments: CEO was issued with Certificate of Authority and a card.

s. 5.43

Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995?

Response: Yes

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s. 5.44(2)

Were all employees delegated authority by the CEO under Section 5.44(1), issued with a written instrument of delegation?

Response: No

Comments: It was discovered in April 2025 that a certificate of authority had been issued to the Environmental Health Officer and a primary return request was not issued to that same officer. As a result, the return was not lodged within the three month period. Letters were issued to the Corruption and Crime Commission and the Department of Local Government, Sport and Cultural Industries. The Officer promptly lodged the return which was acknowledged.

It was discovered on 1 April 2026 that a certificate of authority was not drawn up for the Executive Manager Economic Development and Community Services who started late September 2025 and left the Shire on 18 March 2026, which meant that the Officer had not been advised of a need to lodge a primary return.

s. 5.45(1)(b)

Were all decisions by the Council to amend or revoke a delegation made by absolute majority?

Response: Yes

s. 5.46

Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?

Response: Yes

Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2024/2025 financial year?

Response: Yes

Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?

Response: Yes

s. 5.50

If the local government paid a finishing employee an amount in addition to their entitlement, did the local government follow a policy it had adopted and published on its website outlining the circumstances in relation to payments made to terminated employees?

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Response: Yes

Comments: Payments to Employees in addition to Contract or Award

If the local government made a payment to a finishing employee that is more than the amount set out in the policy, was local public notice given?

Response: N/A

s. 5.51A

Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/409/workers-code-of-conduct

Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/409/workers-code-of-conduct

s. 5.67

Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?

Response: Yes

s. 5.68(2)

Were all decisions regarding participation approval in relation to Section 5.68(2), including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?

Response: N/A

s. 5.69(5)

Were all decisions regarding participation approval in relation to Section 5.69(5), including the extent of participation allowed recorded in the minutes of the relevant council or committee meeting?

Response: N/A

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s. 5.70

Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?

Response: Yes

s. 5.71B(5) and (7)

Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?

Response: N/A

Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered?

Response: N/A

s. 5.73

Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?

Response: Yes

s. 5.75

Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?

Response: No

Comments: Thu 24/04/2025 12:42 PM. The EHO had signed a certificate of authority (Delegations Memo) but had not filled out a Primary Return. This was rectified and reported to the Department.

s. 5.76

Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2025?

Response: Yes

s. 5.77

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On receipt of a primary or annual return, did the CEO, or the Mayor/President, as the case may be, give written acknowledgment of having received the return?

Response: Yes

s. 5.88

Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995?

Response: Yes

Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?

Response: Yes

After a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?

Response: Yes

Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?

Response: Yes

s. 5.89A

Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?

Response: Yes

Did the CEO publish an up-to-date version of the gift register on the local government's website?

Response: Yes

s. 5.90A

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Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/317/attendance-at-events

s. 5.94

Does the local government have information available for members of the public to inspect, free of charge as prescribed under section 5.94 and Admin Reg 29, except where restricted under this section?

Response: Yes

s. 5.96

Where a person is entitled to inspect information under this Division, can the local government confirm that copies are available and that the price at which it sells copies does not exceed the cost of providing them, (unless prescribed otherwise)?

Response: Yes

s. 5.96A

Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?

Response: No

Comments: Special Council Meeting (SCM) on Monday 12 August 2024. Public agenda had not been published due to the matter being confidential, and a public agenda had not been prepared to put onto the website. The matter was rectified and responded to the Department.

A Special Meeting Notice and public Agenda was not distributed prior to the meeting of 13 Jan 2025 nor published on the website.

The omission occurred due to an administrative oversight during a period of staff absence.

Bush Fire Advisory Committee meeting May 2025 Minutes were published on 20 June 2025.

s. 5.104

Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct?

Response: Yes

Did the local government adopt additional requirements in addition to the model code of conduct?

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Response: N/A

Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/520/code-of-conduct-for-council-members-committee-members-and-candidates

s. 5.128

Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/321/continuing-professional-development

s. 7.12A(3), (4) and (5)

Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?

Response: Yes

Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters?

Response: Yes

Was a copy of the report given to the Minister within three months of the audit report being received by the local government?

Response: Yes

Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/council/information-published-on-official-website.aspx

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Local Government (Administration) Regulations 1996

r. 18F

Were the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995?

Response: Yes

r. 19AB

Does the code of conduct contain the requirement that a local government employee (not including the CEO) must not accept a prohibited gift from an associated person?

Response: Yes

r. 19AC

Does the local government's code of conduct include requirements for the recording, storing, disclosure, and use of information relating to gifts accepted by local government employees (excluding the CEO) from associated persons, in accordance with regulatory requirements?

Response: Yes

r. 19AE

Does the local government's code of conduct include requirements addressing employee behaviour in the performance of duties, interactions with others, use and disclosure of information, use of local government resources and finances, the keeping of records, and the reporting and management of suspected breaches and misconduct, in accordance with regulatory requirements?

Response: Yes

r. 19B

Did the local government include in its annual report all information required under section 5.53(2)(g) and (i) and regulation 3A(2), including number of employee's in salary bands over $130,000, remuneration and allowances paid, ordered payments, CEO remuneration, council member meeting attendance, available demographic information about council members, and details of any modifications to the strategic community plan or significant modifications to the corporate business plan?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/527/2024-2025-annual-report-adopted

r. 19C

Has the local government adopted by absolute majority a strategic community plan?

REVISED Report and Attachment

Response: N/A

Comments: These were not due.

r. 19DA

Has the local government reviewed its corporate business plan in accordance with Admin Regulation 19DA(4)?

Response: N/A

Comments: These were not due.

Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?

Response: Yes

Comments: The Council Plan document last reviewed in on 24 July 2024 was presented as a combined Strategic Community Plan and Corporate Business Plan ("Council Plan") and states it satisfies legislative requirements. The strongest evidence of compliance is:

- 10-year planning horizon;
- clear priorities and actions;
- responsible officers;
- implementation timelines;
- operating and capital expenditure schedules;
- reference to LTFP, Asset Management Plans and Workforce Plan;
- service planning framework.

r. 22

No response required. This is covered by s5.75.

r. 23

No response required. This is covered by s5.76.

r. 28

No response required. This is covered by s5.88(1).

REVISED Report and Attachment

r. 28A

No response required. This is covered by s5.89A(1).

r. 29

No response required. This is covered by s5.94.

r. 29C

Does the local government publish all prescribed information on its official website— including up-to-date policies, required details of council member and employee returns, council member fees and allowances, and relevant public notices—within the specified timeframes and in accordance with legislative requirements?

Response: Yes

r. 35

Has every local government council member completed and passed the Council Member Essentials course, consisting of the five required modules and delivered by an approved provider, within 12 months of being elected?

Response: Yes

Comments: The following two Councillors were elected in October 2025 and to date:

Cr Mills completed all modules of the certificate before 1 March 2026.

Cr Van der Heyden completed all modules except Meeting Procedures prior to 24 May 2026. The last module is to be completed by 30 September 2026.

r. 36

Does the local government appropriately identify and document council members who are exempt from the training requirements under section 5.126(1), including verifying that the member:

- has completed an approved course within the specified 5-year period prior to election, or
- completed the LGASS00002 Elected Member Skill Set before 1 July 2019 within the relevant timeframe, or
- qualifies for the transitional exemption applicable to council members in office at the commencement of the 2019 regulatory amendments?

Response: Yes

REVISED Report and Attachment

Local Government (Audit) Regulations 1996

r. 10

Was the auditor's report for the financial year ending 30 June 2025 received by the local government within 30 days of completion of the audit?

Response: Yes

Comments: Audit Opinion received on 23/12/2025

r. 17

Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2025?

Response: N/A

REVISED Report and Attachment

Local Government (Constitution) Regulations 1998

r. 11FA

Did the CEO provide the Minister a report as to the result of the election within 14 days of the declaration and in the form of Form 20 of the Local Government (Elections) Regulations 1997, modified as necessary?

Response: Yes

r. 13

Were all required oaths, affirmations and declarations under section 2.42 (in relation to Commissioners) made in the correct form (Form 8), before the appropriate authorised person?

Response: N/A

REVISED Report and Attachment

Local Government (Elections) Regulations 1997

r. 30G

Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?

Response: Yes

Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997?

Response: N/A

Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?

Response: Yes

REVISED Report and Attachment

Local Government (Financial Management) Regulations 1996

r. 5

Has the CEO ensured efficient systems and procedures are established under provisions set out in Financial Management Regulations 5(1)(a) to (g)?

Response: No

Comments: During the audit of subsequent payments (payments after year end), we identified that an expenditure amount of $242,521.73 relating to financial year 2025 was paid twice in financial year 2026. The first payment was processed on 03/07/2025, and a second identical payment was processed again on 25/07/2025.

r. 6

Has the local government ensured that any employee delegated responsibility for day-to-day accounting or financial management operations is not also delegated the responsibility for conducting internal audits, reviewing their own duties, or for managing, directing or supervising someone who carries out these functions?

Response: Yes

r. 7

Did the local government ensure it has regard to the needs of the inhabitants of the district as a whole and not keep separate ward accounts or determine expenditure on the basis of revenue from a ward?

Response: N/A

r. 8

Does the local government maintain separate accounts with a bank or other financial institution for money to be held in the municipal fund, trust fund and for reserve account purposes?

Response: Yes

r. 9

Did the local government keep separate financial records for each trading undertaking and each major land transaction?

Response: N/A

r. 11

Has the local government developed procedures for the authorisation of, and the payment of, accounts in accordance with Local Government (Financial Management) Regulations 11(1), (2) and (3)?

REVISED Report and Attachment

Response: Yes

r. 12

Were payments made from the municipal fund or trust fund made by the CEO under a delegated authority or authorised, in accordance with regulation 13(2), in advance by a council resolution?

Response: Yes

r. 13

Can the local government confirm that, where the CEO has been delegated authority to make payments from the municipal or trust fund, the CEO prepared accurate monthly lists that are presented at the next ordinary council meeting and recorded in the minutes?

- includes the payee's name, payment amount, payment date, and sufficient information to identify each transaction where payments have already been made; or
- includes the payee's name, payment amount, sufficient information to identify each transaction, and the date of the council meeting (to which the list will be presented) for accounts requiring council approval.

Response: Yes

r. 13A

Did the local government prepare a list each month of all payments made using employee-authorised credit, debit or other purchasing cards, and include the payee's name, the amount of the payment, the date of the payment, sufficient information to identify the payment, and present the list at the next ordinary council meeting (and record in the minutes)?

Response: Yes

r. 19

Has the local government established and documented internal control procedures to enable identification of the nature and location of all investments and any related transactions?

Response: Yes

r. 19C

Has the local government ensured that all investments made under section 6.14(1) comply with statutory restrictions set out in Financial Management Reg. 19C?

Response: Yes

REVISED Report and Attachment

Local Government (Functions and General) Regulations 1996

r. 7

No response required. This is covered by s3.59(2).

r. 9

No response required. This is covered by s3.59(2).

r. 10

No response required. This is covered by s3.59(2).

r. 11A

Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, $250,000 or less or worth $250,000 or less?

Response: Yes

r. 11

No response required. This is covered by s3.57.

r. 12

Did the local government consider the implications of Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?

Response: N/A

r. 14(1), (3) and (5)

If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation?

Response: Yes

r. 15

REVISED Report and Attachment

Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?

Response: Yes

r. 16

No response required. This is covered by r. 15.

r. 17

Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?

Response: Yes

r. 18(1) and (4)

Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?

Response: N/A

Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?

Response: N/A

r. 19

Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?

Response: Yes

r. 21

Does the local government's advertising and expression of interest processes for limiting who can tender comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?

Response: Yes

r. 22

REVISED Report and Attachment

No response required. This is covered by r. 21.

r. 23

Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?

Response: N/A

Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?

Response: N/A

r. 24

Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24?

Response: N/A

r. 24AD(2), (4) and (6)

Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions & General) Regulations 1996 regulations 24AD(4) and 24AE?

Response: N/A

If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?

Response: N/A

r. 24AE

No response required. This is covered by r. 24AD(2), (4) and (6).

r. 24AF

No response required. This is covered by r. 24AD(2), (4) and (6).

REVISED Report and Attachment

r. 24AG

Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG?

Response: Yes

r. 24AH(1) and (3)

Did the local government reject any applications to join a panel of prequalified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?

Response: N/A

Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?

Response: N/A

r. 24AI

Did the CEO send each applicant written notice advising them of the outcome of their application?

Response: N/A

r. 24E

Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?

Response: N/A

r. 24F

No response required. This is covered by r. 24E.

REVISED Report and Attachment

I certify this is a true and accurate copy of the 2025 Compliance Audit Return, as adopted by Council at the meeting of _____ 2026.

_____ _____

CEO Date

_____ _____

Mayor or President Date

REVISED Report and Attachment

Local Government Inspector

GOVERNMENT OF WESTERN AUSTRALIA

2025 Compliance Audit Return

Local Government Authority: The Shire of Toodyay

Local Government Act 1995

s. 2.29

Has every person elected or appointed to a mayor, president, deputy, or councillor role made the required declaration in the prescribed form before a prescribed person, prior to acting in the office?

Response: Yes

s. 3.16

Has the local government reviewed local laws, which have not been reviewed in the previous 8 years, to ensure compliance with Schedule 9.3, Clause 65?

Response: No

Comments: The Shire completed a review of all its local laws in November 2023 including the Standing Orders Local Law at which time Council determined that the periodic review of the local laws for the Shire of Toodyay had concluded.

s.3.57

Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?

Response: Yes

s. 3.58(3)

Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?

Response: Yes

s. 3.58(4)

Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property?

REVISED Report and Attachment

Response: Yes

Comments: Advertisements were placed for the disposal of a shed at the Community Depot (Toodyay Junction) to Arts Toodyay before the decision was made by Council.

Advertisements were placed for the disposal of the Radio Building at the Toodyay Junction (Community Depot) to Marsupial Mamas and Papas before the decision was made by Council.

s. 3.59(2)(a)

Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2025?

Response: N/A

s. 3.59(2)(b)

Has the local government prepared a business plan for each major land transaction that was not exempt in 2025?

Response: N/A

s. 3.59(2)(c)

Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2025?

Response: N/A

s. 3.59(4)

Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2024?

Response: N/A

s. 3.59(5)

During 2025, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?

Response: N/A

s. 5.16 (1)

Were all delegations to committees resolved by absolute majority?

REVISED Report and Attachment

Response: N/A

s. 5.16 (2)

Were all delegations to committees in writing?

Response: N/A

s. 5.17

Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?

Response: N/A

s. 5.18

Were all delegations to committees recorded in a register of delegations?

Response: N/A

s. 5.36(4) and s. 5.37(3)

Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?

Response: Yes

s. 5.37(2)

Did the CEO inform council of each proposal to employ or dismiss senior employee?

Response: Yes

Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?

Response: N/A

s. 5.39B

Has the local government adopted and maintained model standards that incorporate the prescribed model standards within required timeframes (including amendments), ensured adoption by absolute majority, published an up-to-date version on its official website, and avoided including any inconsistent additional provisions?

REVISED Report and Attachment

Response: Yes

Comments: 24 April 2025 (CRN: OCM089/04/25)

s. 5.42

Were all delegations to the CEO resolved by an absolute majority?

Response: Yes

Comments: Council met on 26 June 2025: Resolution No. OCM114/06/25

Were all delegations to the CEO in writing?

Response: Yes

Comments: CEO was issued with Certificate of Authority and a card.

s. 5.43

Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995?

Response: Yes

s. 5.44(2)

Were all employees delegated authority by the CEO under Section 5.44(1), issued with a written instrument of delegation?

Response: No

Comments: It was discovered in April 2025 that a certificate of authority had been issued to the Environmental Health Officer and a primary return request was not issued to that same officer. As a result, the return was not lodged within the three month period. Letters were issued to the Corruption and Crime Commission and the Department of Local Government, Sport and Cultural Industries. The Officer promptly lodged the return which was acknowledged.

It was discovered on 1 April 2026 that a certificate of authority was not drawn up for the Executive Manager Economic Development and Community Services who started late September 2025 and left the Shire on 18 March 2026, which meant that the Officer had not been advised of a need to lodge a primary return.

s. 5.45(1)(b)

Were all decisions by the Council to amend or revoke a delegation made by absolute majority?

Response: Yes

REVISED Report and Attachment

s. 5.46

Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?

Response: Yes

Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2024/2025 financial year?

Response: Yes

Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?

Response: Yes

s. 5.50

If the local government paid a finishing employee an amount in addition to their entitlement, did the local government follow a policy it had adopted and published on its website outlining the circumstances in relation to payments made to terminated employees?

Response: Yes

Comments: Payments to Employees in addition to Contract or Award

If the local government made a payment to a finishing employee that is more than the amount set out in the policy, was local public notice given?

Response: N/A

s. 5.51A

Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/409/workers-code-of-conduct

Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/409/workers-code-of-conduct

REVISED Report and Attachment

s. 5.67

Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?

Response: Yes

s. 5.68(2)

Were all decisions regarding participation approval in relation to Section 5.68(2), including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?

Response: N/A

s. 5.69(5)

Were all decisions regarding participation approval in relation to Section 5.69(5), including the extent of participation allowed recorded in the minutes of the relevant council or committee meeting?

Response: N/A

s. 5.70

Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?

Response: Yes

s. 5.71B(5) and (7)

Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?

Response: N/A

Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered?

Response: N/A

REVISED Report and Attachment

s. 5.73

Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?

Response: Yes

s. 5.75

Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?

Response: No

Comments: Thu 24/04/2025 12:42 PM. The EHO had signed a certificate of authority (Delegations Memo) but had not filled out a Primary Return. This was rectified and reported to the Department.

s. 5.76

Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2025?

Response: Yes

s. 5.77

On receipt of a primary or annual return, did the CEO, or the Mayor/President, as the case may be, give written acknowledgment of having received the return?

Response: Yes

s. 5.88

Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995?

Response: Yes

Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?

Response: Yes

After a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?

Response: Yes

REVISED Report and Attachment

Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?

Response: Yes

s. 5.89A

Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?

Response: Yes

Did the CEO publish an up-to-date version of the gift register on the local government's website?

Response: Yes

s. 5.90A

Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/317/attendance-at-events

s. 5.94

Does the local government have information available for members of the public to inspect, free of charge as prescribed under section 5.94 and Admin Reg 29, except where restricted under this section?

Response: Yes

s. 5.96

Where a person is entitled to inspect information under this Division, can the local government confirm that copies are available and that the price at which it sells copies does not exceed the cost of providing them, (unless prescribed otherwise)?

Response: Yes

s. 5.96A

REVISED Report and Attachment

Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?

Response: No

Comments: Special Council Meeting (SCM) on Monday 12 August 2024. Public agenda had not been published due to the matter being confidential, and a public agenda had not been prepared to put onto the website. The matter was rectified and responded to the Department.

A Special Meeting Notice and public Agenda was not distributed prior to the meeting of 13 Jan 2025 nor published on the website.

The omission occurred due to an administrative oversight during a period of staff absence.

Bush Fire Advisory Committee meeting May 2025 Minutes were published on 20 June 2025.

s. 5.104

Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct?

Response: Yes

Did the local government adopt additional requirements in addition to the model code of conduct?

Response: N/A

Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/520/code-of-conduct-for-council-members-committee-members-and-candidates

s. 5.128

Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/321/continuing-professional-development

s. 7.12A(3), (4) and (5)

Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?

Response: Yes

REVISED Report and Attachment

Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters?

Response: Yes

Was a copy of the report given to the Minister within three months of the audit report being received by the local government?

Response: Yes

Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/council/information-published-on-official-website.aspx

REVISED Report and Attachment

Local Government (Administration) Regulations 1996

r. 18F

Were the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995?

Response: Yes

r. 19AB

Does the code of conduct contain the requirement that a local government employee (not including the CEO) must not accept a prohibited gift from an associated person?

Response: Yes

r. 19AC

Does the local government's code of conduct include requirements for the recording, storing, disclosure, and use of information relating to gifts accepted by local government employees (excluding the CEO) from associated persons, in accordance with regulatory requirements?

Response: Yes

r. 19AE

Does the local government's code of conduct include requirements addressing employee behaviour in the performance of duties, interactions with others, use and disclosure of information, use of local government resources and finances, the keeping of records, and the reporting and management of suspected breaches and misconduct, in accordance with regulatory requirements?

Response: Yes

r. 19B

Did the local government include in its annual report all information required under section 5.53(2)(g) and (i) and regulation 3A(2), including number of employee's in salary bands over $130,000, remuneration and allowances paid, ordered payments, CEO remuneration, council member meeting attendance, available demographic information about council members, and details of any modifications to the strategic community plan or significant modifications to the corporate business plan?

Response: Yes

Comments: https://www.toodyay.wa.gov.au/documents/527/2024-2025-annual-report-adopted

r. 19C

Has the local government adopted by absolute majority a strategic community plan?

REVISED Report and Attachment

Response: N/A

Comments: These were not due.

r. 19DA

Has the local government reviewed its corporate business plan in accordance with Admin Regulation 19DA(4)?

Response: N/A

Comments: These were not due.

Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?

Response: Yes

Comments: The Council Plan document last reviewed in on 24 July 2024 was presented as a combined Strategic Community Plan and Corporate Business Plan ("Council Plan") and states it satisfies legislative requirements. The strongest evidence of compliance is:

- 10-year planning horizon;
- clear priorities and actions;
- responsible officers;
- implementation timelines;
- operating and capital expenditure schedules;
- reference to LTFP, Asset Management Plans and Workforce Plan;
- service planning framework.

r. 22

No response required. This is covered by s5.75.

r. 23

No response required. This is covered by s5.76.

r. 28

No response required. This is covered by s5.88(1).

REVISED Report and Attachment

r. 28A

No response required. This is covered by s5.89A(1).

r. 29

No response required. This is covered by s5.94.

r. 29C

Does the local government publish all prescribed information on its official website— including up-to-date policies, required details of council member and employee returns, council member fees and allowances, and relevant public notices—within the specified timeframes and in accordance with legislative requirements?

Response: Yes

r. 35

Has every local government council member completed and passed the Council Member Essentials course, consisting of the five required modules and delivered by an approved provider, within 12 months of being elected?

Response: Yes

Comments: The following two Councillors were elected in October 2025 and to date:

Cr Mills completed all modules of the certificate before 1 March 2026.

Cr Van der Heyden completed all modules except Meeting Procedures prior to 24 May 2026. The last module is to be completed by 30 September 2026.

r. 36

Does the local government appropriately identify and document council members who are exempt from the training requirements under section 5.126(1), including verifying that the member:

- has completed an approved course within the specified 5-year period prior to election, or
- completed the LGASS00002 Elected Member Skill Set before 1 July 2019 within the relevant timeframe, or
- qualifies for the transitional exemption applicable to council members in office at the commencement of the 2019 regulatory amendments?

Response: Yes

REVISED Report and Attachment

Local Government (Audit) Regulations 1996

r. 10

Was the auditor's report for the financial year ending 30 June 2025 received by the local government within 30 days of completion of the audit?

Response: Yes

Comments: Audit Opinion received on 23/12/2025

r. 17

Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2025?

Response: N/A

REVISED Report and Attachment

Local Government (Constitution) Regulations 1998

r. 11FA

Did the CEO provide the Minister a report as to the result of the election within 14 days of the declaration and in the form of Form 20 of the Local Government (Elections) Regulations 1997, modified as necessary?

Response: Yes

r. 13

Were all required oaths, affirmations and declarations under section 2.42 (in relation to Commissioners) made in the correct form (Form 8), before the appropriate authorised person?

Response: N/A

REVISED Report and Attachment

Local Government (Elections) Regulations 1997

r. 30G

Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?

Response: Yes

Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997?

Response: N/A

Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?

Response: Yes

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Local Government (Financial Management) Regulations 1996

r. 5

Has the CEO ensured efficient systems and procedures are established under provisions set out in Financial Management Regulations 5(1)(a) to (g)?

Response: No

Comments: During the audit of subsequent payments (payments after year end), we identified that an expenditure amount of $242,521.73 relating to financial year 2025 was paid twice in financial year 2026. The first payment was processed on 03/07/2025, and a second identical payment was processed again on 25/07/2025.

r. 6

Has the local government ensured that any employee delegated responsibility for day-to-day accounting or financial management operations is not also delegated the responsibility for conducting internal audits, reviewing their own duties, or for managing, directing or supervising someone who carries out these functions?

Response: Yes

r. 7

Did the local government ensure it has regard to the needs of the inhabitants of the district as a whole and not keep separate ward accounts or determine expenditure on the basis of revenue from a ward?

Response: N/A

r. 8

Does the local government maintain separate accounts with a bank or other financial institution for money to be held in the municipal fund, trust fund and for reserve account purposes?

Response: Yes

r. 9

Did the local government keep separate financial records for each trading undertaking and each major land transaction?

Response: N/A

r. 11

Has the local government developed procedures for the authorisation of, and the payment of, accounts in accordance with Local Government (Financial Management) Regulations 11(1), (2) and (3)?

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Response: Yes

r. 12

Were payments made from the municipal fund or trust fund made by the CEO under a delegated authority or authorised, in accordance with regulation 13(2), in advance by a council resolution?

Response: Yes

r. 13

Can the local government confirm that, where the CEO has been delegated authority to make payments from the municipal or trust fund, the CEO prepared accurate monthly lists that are presented at the next ordinary council meeting and recorded in the minutes?

- includes the payee's name, payment amount, payment date, and sufficient information to identify each transaction where payments have already been made; or
- includes the payee's name, payment amount, sufficient information to identify each transaction, and the date of the council meeting (to which the list will be presented) for accounts requiring council approval.

Response: No

Comments: This is because of the question under regulation 5 (Has the CEO ensured efficient systems and procedures are established under provisions set out in Financial Management Regulations 5(1)(a) to (g)) where the response was No and the Comment was: During the audit of subsequent payments (payments after year end), we identified that an expenditure amount of $242,521.73 relating to financial year 2025 was paid twice in financial year 2026. The first payment was processed on 03/07/2025, and a second identical payment was processed again on 25/07/2025.

Note: The second payments totalling nearly $250,000 were not reported to council.

r. 13A

Did the local government prepare a list each month of all payments made using employee-authorised credit, debit or other purchasing cards, and include the payee's name, the amount of the payment, the date of the payment, sufficient information to identify the payment, and present the list at the next ordinary council meeting (and record in the minutes)?

Response: Yes

r. 19

Has the local government established and documented internal control procedures to enable identification of the nature and location of all investments and any related transactions?

Response: Yes

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r. 19C

Has the local government ensured that all investments made under section 6.14(1) comply with statutory restrictions set out in Financial Management Reg. 19C?

Response: Yes

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Local Government (Functions and General) Regulations 1996

r. 7

No response required. This is covered by s3.59(2).

r. 9

No response required. This is covered by s3.59(2).

r. 10

No response required. This is covered by s3.59(2).

r. 11A

Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, $250,000 or less or worth $250,000 or less?

Response: Yes

r. 11

No response required. This is covered by s3.57.

r. 12

Did the local government consider the implications of Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?

Response: N/A

r. 14(1), (3) and (5)

If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation?

Response: Yes

r. 15

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Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?

Response: Yes

r. 16

No response required. This is covered by r. 15.

r. 17

Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?

Response: Yes

r. 18(1) and (4)

Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?

Response: N/A

Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?

Response: N/A

r. 19

Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?

Response: Yes

r. 21

Does the local government's advertising and expression of interest processes for limiting who can tender comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?

Response: Yes

r. 22

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No response required. This is covered by r. 21.

r. 23

Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?

Response: N/A

Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?

Response: N/A

r. 24

Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24?

Response: N/A

r. 24AD(2), (4) and (6)

Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions & General) Regulations 1996 regulations 24AD(4) and 24AE?

Response: N/A

If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?

Response: N/A

r. 24AE

No response required. This is covered by r. 24AD(2), (4) and (6).

r. 24AF

No response required. This is covered by r. 24AD(2), (4) and (6).

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r. 24AG

Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG?

Response: Yes

r. 24AH(1) and (3)

Did the local government reject any applications to join a panel of prequalified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?

Response: N/A

Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?

Response: N/A

r. 24AI

Did the CEO send each applicant written notice advising them of the outcome of their application?

Response: N/A

r. 24E

Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?

Response: N/A

r. 24F

No response required. This is covered by r. 24E.

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I certify this is a true and accurate copy of the 2025 Compliance Audit Return, as adopted by Council at the meeting of _____ 2026.

_____ _____

CEO Date

_____ _____

Mayor or President Date

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