

This written submission of the City of Melville Residents and Ratepayers Association (MRRA) is in response to the Manager Strategic Urban Planning's report on item U25/71 Policy Review – CP-114 Policy Review Compliance & Enforcement Policy as included in the [Agenda for the June 17 OMC](#).

### **The MRRA asks Council to:**

**Reject** the Responsible Officer's Recommendations to go now to public consultation of no less than 21 days and delegate authority to the Chief Executive Officer to adopt if public consultation does not object to the proposed policy.

**Replace** the Responsible Officer's recommendation with a motion to the effect that the Chief Executive Officer (CEO) be directed to form a community reference group (CRG) or community based committee (CC), as the Local Government Act Section 5.8 allows, to assist Council in its decision making and enable the Administration to properly conduct a customer focused review of the current CP-1114 policy and deliver a community committee report to inform Council further review of proposed amendments by November 2025 OMC. The CRG or CC should consist of any residents with experience of the Administrations compliance and enforcement functions.

### **Reasons**

CP-114 is an authorised Policy having a significant impact on members of the community The CEO should be provided very clear direction on Council's intentions with respect to managing and resolving non-compliance of laws within the Local Governments Jurisdiction. The City's compliance and resolution activities lead the satisfaction and culture of our community.

The current CP-114 has delivered the City significant community disputation and with the proposed amended draft constructed in the same negative style, further community disputation is inevitable if that draft is adopted. While a 'Risk Matrix' was included the matrices required by the Council's motion had not been included. Council should have noted both the 'Ministers Inquiry' and the 'Weir Report' challenged the City's compliance record.

Elected Members should note that CP 114, should have been but is not, guided by the Local Government Act section 1.3(2),

- (a) better decision-making by local governments; and
- (b) greater community participation in the decisions and affairs of local governments; and**
- (c) greater accountability of local governments to their communities; and**
- (d) more efficient and effective local government.

The MRRA will support and contribute to a CRG or CC review of CP-114:

- For equity the policy must have a universal scope.
- The Dr Jeff Stevens November 2023 petition seeking a CP-114 Policy review, and the MRRA's previous Written Submissions on CP-114 should be considered and addressed.
- Ref: Council meetings of:
  - November 2023 (<https://www.melvillecity.com.au/our-city/our-council/agendas-and-minutes/ordinary-meeting-of-the-council/2023/november/minute-ordinary-meeting-of-council-21-november-202/written-submission-mrra-12-4>),
  - February 2024 (<https://www.melvillecity.com.au/our-city/our-council/agendas-and-minutes/ordinary-meeting-of-the-council/2024/february/ordinary-meeting-of-council-minutes-20-february-20/written-submission-comrra-u24-31-compliance-and-en>) and
  - October 2024 (<https://www.melvillecity.com.au/our-city/our-council/agendas-and-minutes/agenda-briefing-forum/2024/october/notes-agenda-briefing-forum-8-october-2024/written-submission-comrra-up24-51-compliance-enfor>)
- MRRA notes that the draft policy included consideration of only the views of persons with an interest in executing the policy and one elected member but no other party despite that strong views had been expressed by community members over a long period.
- The Risk Matrix is overly complex and inappropriate for the purpose.
- There has been no reference in the review report quantifying or qualifying the City's past experience and analysis of successes or failures. The review has not quantified let alone analysed any form for measuring

of the success or failure of Governance, Compliance, Resolution or Enforcement policy, procedure or practice within the City.

- There are no elements in the policy that clarify, for example;
  - how Council will oversee the Administrator's performance in applying the policy,
  - what performance measures will be used and reported to Council and the Community, and
  - how dissatisfied customers can escalate non-compliance to Council for a review of the CEO's decisions to act, or not act, as is still the case for Dr Stevens.
  
- In short, the MRRA objects to the proposed policy in its current form. The MRRA view is that despite the wholesale proposed changes to the wording of the existing policy the proposed rewritten version does not significantly alter the effect of the policy. Better and more specific, objective and definitive guidance to the CEO is required if the Local Government and its community are to benefit from this policy. Rather, it is possible that the proposed changes may just make it easier for the Administration to support even more subjective and biased decisions it may want to make at any time.
  
- The MRRA offers to assist as we believe Council would benefit from advice from an experienced / qualified community reference group or community committee.
  
- The MRRA asks council to replace the Responsible Officer's recommendation for the reasons above.