



AGENDA

SPECIAL MEETING OF COUNCIL

NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that a Special Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Wednesday, 25 June 2025 commencing at 6:00 PM.

The Special Meeting is for the purpose of considering

- C25/280 – New Council Policy - External Committee Members
- C25/281 – Policy Review - CP-023 Procurement Policy
- UP25/71 – Policy Review - CP-114 Compliance and Enforcement Policy
- C25/289 – Financial Management Review Report 2025
- C25/290 – Office of the Auditor General - Purchase Card Audit
- M25/52 – City of Melville Corporate Business Plan 2025-2029 - Annual Review
- C25/282 – 2025 Annual Review of Delegations, Authorisations and Appointments
- C25/284 – Investment Statements for April 2025
- C25/286 – Statements of Financial Activity for April 2025
- C25/288 – RFT242512 - Restricted Tender Supply & Implementation of a Customer Experience, Relationship & Request Management Platform
- CD25/46 – Proposed Parking Station - Former Bridge Club Location (788, 790, 792 & 794 Canning Highway Applecross)
- 15.1 – Notice of Rescission Motion - Removal of Street Tree - 21 Ferguson Street, Alfred Cove
- M25/53 – Confidential Staffing Matter
- M25/54 – Confidential Staffing Matter
- C25/291 – Confidential Employee Matter

Gail Bowman
Chief Executive Officer

The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Use this link to access the [City of Melville Council Meetings YouTube channel](#) to watch the live stream or access the recordings of public Council meetings.

Vision

Vibrant, Sustainable, Inclusive Melville

Mission

To provide good governance and quality services for the City of Melville community.

Values

In everything we do, we seek to adhere to our values that guide our behaviour.

- **Excellence** - Striving for the best possible outcomes.
- **Participation** – Involving, collaborating and partnering.
- **Integrity** - Acting with honesty, openness and with good intent.
- **Caring** – Demonstrating empathy, kindness and genuine concern.

Our Approach

To put our customer at the centre of everything we do.



Social / Community	Environment	Built Environment	Economic	Governance
Healthy, Safe and Inclusive	Clean and Green	Sustainable and Connected Development	Vibrant and Prosperous	Good Governance and Leadership
Healthy, safe and inclusive communities with a sense of belonging and wellbeing.	A clean, green and sustainable City for current and future generations.	Sustainable, connected development and transport infrastructure across our City.	Economic prosperity and vibrant resilient communities and businesses.	Leadership and good governance for the benefit of the whole community.

Making A Deputation

A deputation is a verbal presentation by one or more members of the public on a matter to be considered at the Council meeting. Deputations are made at the relevant Agenda Briefing Forum, held one week prior to the Ordinary Meeting of Council.

Information on making a deputation is available on the City's website. [Request to make a Deputation.](#)

Public Question Time

You can ask a question at a Council meeting during Public Question Time. Information on how to ask a question can be found on the City's website. [Public Question Time.](#)

Complex questions or those related to matters on the agenda and requiring a response at the meeting are "questions on notice" and should be submitted in writing, by the close of business the Tuesday prior to the meeting.

Disclaimer

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

Audio-Visual Recording and Live Streaming

In accordance with the Council Policy CP-088 Live Streaming and Audio-Visual Recordings of Public Meetings of the Council, this meeting is electronically recorded and broadcast to the [City of Melville Council Meetings YouTube Channel](#). All recordings are retained as part of the City's records in accordance with the *State Records Act 2000* and the General Disposal Authority for Local Government Records. Learn more about [live streaming and audio-visual recordings of meetings](#) on the City of Melville website.

The nature of the Council's decision making role in the matter:

Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

Contents

1	Official Opening	7
2	Attendance and Apologies	7
3	Declarations by Members	8
3.1	Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting	8
3.2	Declarations by Members who have received and not read the Elected Members Bulletin	8
4	Announcements by the Presiding Member (Without Discussion)	8
	Approved Deputations	8
	Approved Written Submission	8
5	Disclosure of Interest	8
5.1	Financial or Proximity Interests	8
5.2	Disclosure of Interest That May Cause a Conflict	8
6	Public Question Time	8
6.1	Questions Received with Notice	8
6.2	Questions Received at the Meeting	8
7	New Business of an Urgent Nature	8
8	Identification of Matters for which Meeting May Be Closed	9
9	Adoption of Recommendations En Bloc	9
10	Reports	10
10.1	Reports from Committees	10
C25/280	New Council Policy - External Committee Members	10
C25/281	Policy Review - CP-023 Procurement Policy	14
UP25/71	Policy Review - CP-114 Compliance and Enforcement Policy	21
10.2	Reports of the Chief Executive Officer	34
	Management Services	34
M25/52	City of Melville Corporate Business Plan 2025-2029 - Annual Review	34
	Corporate Services	39
C25/282	2025 Annual Review of Delegations, Authorisations and Appointments	39
C25/284	Investment Statements for April 2025	48
C25/286	Statements of Financial Activity for April 2025	55
C25/288	RFT242512 - Restricted Tender Supply & Implementation of a Customer Experience, Relationship & Request Management Platform	62
	Community Development	66
CD25/46	Proposed Parking Station - Former Bridge Club Location (788, 790, 792 & 794 Canning Highway Applecross)	66
	Planning	74

11	Motions with Previous Notice	75
15.1	Notice of Rescission Motion - Removal of Street Tree - 21 Ferguson Street, Alfred Cove.....	75
12	Motions without Previous Notice (approval by absolute majority)	76
13	Matters for which Meeting was Closed to the Public	76
C25/289	Financial Management Review Report 2025	76
C25/290	Office of the Auditor General - Purchase Card Audit	76
M25/53	Confidential Staffing Matter	76
M25/54	Confidential Staffing Matter	77
C25/291	Confidential Employee Matter	77
14	Decisions made while Meeting was Closed to the Public.....	77
15	Closure	77

1 OFFICIAL OPENING

2 ATTENDANCE AND APOLOGIES

In Attendance

Councillors

Ward

Officers

Apologies

On Approved Leave of Absence

Mayor K Mair

Mayor

Cr C Ross

Applecross - Mount Pleasant Ward

3 DECLARATIONS BY MEMBERS

3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting

3.2 Declarations by Members who have received and not read the Elected Members Bulletin

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations

Approved Written Submission

5 DISCLOSURE OF INTEREST

5.1 Financial or Proximity Interests

Under sections 5.60A and/or 5.60B of the *Local Government Act 1995*

5.2 Disclosure of Interest That May Cause a Conflict

Under *22 Local Government (Model Code of Conduct) Regulations 2021* or a City of Melville Code of Conduct)

6 PUBLIC QUESTION TIME

6.1 Questions Received with Notice

6.2 Questions Received at the Meeting

7 NEW BUSINESS OF AN URGENT NATURE

8 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

9 ADOPTION OF RECOMMENDATIONS EN BLOC

10 REPORTS

10.1 Reports from Committees

Policy and Legislation Committee Meeting held on 26 May 2025

C25/280 [New Council Policy - External Committee Members](#)

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Responsible Officer:	Director Corporate Services
Voting Requirements:	Simple Majority
Officer Disclosure of Interest:	Nil.
Attachments:	1. DRAFT Council Policy CP-130 External Committee Members ↓

COUNCIL'S ROLE

Legislative: Includes adopting local laws, town planning schemes & policies.

SUMMARY

- The *Local Government Amendment Bill 2024* makes provision that each local government must establish an Audit, Risk and Improvement Committee, and that this Committee is to be Chaired by an independent member.
- These provisions have not yet come into effect, however, the Council as part of its review of its Committee Structure has established an Audit, Risk and Improvement Committee in anticipation of the change to legislation and appointed two external members to take the roles of Presiding Member and Deputy Presiding Member.
- The *Local Government Act 1995* provides local governments with the ability to pay external committee members and meeting attendance fee and to reimburse expenses associated with their role on the Committee.
- In order to provide clarity and guidance on this matter, a proposed new Council Policy – External Committee Members is recommended for endorsement by the Council.

COMMITTEE RECOMMENDATION

That the Council endorse the new Council Policy CP-130 External Committee Members (Attachment 1).

PURPOSE

To present to the Council a proposed new Council Policy – External Committee Members to provide clarity and guidance on the external members to Committees established in accordance with s5.8 of the *Local Government Act 1995*.

STRATEGIC ALIGNMENT

Outcome	5	Leadership and good governance for the benefit of the whole community.
Objective	5	Good Governance and Leadership
	5.4	Strengthen active citizen engagement, participation, and access to information.

BACKGROUND

At the November 2024 and December 2024 Ordinary Meetings of Council, the Council resolved to refresh its Committee Structure to better align the responsibilities of each Committee with the legislative roles of the Council and the Council's decision-making process, and to consider the legislative changes being made under the *Local Government Amendment Bill 2024*.

At the 18 March 2025 Ordinary Meeting of Council, the Council resolved to appoint external members to the Audit, Risk and Improvement Committee.

CONSIDERATION

Local Government Reform will require local governments to have an Audit, Risk and Improvement Committee, and for these Committees meetings to be Chaired by an independent presiding member. The intention behind this change is to ensure a level of neutrality and impartiality in the Charing of these meetings.

For clarity, an independent member, also known as an external member, cannot be a council member of the local government or an employee of the local government.

In anticipation of the legislation, the City of Melville has established its Audit, Risk and Improvement Committee (ARIC) and at the meeting of the ARIC held 12 May 2025, the Committee appointed the two external members as the Presiding Member and Deputy Presiding Member.

The Salary and Allowances Tribunal's makes and annual determination to report on the remuneration for, amongst others, Local Government CEO's and Elected Members. To support the change in legislation to require independent committee members, the Salary and Allowance Tribunal determination for local government now includes the determination of fees payable to independent committee members. In accordance with section 5.100(4), (5) and (6) of the *Local Government Act 1995* (the Act). The current determination provides for each local government to set an amount between \$0 and \$432 per meeting, with this increasing to \$450 as from 1 July 2025. In addition to this, the Council can set any reimbursements that may be made to external members for costs incurred in their role.

A new policy is proposed, CP-130 External Committee Members copy attached. The new policy covers:

- Appointment of external members
- Meeting fees
- Reimbursable expenses
- Travel
- Reimbursement claims
- Payments
- Code of Conduct.

It is proposed that, as a Band 1 local government, the City pay the maximum meeting fee amount of \$432.00 to external committee members for committees established under 5.8 of the Act. It should be noted that this amount will increase to \$450.00 per meeting from 1 July 2025.

ENGAGEMENT

There has been no external engagement associated with this matter.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this matter

LEGISLATIVE AND POLICY ALIGNMENT

The Act makes provisions for the Council to establish committees under s5.8, with the types of committees, including those with external members, defined in s5.9. More specifically, the Audit committee is also established under 7.1A of the Act.

Section 5.100 of the Act provides for fees to be set within a range and reimbursements to be made to committee members who are not council members or employees.

The *Local Government Amendment Bill 2024* makes provision that:

- the local government must establish an Audit, Risk and Improvement Committee (ARIC);
- no member of the ARIC can be an employee of the local government;
- the presiding member of the ARIC cannot be a council member of the local government or any other local government

FINANCIAL IMPLICATIONS

The costs associated with Committees are adopted each year as part of the annual budget process.

CONSEQUENCE

The Council could choose not to adopt the proposed policy which would mean officers do not have guidance on payment of fees and guidance on items that may be reimbursed to external committee members.

BRIEFING FORUM – FURTHER INFORMATION

At the Agenda Briefing Forum held on Tuesday, 10 June 2025, the following questions and/or requests for information were raised by Elected Members and now form part of the Final Ordinary Meeting of Council Business Papers:

Question 1:

Number 3 in the policy statement states will they be paid the maximum meeting attendance fee for committee meetings and if the council requests they attend another type of meeting. Will this mean that they will be paid the meeting attendance fee for pre-briefing meetings?

Response 1:

No they would not. The meeting attendance fee is for meetings only. However, they may be reimbursed mileage if they come in on a different day or if they were required to pay parking. It is intended to cover those extra costs which may be incurred as a result of undertaking their role.

C25/281 Policy Review - CP-023 Procurement Policy

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Responsible Officer:	Director Corporate Services
Voting Requirements:	Simple Majority
Officer Disclosure of Interest:	No officer involved in the preparation of this report has a declarable interest in the matter.
Attachments:	1. CP-023 - Procurement Policy (with track changes) Updated ↓

COUNCIL'S ROLE

Legislative: Includes adopting local laws, town planning schemes & policies.

SUMMARY

- This report is provided to ensure the Policy is up-to-date, efficient, and compliant with Regulations, and that it is realistic in relation to expectations and market pressures.
- Assist with the implementation of the Council-approved Stretch Reconciliation Action Plan and uphold the Local Government (Functions and General) Regulation 1996 intent to support Aboriginal Businesses.

OFFICER RECOMMENDATION

That the Council adopt the revised CP-023 - Procurement Policy.

PURPOSE

This report is presented to the Council to seek the adoption of the revised CP-023 Procurement Policy. The Policy was last reviewed in December 2021 and some areas of improvements have been identified. It is necessary for the City of Melville (the City) to keep refining and improving its policies to remain current with efficient best practices.

STRATEGIC ALIGNMENT

Outcome	5	Leadership and good governance for the benefit of the whole community.
Objective	5	Good Governance and Leadership
	5.1	Provide transparent and accountable good governance.
	5.2	Ensure long term financial sustainability, strategic advocacy and partnerships, and diverse revenue streams.
	5.3	Ensure efficient and effective use of assets, resources and technology.

BACKGROUND

The City is committed to delivering efficient best practices in the procurement of goods, services and works that align with the principles of transparency, probity and good governance and complies with relevant legislation. The City's Procurement Policy prescribes how procurement activities are to be undertaken by the City. The Policy was last reviewed in December 2021.

CONSIDERATION

This report is presented to seek the adoption of the reviewed policy. Major changes to the policy include:

- **Up to \$1,000 allow verbal quotes.**

The proposed new purchase threshold of \$0 to \$1,000 previously did not exist in the policy.

Assist small businesses, sole traders and First Nation individuals who find it hard to produce written quotes. For instance, a \$100 order for an elderly individual who is speaking at an event in one of our libraries, however, doesn't have access to a computer or smartphone.

This category is also beneficial for Purchase and Bunnings card purchases, previous not included in the policy.

In practice, applying this requirement to low-value, low-risk purchases are proving to be inefficient. While we recognise the importance of adhering to policy, we want to ensure we are also enabling staff to work effectively.

The recommended changes are not about reducing diligence, but rather about streamlining processes for minor and other purchases while continuing to uphold key procurement principles.

- **Over \$1,000 and up to \$10,000.**

For purchases at this level, demonstrating value for money through multiple quotes can be impractical and resource-intensive, particularly when the cost and risk are low. This change aims to streamline the process and reduce administrative burden, while still expecting officers to act responsibly and seek competitive pricing where appropriate.

- **\$10,000 to \$50,000 instead of "obtaining 3 quotes" officers will take steps "towards obtaining 3 quotes" with one quote from a local, disability enterprise or aboriginal business we will get it, where possible.**

The current policy requires staff to obtain three quotes for purchases, with at least one quote from a Local, Disability Support Enterprise, or Aboriginal Business. In practice, this is not always feasible due to market limitations, such as the absence of suitable suppliers in certain categories, which can place staff in the difficult position of being unable to comply with policy requirements despite making reasonable efforts.

- **\$50,000 to \$250,000 – Formal Request for Quotation instead of "obtaining 3 quotes" we will use our "Taking Steps towards obtaining 3 quotes".**

The proposed changes seeks to amend the wording of the policy to require staff to take reasonable steps to obtain three quotes, rather than mandating that three quotes must always be obtained.

This revision acknowledges real-world constraints, such as limited supplier availability, while still promoting competition and value for money. It ensures that staff remain compliant with policy expectations without being penalised for circumstances beyond their control.

- **Allow Officers to obtain only one quote from an Aboriginal Business up to \$50,000.**
This will better support the Stretch Reconciliation Action Plan approved by Council by encouraging Officers to buy from Aboriginal Businesses.
- **Allow gift cards to compensate First Nation individuals for advice or services rendered to the City.**
The Local Government (Financial Management) Regulations 1996 restrict the use of cash payments unless they are made from a petty cash system. To comply with these regulations, the City defines gift cards (e.g., Visa or Mastercard gift cards) up to a value of \$500 each as petty cash. These gift cards can be used to compensate First Nation individuals for advice or services rendered to the City

These changes are shown in the attached version (attachment 1).

ENGAGEMENT

The proposed changes to the Policy have been presented to the City's Executive Leadership Team and presented to Elected Members at the Elected Members Engagement Session held on Tuesday, 4 March 2025.

SUSTAINABILITY IMPLICATIONS

The changes continue to support the City's effort in regard to sustainability.

LEGISLATIVE AND POLICY ALIGNMENT

This Policy is consistent with the current *Local Government Act 1995* and relevant Regulations.

FINANCIAL IMPLICATIONS

There are no specific financial implications for the City as a result of the proposed changes to the Policy.

CONSEQUENCE

The Council could choose to not adopt the revised Policy. This would result in procurement at the City not adopting more efficient practices potentially causing frustration, unnecessary delays and gaps when we get audited.

BRIEFING FORUM – FURTHER INFORMATION

This section may be updated following the Agenda Briefing At the Agenda Briefing Forum held on Tuesday, 10 June 2025, the following questions and/or requests for information were raised by Elected Members and now form part of the Final Ordinary Meeting of Council Business Papers:

Question 1:

The changes to the policy appear to be relaxing some of the procurement controls. Is this appropriate given the recent OAG report and current climate?

Response 1:

These changes are intended to bring more practicality and efficiency for staff, so that they're able to comply with the policy. Looking at the first modification in relation to purchasing \$0 to \$1,000, this didn't exist previously and was up to \$10,000 meaning that any time staff were completing a transaction of \$100, they would be in breach of the policy. In regards to the OAG, this is a separate matter and there are a few other policies which relate to this issue. Any item over \$250,000 is still managed by legislation and we are not proposing any changes to this. Overall the policy is not intended to reduce any controls.

Question 2:

There appears to be an error in the OMC document, page 18 appears to repeat the same material presented on page 17.

Response 2:

This has been noted and will be updated in the Final Ordinary Meeting of Council agenda distributed on Friday, 13 June 2025.

Question 3:

Concerns around the language used within the policy regarding the section on \$10,000 to \$50,000 and \$50,000 to \$250,000 range, where we've proposed to change it to "taking steps towards obtaining 3 quotes". This could be read as taking some steps, such as only getting one quote. Could this language be changed to something else such as "obtaining 3 quotes where possible"?

Response 3:

The policy still intends for officers to obtain 3 quotes, which will require that staff provide evidence that they have made an attempt to obtain the 3 quotes. However, the updated language provides practicality to staff in that they do not always receive responses back, so this language means that projects are not held up by the lack of 3 quotes received.

Question 4:

The policy also states "allow officers to obtain only one quote from an aboriginal business up to \$50,000". Concerned around the lack of market testing where of there is an aboriginal business we're intending to use we would still need to market test to make sure the quote is competitive?

Response 4:

It is not the intention to blindly accept a quote, there would still be a competitive process. However it is intended to provide flexibility for staff in obtaining more than one quote.

Question 5:

Can you expand on the policy that the City is working on to address the OAG concerns?

Response 5:

In regards to the OAG credit card performance audit, the City currently has procurement authorisation limits in place which control how much expenditure staff are authorised to incur. Additionally, we have credit card guidelines which spells out card holder responsibilities and security when staff are on leave, and restrictions on use. Card holders are required to sign an agreement stating they acknowledge these conditions. Currently, we're also putting more information around the types of allowable expenditure.

It is noted that many of the findings did not relate to the City of Melville, particularly in relation to oysters and champagne, and there were six other local councils involved. The majority of the City's findings were in relation to improvements as to some of the controls we currently have in place. The OAG audit found there was no case of misuse of the City of Melville's credit cards by credit card holders, and all of our card holders have used their cards appropriately and in accordance with council policies and approved usage. Additionally, the Council receives monthly information on the card usage within the standard Finance council items.

Question 6:

You've stated there were no misuse cases within Melville, does this imply there were cases with other councils?

Response 6:

No, the City is not aware of any findings of misuse rather some relaxed conditions around the use of credit cards and whether some of the expenditure was appropriate in terms of the level of expenditure or type.

Question 7:

Regarding the section within the policy on \$10,000 to \$50,000 ends with "taking steps towards obtaining 3 quotes, outlining the specified requirements" – Does this need more information?

Response 7:

This would be the specifications of the service or good which we are looking for, which will vary for each occasion. The Policy is stating that we need to clearly outline what we're wanting to acquire in relation to the service or good, as part of the process to obtain quotes.

Question 8:

It also states that where possible, one quote should be obtained from a local disability enterprise or aboriginal business. The word "at least" has been taken out here, why?

Response 8:

This section is stating that If it's possible to gain a quote. There may be some products or services where there are not any providers available which meet this criteria.

Question 9:

The policy also states that only one written quote is required for purchases through WALGA, disability enterprises, aboriginal businesses, commonwealth or state government agencies below \$50,000. If only one quote is required, doesn't this unfairly exclude other companies?

Response 9:

This is in relation to social procurement, in terms of us supporting those particular types of agencies, in particular aboriginal or disability enterprise agencies, and making sure that we afford those agencies an opportunity. This does not necessarily mean that if they are not competitive that we would consider engaging their services.

Question 10:

Why then does it include commonwealth or state government agencies? Surely these agencies don't need more opportunities to grow their business?

Response 10:

No, this is not the intent. There are exemptions for commonwealth and state government purchasing agreements with local governments, and that's just providing a bit more flexibility to staff, that if it is one of these agencies that the option only requires one quote under \$50,000.

Question 11:

If we were looking to spend, for example, \$49,000 on a good or service by one of these agencies, ratepayers would still expect more than one quote for that amount of money, and at a minimum get a second quote to test the market. If there was a desire to change this section to require more than one quote, what would be the process for that?

Response 11:

The policy states that "*obtaining more than one quote is recommended where possible, and the officer needs to be satisfied that value for money is achieved.*" So we are stating within the policy that they must be satisfied that that value for money is being achieved and it is not the case that getting one quote and accepting it is the intent.

Question 12:

Where are the supplies coming from? Does the supplier of the good provide evidence that those supplies are not coming from countries with slave labour etc.?

Response 12:

There is a section within the policy titled "6.2 Modern Slavery" which covers the issue raised and requires a declaration from the supplier, depending on the purchase being made. This section also outlines the City's commitment to ensuring, as best as we can, that we are addressing these issues.

Question 13:

The policy states "the best value for money", however often the best value for money may not always be the best product or service. What is the City's response to that?

Response 13:

As a general rule, any substantial tender will have assessment criteria which is applied in the assessment panel, and that recommendation is also vetted through the contract and tenders assessment unit. There is a process in place to ensure that we aren't just looking at value for money. In fact, generally, in the specifications value for money is just a consideration and not a weighted criteria.

Question 14:

If there is an interest in making changes to the policy, what is the way forward to do that?

Response 14:

The Governance team will consolidate the notes of the ABF meeting and assess the amount of work required to amend the policy. There may be an easy way to make the amendments, or it may be recommended that the policy is referred back to the Committee or Council meeting. Advice will be provided to Elected Members via distribution on Friday, 13 June 2025.

Additionally, in response to requests by Elected Members in relation the Policy, some additional amendments have been made and are highlighted in the policy (Attachment 1).

UP25/71 Policy Review - CP-114 Compliance and Enforcement Policy

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Responsible Officer:	Manager Strategic Urban Planning
Voting Requirements:	Simple Majority
Officer Disclosure of Interest:	No officer involved in the preparation of this report has a declarable interest in the matter.
Attachments:	<ol style="list-style-type: none"> 1. Draft Compliance and Enforcement Policy ↓ 2. Comparison of Compliance and Enforcement Policies ↓ 3. City of Melville Risk Matrix ↓ 4. Amendment - Cr G Barber (from June OMC) ↓

COUNCIL'S ROLE

Legislative: Includes adopting local laws, town planning schemes & policies.

SUMMARY

- The City of Melville (the City) continuously reviews and updates policies to ensure that best practice is enacted in relation to decision making.
- The Compliance and Enforcement has been reviewed following Council resolution of 20 February 2024 UP24/31.
- The review aims to improve the City's compliance and enforcement outcomes following the deficiencies identified within the 2021 Weir Report.
- The previous Compliance and Enforcement Policy was adopted in June 2022.

COMMITTEE RECOMMENDATION**That the Council:**

1. **Adopt the Amendments to Council Policy 114 – Compliance and Enforcement Policy for the purposes of public consultation for a period of not less than 21 calendar days; and**
2. **Where no submissions in objection are received in response to the consultation undertaken, that the final adoption of amended Council Policy – 114 Compliance and Enforcement Policy shall be authorised by the Chief Executive Officer.**

PURPOSE

The Purpose of this report is for Council to endorse the draft Council Policy 114 – Compliance and Enforcement Policy.

The draft Policy has been rewritten and is not a modified version of the previous Policy. The key changes are outlined in the document “Comparison of Compliance and Enforcement Policies” as attached.

The draft Policy will provide clarity to City Officers and the Community as to how the City will progress compliance and enforcement matters. The Policy will assist Officers to consider the operational tools that are available and appropriate for the identified matter.

STRATEGIC ALIGNMENT

Outcome	5	Leadership and good governance for the benefit of the whole community.
Objective	5	Good Governance and Leadership
	5.1	Provide transparent and accountable good governance.
	5.3	Ensure efficient and effective use of assets, resources and technology.
	5.4	Strengthen active citizen engagement, participation, and access to information.
	5.5	Provide excellent customer experiences and ease of access.

BACKGROUND

The draft compliance and Enforcement Policy has been developed following Council’s Resolution UP24/31 at its meeting of 20 February 2024 which stated that:

“That the Council:

- 1. Request the Chief Executive Officer prepare Compliance Matrices to guide the operational implementation for all compliance related services; and***
- 2. Request a review of CP-114 - Compliance and Enforcement Policy be undertaken to incorporate the Compliance Matrices; and***
- 3. Request a briefing at an Elected Member Engagement Session and that the review be completed and presented for consideration no later than the November 2024 Ordinary Meeting of Council”.***

Further to this, there was a report put to Council on 15 October 2024 (UP/24/51), requesting an alternative deadline for the Policy review where Council resolved:

“That the Council notes that CP-114 Compliance and Enforcement Policy will be presented by the June 2025 Ordinary Meeting of Council”.

The draft Compliance and Enforcement Policy has been rewritten considering the Council Resolution of 20 February 2024. It is for this reason that the new Policy does not show tracked changes where there are changes made to the current Policy. The [existing Policy](#) can be accessed via the City of Melville website.

A Compliance and Enforcement Policy review was also a matter raised within the Weir Report (2021) where it recommended that this review aim to improve the elements as recommended which include the approach on escalation of enforcement action, and improved communication with residents.

CONSIDERATION

The draft Compliance and Enforcement Policy responds to the emerging challenges being faced by both the City and the community. These challenges are resulting from significant growth in residential and commercial development and land use changes as well as a shift in the community expectations of local government which are increasing the demands of City Officers responsible for compliance and enforcement activities. This includes the City's compliance in community safety, environmental health, animal control, parking control and private use of thoroughfares.

In recent years, the City has experienced a growing compliance workload and an increased complexity of compliance cases. For example, the increased density and land use changes are resulting in more requests from the community for the City to investigate potential compliance matters. The City is required to assist in resolving these enquiries and compliance matters resulting from investigations in a professional and considerate manner.

The primary objectives of the Compliance and Enforcement Policy (the draft Policy) are as follows:

1. To ensure the City has access to adequate and reliable information necessary for the effective investigation of concerns.
2. To identify instances of non-compliance in a timely and accurate manner.
3. To facilitate the prompt resolution of non-compliance by bringing all parties into compliance within a reasonable timeframe.
4. To guarantee that procedural fairness is afforded to all affected parties throughout the enforcement process.
5. To ensure that compliance and enforcement actions are proportionate to the scope and severity of the issues being investigated.
6. To maintain transparent communication by keeping affected parties and relevant stakeholders informed throughout the enforcement process.

The draft Policy sets out the City's high-level considerations to compliance and enforcement matters, whilst considering the individual facts and circumstances of each case. It has been drafted to apply across all compliance activities of the City including Building, Planning, Rangers, Parks, Environmental Health, Engineering etc.

The draft Policy is intended to provide Officers with a high-level framework for managing the diverse range of compliance matters that arise across the City. It outlines the circumstances in which enforcement action may be appropriate and serves as a guide for consistent decision-making.

Importantly, the Policy does not override existing legislation or professional judgment. Each case must be assessed on its own merits, with careful consideration given to its unique circumstances and facts, rather than drawing conclusions based on similarities to other cases.

By promoting consistency and transparency, the Policy supports a cooperative and collaborative approach to achieving compliance. It also encourages a culture of voluntary compliance and ensures stakeholders receive timely updates on matters that affect them.

This framework applies to all compliance and enforcement activities carried out by authorised City of Melville Officers. It provides direction on when and how to escalate matters, ensuring enforcement actions are proportionate to the severity and nature of the issue. The draft Policy adopts a risk based, graduated and proportional approach to compliance and enforcement, for matters that are within the remit of the City of Melville.

The draft Policy encapsulates the principles of natural justice and procedural fairness, including initial assumption that involved parties want to comply and cooperate with the City. It also references but does not completely describe legislated processes of enforcement in conjunction with the City of Melville Risk Matrix (Attachment 3).

ENGAGEMENT

Engagement activities that have been undertaken to this point include consultation with City of Melville managers who undertake compliance activities and the City's Governance team, whose advice has been incorporated into the draft Policy document.

Key advice from the City's Governance team regarding the Policy included:

- Decision-makers must provide genuine consideration to each cases' specifics and merits.
- Policy guides decisions, it cannot dictate outcomes.
- Separation of powers ensures that policies do not override statutory discretion.
- Legislative enforcement powers are discretionary; policies cannot restrict decision-makers from considering individual case merits.
- Enforcement action requires legislative support, policy is not enforceable

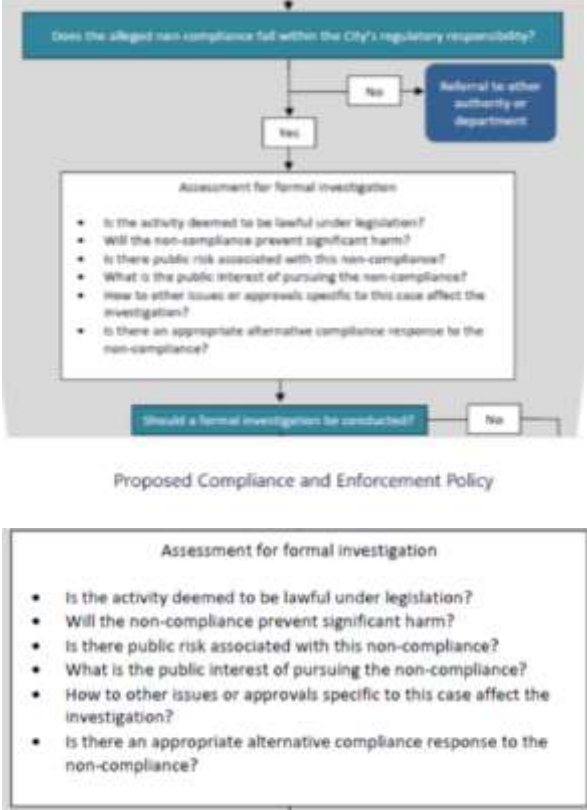
Elected members were briefed on the Policy during the Elected Members Briefing Session held on Tuesday 1 April 2025. Feedback was also sought from Elected members between 2 April and 5 May 2025 with two submissions being received.

A summary of the Feedback received, and Officer responses are listed in the table below.

	Feedback Summary	Officer Response
1	The objectives are all outward facing and that there is nothing in the policy objectives that addresses or seeks to identify, investigate and address internal non-compliance.	<p>It is not the aim of the Policy to react to internal non-compliance matters. There are other avenues that are available to pursue these sorts of issues and they include escalation of matters to:</p> <ul style="list-style-type: none"> • Supervisory staff, managers or the Executive team; • Elected Members to raise concerns with the CEO; • The Office of the Ombudsman; and/or State or Federal Elected Representatives or Ministers. <p>Further to this, there are internal processes in place that City staff are required to abide by. These include internal Customer Service Standards and the City's Code of Practice.</p>

	Feedback Summary	Officer Response
2	<p>Concerns that nothing will change (internal business as usual) while the concerns raised in the WEIR Report and DLGSC concerns have not been adequately addressed.</p> <p>Concern that this policy will be used as the reason for even more processes and delays for the community when dealing with the City.</p> <p>This is a one size fits all Policy however there are differences in compliance issues ranging from Planning, Building, Parking, Dogs, Trees etc.</p>	<p>This Policy is designed to provide clarification to Officers and enable them to understand the tools that they have to undertake compliance work whilst considering the facts and circumstances of each case.</p> <p>We believe that this Policy will not result in “business as usual” as the Policy is a <u>new</u> policy, drafted in accordance with Council’s request and incorporates best practice compliance methodology, with a focus on education, communication and reasonableness. Further to this, there has been significant staff turnover, with new staff employed by the City. This means that there is greater need to ensure alignment in approach and alignment with City Values and consequently, ensuring that the City Officers are held to account for the manner in which we undertake compliance activities.</p> <p>It is the aim of the Compliance and Enforcement Policy to bring identified non-compliances onto an appropriate compliance pathway as soon as reasonably possible.</p> <p>That is not to say that that people will be subject to enforcement action in the first instance – they may be, but the eventual pathway will depend on the individual circumstances and facts of the case.</p> <p>A compliance pathway may include voluntary compliance (as a party may not have known that they have done the wrong thing in some circumstances), guided towards an application and approval process or other methods as outlined in the draft Policy.</p> <p>The statement is correct in that the Policy has been written as a “one size fits all Policy”. The Policy has been written to cover all compliance activities that are under the remit of the City of Melville.</p> <p>The statement is also correct in that there are often differences in the compliance issues within the City’s remit which require different approaches to obtain a compliance outcome. The City’s Policy brings attention to the high-level compliance activities. The differences in these activities within departments will be addressed by those departments via other means and may include the development of more specific</p>

	Feedback Summary	Officer Response
		<p>departmental procedures, guidelines or standard operating procedures that take into account specific legislative processes and the characteristics of the compliance and enforcement activities that they undertake.</p> <p>These procedures and guidelines will be prepared using the adopted Policy and will be operational in nature.</p>
3	<p>You note that the community expects the City to act fairly and respect the rights of the Community. They also expect that the City will act responsibly and will be accountable for any negligence or transgression of the principles of natural justice. There is nothing in the Policy that is anything more than lip service to these principles. As outlined below, the decision diagram itself shows that determination of non-compliance may be made without any contact with the respondent or opportunity to address the alleged non-compliance. Definitely not Customer First.</p>	<p>It is not the purpose of the draft Compliance and Enforcement Policy to address these matters. As stated in the response to Point 1., these matters of City and Officer accountability are addressed within other City documents and supervisory responsibilities.</p> <p>Concerns regarding the determination of a non-compliance can be made without any contact with the respondent or opportunity to address the alleged non-compliance will be correct in some circumstances. An example of this may be a parking infraction. The alleged vehicle owner/driver is not generally contacted prior to receiving an infringement notice.</p> <p>This not the case for a matter of higher complexity, seriousness or impact – such as the construction of an unapproved structure or a food poisoning incident. As stated earlier, this is a Policy that has been drafted to cater for all compliance activities, and the processes undertaken for the compliance work by the various will vary, based on their nature and activities.</p>
4	<p>You noted that you were comfortable with including procedural information within the policy document.</p>	<p>We note that excessive procedural information within a Council Policy may result in administrative issues due to more frequent policy updates to update our procedures as we improve our processes over time (such as implementing systems improvements).</p>
5	<p>You note that both the balance between process adherence and compliance decision making are equally important and closely interrelated. The community must follow the due process in conducting their activities and compliance decision making must also follow a due process. It is illegal to use illegal methods to catch illegal or non-compliant activity. The City in fact needs to maintain a higher standard, because it is entrusted with the use of community funds and there is no excuse for the City to not strictly comply with</p>	<p>Agreed. There are various corporate documents that outline the responsibilities and legislative requirements that must be met by the City and its Officers. There are also other independent bodies that provide oversight of the City's activities, including the Office of the Ombudsman, Elected Members of the City or Members of Parliament.</p>

	Feedback Summary	Officer Response
	its duty of care and responsibilities towards both the community and employees.	
6	<p>Additional Comments regarding the following draft Policy extract:</p>  <p>Proposed Compliance and Enforcement Policy</p> <p>Assessment for formal investigation</p> <ul style="list-style-type: none"> • Is the activity deemed to be lawful under legislation? • Will the non-compliance prevent significant harm? • Is there public risk associated with this non-compliance? • What is the public interest of pursuing the non-compliance? • How to other issues or approvals specific to this case affect the investigation? • Is there an appropriate alternative compliance response to the non-compliance? <p>Should a formal investigation be conducted?</p> <p>Assessment for formal investigation</p> <ul style="list-style-type: none"> • Is the activity deemed to be lawful under legislation? • Will the non-compliance prevent significant harm? • Is there public risk associated with this non-compliance? • What is the public interest of pursuing the non-compliance? • How to other issues or approvals specific to this case affect the investigation? • Is there an appropriate alternative compliance response to the non-compliance? <p>“Dot point 1. A complaint of non-compliance must require consideration of the alleged activity and then whether the activity itself is the alleged non-compliance or the activity is being conducted in a non-compliant manner.</p> <p>Building is an activity that falls within the authority of the City, Trespass or Assault is not.</p> <p>Building is lawful under the legislation provided that a Building Permit has been obtained and the conditions are being complied with.</p> <p>Consequently, the assessment diagram must first identify the activity and the conditions under which the activity would be compliant and whether the alleged non-compliance are activities that would make that compliant activity non-compliant.”</p>	<p>Sentence 1 response: Agreed, however this is not a process that would be incorporated into a Policy document, but something that should be considered as a standard operating procedure. This is an element of the Officer’s investigation process.</p> <p>Sentence 2 response: Agreed. City Officers must always comply with investigative and legislative requirements. It is the aim of the Policy for City Officers to work cooperatively with stakeholders where appropriate / appropriate.</p> <p>Sentence 3 response: Agreed.</p> <p>Sentence 4 response: Agreed, on page 9 of the draft Policy it identifies Regulatory Assistance and states:</p> <p><i>“Where a breach relates to use or works or activity undertaken without approval, the City may guide and assist the party to submit an application where such a development or activity is capable of approval, subject to a merits-based assessment.</i></p> <p><i>The City may allow the minor offence to continue (subject to ongoing cooperation) until the appropriate application is determined, dependent on the scale and impact.”</i></p> <p>This statement highlights the need for assisted compliance in some cases, where the City is able to work with the stakeholder to achieve compliance without the need for punitive enforcement action.</p>

	Feedback Summary	Officer Response
7	<p>Dot point 2 “Will the non-compliance prevent significant harm?” Is that suggesting that a compliant activity if conducted compliantly would be likely to cause significant harm and that the activity must be conducted non-compliantly to prevent significant harm? Surely the compliant activity should not have been approved in the first place if it would have placed anyone at risk of significant harm? Also, how does the assessment procedure which has gone directly from a complaint of non-compliance to an assessment of whether to conduct a formal investigation make a decision on how the alleged non-compliance prevents significant harm?</p>	<p>The draft Policy is stating that if a non-compliant activity was likely to cause harm, this information is important to understand the seriousness of the non-compliance, and that this will go some way to inform the City’s compliance and enforcement response. There is no inference to seek activity to be conducted in manner which does not comply.</p> <p>The final sentence states:</p> <p style="padding-left: 40px;"><i>“Also, how does the assessment procedure which has gone directly from a complaint of non-compliance to an assessment of whether to conduct a formal investigation make a decision on how the alleged non-compliance prevents significant harm?”</i></p> <p>The diagram provided within the draft Policy is a guide as to the sorts of questions that investigative Officers ask themselves to determine the appropriate initial compliance path forward. It is not an exhaustive list and provides the reader with some insight and a high-level understanding of how an investigation might be considered to determine its individual circumstances and facts. It is also important to note that a compliance pathway may change as new information becomes evident.</p>
8	<p>Dot point 3 “Is there public risk ...”</p> <p>Essentially there is no or very limited public risk in building a properly constructed shed in your own backyard, but it is non-compliant if it has been built without a building permit, so I am unsure of the relevance of this criteria. The assessment needs to address relevant criteria.</p>	<p>There is an element of public risk in building without the necessary building approvals. A building built without an approval may result in the structure being structurally unsound or located partially on neighbouring land. Furthermore, if there was an incident with the building or its construction, in absence of having the necessary building approval, there may be insurance challenges or challenges in the sale of the property in the future.</p> <p>As outlined above, the assessment is not an exhaustive list and is a guide as to the sorts of questions that investigative Officers ask themselves to determine the most appropriate compliance path forward.</p>

	Feedback Summary	Officer Response
9	<p>Dot point 4. “What is the public interest...”</p> <p>The City has pursued and prosecuted non-compliance with the R Codes requirement for 50% visibility in front fences when there has been widespread community support for the front fence and no public interest in having these walls being made “compliant”. At the same time there is widespread global and local community interest in protecting the foreshore and wildlife and yet a small number of dog owners allow their pets to roam freely without leashes on waterfront areas and the City refuses to take action other than to place small signs which are poorly located and easily ignored. Who makes the decision as to what is the public interest? Either an activity is being conducted compliantly, or it is not. A decision to prosecute may require consideration of the public interest, but not a decision to assess whether the activity is being carried out and if the activity is compliant.</p>	<p>As outlined above, the assessment is not an exhaustive list and is a guide as to the sorts of questions that investigative Officers ask themselves to determine a compliance path forward. The investigation Officer and supervisors will make a determination regarding public interest.</p>
10	<p>This should be the first step of review in relation to complaints of non-compliance. In the past the City has made accusations of building without a building licence and the home owner has produced the building licence. Clearly, the City failed to check its own records before jumping to conclusions. An initial verification process involving examination of the City’s records is vital to ensuring that the City does not waste resources or jump to conclusions and make false accusations.</p>	<p>The statement refers to a prior matter and asserts that the City, in the past, has made accusations about matters and failed to check records.</p> <p>This is a matter of appropriate record keeping and operational procedures having more robust record review processes. Whilst we cannot comment on individual matters without more context, we can restate that the City has internal standards of Officer conduct that must be adhered to.</p> <p>Where Officer errors or failings are identified, they are managed internally in accordance with the City’s performance requirements, where affected parties will be appropriately informed as to the outcome of the investigation and informed of any internal process changes made as a result of their Officer complaint.</p> <p>The City welcomes feedback from the community and other stakeholders that can assist with improving the City’s performance and processes.</p> <p>It is important to note that identified failings within the City’s records systems are being addressed with upgrades to ensure appropriate support and access. The City looks forward to having more robust and reliable records management systems in place that will enable for improved customer service outcomes.</p>

	Feedback Summary	Officer Response
11	<p>Dot point 6. “Is there an alternative..”</p> <p>This requires the decision maker to have already decided that there is non-compliance. This is premature and does not follow the principles of natural justice which require that before a decision is made, the respondent is entitled to be advised of the accusation and has been given the opportunity to respond.</p>	<p>As outlined above, the assessment is not an exhaustive list and is a guide as to the sorts of questions that investigative Officers ask themselves to determine a compliance path forward.</p>
12	<p>Separation of powers - the existing policy makes clear that Elected Members are not exercising functions in relation to prosecutions, which is appropriate. The new policy is less clear on this point, and the summary of changes indicate that Elected Members are now bound by the policy. For clarity it should be explained that Elected Members have no function in relation to the direct application of compliance and enforcement matters.</p>	<p>Agreed. Within the Policy statement a change has been made to reflect this feedback.</p> <p>Changes made now include the following:</p> <p>“The City recognises the importance of the separation of powers between:</p> <ul style="list-style-type: none"> • the adoption of Local Laws and Policy by Council, acknowledging that Elected Members have no direct role in the application of compliance or enforcement matters; and • the investigation function and the application of compliance and enforcement actions which are the responsibility of Authorised Officers acting under delegated authority, in accordance with applicable legislation and policies.”
13	<p>The clear statement in the original policy at point 2 is now absent. This seems a significant omission; the point it makes that compliance is mandatory is and should be the starting point for compliance matters. Where compliance can be secured without enforcement action, including by education, this is usually to be preferred. But the starting point is that compliance is not optional. A similar statement should be reintroduced.</p>	<p>Agreed, an Objective has been included in the draft Policy at point number 1 which states that:</p> <p>“The primary purpose of the City of Melville’s compliance and enforcement functions are to achieve regulatory compliance and prevent offences through education and incentives, including formal action where necessary.”</p> <p>The Section stated in the existing Policy that is referenced in the feedback states that:</p> <p>“Compliance with the law is not an option: it is an obligation. The primary purpose of the City of Melville’s compliance and enforcement function is to achieve regulatory compliance and prevent offences through education and incentives, including formal action where necessary”</p> <p>The purpose of the minor edit from the current policy is to moderate the language, and that explicitly stating that compliance with the law is a requirement is redundant. Legal compliance is obligatory irrespective of whether it is stated in the Policy.</p>

	Feedback Summary	Officer Response
14	Unclear why we have a statement indicating that we will not proceed with prosecutions in absentia (that is where the offender cannot be found). In some circumstances that will be appropriate.	<p>The statement within the draft Policy is introduced (policy page 13) with the following:</p> <p>“A prosecution may be discontinued where:...”</p> <p>The statement is worded in this manner to outline circumstances where a prosecution may be discontinued. It is not an exhaustive or absolute statement and is intended to provide the reader with an understanding of the sorts of reasons why a prosecution may be discontinued by the City. Any decision to not proceed with a prosecution is made under delegation.</p>
15	The statement that we will discontinue prosecutions on legal advice is slightly problematic. Where we outsource prosecution to a 3rd party (eg. by briefing an external lawyer) this would occur as a matter of course. Where we undertake the prosecution, it would be inappropriate for the policy to outsource part of our prosecutorial discretion to third party advice. That is, this should be a matter that goes with the determination to outsource a prosecution; either we retain the exercise of discretion or we do not.	<p>Agreed. It is not the intention of the draft Policy statement to outsource decision making but explain that external advice may contribute to the City’s decision making, It is not an exhaustive or absolute statement, and its intent is to outline the sorts of reasons that the City may decide to not proceed with a prosecution, based on all information available to the City at that time.</p> <p>The clause had been changed and now reads:</p> <p>“Where external guidance indicates that the discontinuation of a prosecution would be an appropriate pathway forward and in the interests of the City, based on information available.”</p>
16	The older policy makes clear that escalating a matter to prosecution will be appropriate where there is a financial advantage to non-compliance. That is, we do not want to encourage a situation where non-compliance becomes routine where it is financially advantageous to pay the penalty and continue with the con-compliance. The policy should be clear that escalation to prosecution is expected in those circumstances (10. i in the old policy).	<p>The City agrees that encouraging financially advantageous non-compliance is undesirable and not an outcome that is consistent with the Policy’s objectives.</p> <p>The draft Policy incorporates a pictorial on page 4 of the policy, which describes where a “Deliberate or serious non-compliance” occurs where “A small number of people decided not to comply” the pictorial describes, in this case, that the City’s response would be to “Apply strong enforcement provisions of the legislation”.</p>
17	It is not clear to me why the assumption "that involved parties want to comply and cooperate with the City." is being incorporated. This is doubtless the case in many instances. However it is also going to not be the case in others. Starting with such an assumption in a blanket sense risks blunting effective enforcement responses in the cases where the presumption does not	This statement was included to provide the reader with an understanding that the City will commence an investigation in a cooperative and informing way. This statement informs the reader that the City assumes, in the first instance, that a party applicable to an investigation, has not made a decision to not comply with a legislative requirement.

Feedback Summary	Officer Response
<p>hold. Alongside the removal of the statement that compliance is mandatory, and taken together with the increased focus on 'proportionate' and 'cost-effective' action, the risk is that lower level enforcement actions will be preferred where they are not appropriate. I note the broader remarks made in relation to ASIC which arose out of the royal commission into banking - that a set of prosecution policies which focused on working with the industry being regulated led to weak compliance action. Especially as regards large commercial developers, a similar risk exists for the city.</p>	<p>Often a party is not familiar with the legislative requirements of all matters that they become involved with, and as a result may make errors in judgement.</p> <p>This is a relatively common occurrence, particularly with matters that members of the community are not regularly involved with.</p> <p>The City agrees that this will not always be the case, especially with compliance matters that the community are expected to be more familiar with due to their frequency or topical nature.</p> <p>If Council is of the view that this clarifying statement is not required within the Policy, the sentence can be restated from the existing:</p> <p>“The Policy encapsulates the principles of natural justice and procedural fairness including initial assumption that involved parties want to comply and cooperate with the City.”</p> <p>to:</p> <p>“The Policy encapsulates the principles of natural justice and procedural fairness”.</p>

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications presented as part of this report.

LEGISLATIVE AND POLICY ALIGNMENT

- CP-114 Compliance and Enforcement Policy
- CP125 Neighbour Dispute Mediation Policy
- OP42 Managing Unreasonable Behaviour Policy
- City of Melville Codes of Conduct
- City of Melville Customer Service Charter
- City of Melville Risk Matrix
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Building Act 2011
- Bush Fires Act 1954
- Caravan and Camping Grounds Act 1995
- Cat Act 2011
- Control of Vehicles (Off Road Areas) Act 1978
- Criminal Procedure Act 2004
- Dog Act 1976

- Environmental Protection Act 1986
- Fines, Penalties and Infringement Notices Enforcement Act 1994
- Food Act 2008
- Graffiti Vandalism Act 2016
- Health Miscellaneous Provisions Act) 1911
- Litter Act 1979
- Planning and Development Act 2005
- Public Health Act 2016
- All subsidiary legislation applicable to the Acts as listed above
- All City of Melville Local Laws

FINANCIAL IMPLICATIONS

There are no additional financial implications to the adoption of this recommendation. The recommendation, if adopted, will utilise existing budgeted resources to undertake compliance tasks based on existing levels of service.

CONSEQUENCE

If the recommendation is not adopted by Council, the draft Compliance and Enforcement Policy will not be adopted and the existing Policy will remain in place. Therefore, if Council does not support the draft Policy but does not wish to retain the existing Policy, then an alternate recommendation is required for further review, ideally with specific direction of the review.

BRIEFING FORUM – FURTHER INFORMATION

At the Agenda Briefing Forum held on Tuesday, 10 June 2025, the following questions and/or requests for information were raised by Elected Members and now form part of the Final Ordinary Meeting of Council Business Papers:

Question 1:

What is the City's view on having a community reference group to review the policy?

Response 1:

It is the City's view that compliance actions is an administrative function and is undertaken in accordance with legislative requirements. Therefore, community involvement with that may not be beneficial in progressing those sorts of issues. However, the Council has established a Policy & Legislation Committee to facilitate those robust discussions. The policy is also being proposed in the recommendation to go out for community feedback, which provides an opportunity for members of the community to provide submissions and the policy will only be authorised should there be no objection received in response to the consultation.

Question 2:

If there was potentially a community reference group set up would that then fall under the same payment and meeting attendance fees as previous groups?

Response 2:

Yes, if the Committee was established under the Local Government Act, they would be entitled to those payments.

10.2 Reports of the Chief Executive Officer**Management Services****M25/52 City of Melville Corporate Business Plan 2025-2029 - Annual Review**

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Responsible Officer:	Chief Executive Officer
Voting Requirements:	Absolute Majority
Officer Disclosure of Interest:	No officer involved in the preparation of this report has a declarable interest in the matter.
Attachments:	<ol style="list-style-type: none"> 2024-25 Corporate Business Plan - End of Year Projections Report (Summary) ↓ Updated City of Melville Corporate Business Plan 2025-2029 ↓

COUNCIL'S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

SUMMARY

- This report presents the Annual Review of the City of Melville Corporate Business Plan in accordance with Regulation 19DA(4) of *the Local Government (Administration) Regulations 1996*.
- Annual review activities have informed the development of the City of Melville's updated Corporate Business Plan 2025-2029, which guides the 2025-26 Annual Budget and associated service and project plans, ensuring a clear alignment with the outcomes and objectives of the Strategic Community Plan.
- Note: The City of Melville's Strategic Community Plan (Part A) and Corporate Business Plan (Part B) are consolidated into one document: the City of Melville Council Plan for the Future 2024-2034.

OFFICER RECOMMENDATION

That the Council by absolute majority decision:

- Approves the Annual Review of City of Melville Corporate Business Plan 2024-2028, inclusive of the 2024-25 End-of-Year Report (Attachments 1); and**
- Adopts the updated City of Melville Corporate Business Plan 2025-2029 (Attachment 2).**

PURPOSE

The purpose of this report is to seek Council's approval of the Annual Review of the City of Melville's Corporate Business Plan 2024-2028 and to adopt the updated Corporate Business Plan 2025-2029.

STRATEGIC ALIGNMENT

Outcome	5	Leadership and good governance for the benefit of the whole community.
Objective	5	Good Governance and Leadership
	5.1	Provide transparent and accountable good governance.
	5.2	Ensure long term financial sustainability, strategic advocacy and partnerships, and diverse revenue streams.
	5.3	Ensure efficient and effective use of assets, resources and technology.
	5.4	Strengthen active citizen engagement, participation, and access to information.
	5.5	Provide excellent customer experiences and ease of access.
	5.6	Provide an inclusive, safe, healthy, equitable and engaging workplace.

BACKGROUND**Integrated Planning and Reporting Framework**

In accordance with Section 5.56 of the *Local Government Act 1995*, all local governments are required to plan for the future of their district.

Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* details how local governments must plan for the future, through the making of a Strategic Community Plan and Corporate Business Plan.

The Strategic Community Plan sets out the vision, aspirations and objectives of the community over a 10-year horizon (long-term) and the Corporate Business Plan translates the Strategic Community Plan into services, projects and programs delivered to the community over a four-year horizon (short-medium term).

Year 1 of the Corporate Business Plan informs the development of the annual budget, service plans, and capital and operating project programs.



Figure 1. Elements of the Integrated Planning Framework

The Integrated Planning and Reporting Framework (IPRF) provides a structured approach to help local governments plan, resource (through finances, workforce and assets), deliver, and review their Strategic Community Plan and Corporate Business Plan, supporting continuous improvement in service and project delivery to the community.

Review Requirements

In accordance with Regulations 19C(4) and 19DA(4) *Local Government (Administration) Regulations 1996* and the IPR Framework, local governments are required to review their Strategic Community Plan at least once every four years (including community engagement) and the Corporate Business Plan annually (internal only).

This report applies to the Annual Review of the City of Melville’s Corporate Business Plan 2024-2028.

Note: The City of Melville’s Council Plan for the Future 2024-2034, adopted by Council at the Ordinary Meeting of Council held 20 August 2024, incorporates both the Strategic Community Plan (Part A) and Corporate Business Plan (Part B) into one document, in-line with current legislative requirements and future anticipated Local Government Reforms.

CONSIDERATION

During the period of February to June 2025, a review of the City of Melville’s Corporate Business Plan 2024-2028 was undertaken in-line with the City’s annual integrated business planning and budget process.

The review process included significant input and consultation with Elected Members, the Executive Leadership Team and Management Leadership Team, capturing and incorporating decisions made regarding service changes, project prioritisation and budget allocations.

The projected status of projects in the Corporate Business Plan 2024-2028, were also incorporated into the Annual review, as detailed in the 2024-25 End-of-Year Report (Attachments 1).

The outcome of all these activities is development of the City of Melville Corporate Business Plan 2025-2029 (Attachment 1), which updates Part B of the Council Plan for the Future 2024-2034.

Corporate Business Plan 2024-2028**- 2024-25 End-of-Year Report Summary**

Out of the 91 projects and programs in the Corporate Business Plan 2024-28 for 2024-25:

As at 30 June 2025:

- 76 (or 84%) are projected as either 'Complete', 'On-Track' or 'Monitor'
- 15 (or 16%) are projected as 'Off-Track'.

The projected end of year projects status has informed carried forward budgeting estimations and project milestones in the updated City of Melville Corporate Business Plan 2025-2029 (Attachment 2).

The full end of year report for the 2024-2025 financial year will also be provided in the first quarter of the new financial year to the Governance Committee.

Corporate Business Plan 2025-2029**- Updated**

The updated City of Melville Corporate Business Plan 2025-2029 outlines how the City will allocate and manage its resources over the next four years in alignment with the direction set by the Long-Term Financial Plan (LTFP).

The LTFP informs the development of the 2025-26 Annual Budget, service plans, and capital and operating project programs, and provides a clear line of sight from these services, projects and programs to the outcomes identified in the Strategic Community Plan.

The Corporate Business Plan meets all regulatory requirements and is underpinned by a continually evolving integrated business planning and budgeting process that defines baseline service levels, enhances transparency and accountability, and strengthens reporting capabilities – collectively supporting ongoing improvements in service delivery and project performance, and contributing to the achievement of the City's community vision: Vibrant, Sustainable, Inclusive Melville.

ENGAGEMENT

The Annual Review and development of the Corporate Business Plan 2025-2029 has been in consultation with Elected Members and the Executive and Management Leadership Teams at a number of workshops and via email from February 2025 to June 2025.

Workshops and briefings with Elected Members were held on the following dates:

5 February 2025	Kick Off and Elected Member Priorities.
17 March 2025	Asset Management and Capital Program Overview.
1 April 2025	Draft Capital (Capital Plans and Capital Works Program).
6 May 2025	Draft Operational (Service Plans and Operational Projects) and Capital (Capital Plans and Capital Works Program) and Rates (Part 1).
12 May 2025	Draft Operational (Service Plans and Operational Projects) and Capital (Capital Plans and Capital Works Program) and Rates (Part 2).
27 May 2025	Draft Budget and Long-Term Financial Plan.
3 June 2025	Draft Budget (including Carry Forward Estimates).

SUSTAINABILITY IMPLICATIONS

The Annual Review, inclusive of the development of the updated Corporate Business Plan 2025-2029, has been guided by the Integrated Planning and Reporting Framework, which supports all dimensions of sustainability – social, environmental, economic, and governance – as reflected in the modern adaptation of the Quadruple Bottom Line used in local government and public sector contexts. As such, it embeds long-term thinking, community engagement, and resource alignment into the City’s planning and decision-making processes.

LEGISLATIVE AND POLICY ALIGNMENT

The following legislation and guidelines are relevant to this report:

- Section 5.56 of the *Local Government Act 1995 – Planning for the future*
- Section 19C and 19DA of the *Local Government (Administration) Regulations 1996 – Strategic Community Plan, requirements for and Corporate Business Plan, requirements for*
- Integrated Planning and Reporting Framework and Guidelines – September 2016

FINANCIAL IMPLICATIONS

The City of Melville updated Corporate Business Plan 2025-26 outlines the financial implications of delivering services and projects over the next four years, aligned with the Long-Term Financial Plan and informing the development of the 2025-26 Annual Budget.

CONSEQUENCE

If Council does not approve the Annual Review, including the updated Corporate Business Plan 2025-2029, the City of Melville will not meet its legislative obligations or its commitment to deliver strategically aligned and contemporary services and projects to the community.

BRIEFING FORUM – FURTHER INFORMATION

This section is not applicable.

Corporate Services

C25/282 2025 Annual Review of Delegations, Authorisations and Appointments

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Responsible Officer:	Head of Governance
Voting Requirements:	Absolute Majority
Officer Disclosure of Interest:	No officer involved in the preparation of this report has a declarable interest in the matter.
Attachments:	1. City of Melville Statutory Delegations and Authorisations Manual 2025-2026 Marked Up ↓

COUNCIL'S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

SUMMARY

- Delegations made under the *Local Government Act 1995* and various other legislation must, by law, be reviewed by the delegator at least once every financial year and listed in a register kept by the CEO.
- A review of all delegations, authorisations and appointments has been completed and it is recommended that the outcome of this review be adopted by the Council.
- Following the Council's resolution, the updated Delegations Manual will be uploaded to the website and provided to Elected Members for information.

OFFICER RECOMMENDATION

That the Council resolves by Absolute Majority Decision to:

1. **Endorse the 2025 review of statutory delegations, authorisations and appointments; and**
2. **Confirm the changes and edits to the instruments of delegation, authorisation and appointment, as contained in Attachment 1 - City of Melville Statutory Delegation and Authorisation Manual 2025-2026 MARKED UP.**

PURPOSE

To present the annual review of the Council and CEO's delegations, authorisations and appointments to Council.

STRATEGIC ALIGNMENT

Outcome	5	Leadership and good governance for the benefit of the whole community.
Objective	5	Good Governance and Leadership
	5.1	Provide transparent and accountable good governance.

BACKGROUND

The functions and powers allocated to local governments by legislation are so many and so diverse that it would be unrealistic to expect the Council to make every discretionary decision itself. The business of local government could not be carried out in a timely manner if that were the case.

Delegation of local government powers, duties and functions to the CEO and appropriate officers is an effective way to reduce red tape and expedite operational decision-making processes. Efficient use of the power of delegation assists local governments to effectively deal with a wide range of procedural matters that require the exercise of some discretion but are inherently administrative rather than strategic in nature.

Delegation is only permitted when an Act or regulations specify that the local government has this power, and the delegated powers may only be exercised in relation to the statutory powers, duties or functions conferred or imposed on the local government by that legislation unless otherwise specified. A delegator may specify limitations or conditions, such as a financial limit, on the exercise of a delegation. Sub-delegation is generally only permitted where specifically provided for in the relevant legislation.

Delegates are not obliged to exercise a delegation granted to them, even if it is primarily procedural. Where a matter is highly contentious, decisions relating to it may be referred, at the discretion of the CEO or the request of the Council, to the Council to make the decision by resolution despite the presence of a relevant delegation.

Delegations made under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976* and the deemed provisions of Local Planning Schemes identified in the *Planning and Development (Local Planning Scheme) Regulations 2015*, must be reviewed by the delegator at least once every financial year, and the CEO must maintain a register of current delegations made under this legislation.

Delegations under other legislation, as well as authorisations or appointments, do not need to be reviewed each year however the City of Melville, like most local governments, does review these on an annual basis, as it is considered good practice to do so.

This report deals only with the Council delegations and appointments/authorisations. The CEO is responsible for reviewing delegation or sub-delegation of powers and duties held by the CEO either directly under statute or under delegation from the Council.

CONSIDERATION

A review of all delegations, authorisations and appointments has been completed, and the following changes have been made:

Amendments

Title	Amendment
All	<ul style="list-style-type: none"> Minor typographical and format corrections made.
All	<ul style="list-style-type: none"> Review date for each delegation to be updated.
All	<ul style="list-style-type: none"> Updates to position titles to reflect current organisational structure
All	<ul style="list-style-type: none"> The revision history for each delegation has been moved to a standalone section at the end of the document. This is to keep the instrument itself as short as possible.
2.1.2	<ul style="list-style-type: none"> Point 1(a) amended to reflect changes to the <i>Local Government Act 1995</i>
DA-007	<ul style="list-style-type: none"> An additional point has been added to clarify that financial and lease term limits extend to lease renewals and extensions. Sub-delegation to CEO amended to clarify conditions of delegation/sub-delegation apply to renewals and lease extensions.
DA-016	<ul style="list-style-type: none"> Amended sub-delegation for the Street Numbering, Health, Fencing and Thoroughfares local law in accordance with operational responsibilities in the Planning directorate. Amended sub-delegation for the Parking Local Law so Manager Healthy Melville and Healthy Melville Coordinator (Recreation Development) can exercise the powers of the local government under clauses 5.4 and 5.8(b).
DA-028	<ul style="list-style-type: none"> Addition of Executive Manager and Chiefs and Heads reporting to a director to list of sub-delegates.
DA-031	<ul style="list-style-type: none"> Addition of Executive Manager and Chiefs and Heads reporting to a director, and addition of all Directors, to list of sub-delegates.
DA-032	<ul style="list-style-type: none"> Addition of Manager Health Melville to list of sub-delegates. Addition of Revenue Coordinator to list of sub-delegates.
DA-050	<ul style="list-style-type: none"> The title has been updated to better reflect its purpose. Amended sub-delegation to extend to Manager Health and Compliance, Coordinator Compliance Services and Coordinator Environmental Health. Update to delegation title, description and statutory powers / duty delegated.
DA-053	<ul style="list-style-type: none"> The title and description have been updated to better reflect its purpose. Addition of Service Lead – Community Safety Investigations to sub-delegates.
DA-054	<ul style="list-style-type: none"> The title has been updated to better reflect its purpose. Further, the power to arrange to humanely destroy an impounded animal has been moved to its own separate delegation (see 'DA-130' commentary below). Extended sub-delegation to extend to Manager Health and Compliance, Coordinator Compliance Services and Coordinator Environmental Health.

Title	Amendment
DA-062	<ul style="list-style-type: none"> The title has been updated to better reflect its purpose. Amended sub-delegation to extend to Manager Development Approvals, Principal Building Surveyor and Senior Building Surveyor, who issue Materials of Verges permits under these regulations. Added Manager Health and Compliance, Coordinator Compliance Services and Senior Development Compliance Officer to enable compliance activities.
DA-088	<ul style="list-style-type: none"> The title has been updated to better reflect its purpose and align with supporting policy.
DA-115	<ul style="list-style-type: none"> Sub-delegates updated to revoke Manager Customer and Community Participation and replace with Manager Healthy Melville.
DA-103	<ul style="list-style-type: none"> Amended sub-delegation to extend to Coordinator Compliance Services and Senior Development Compliance Officer, and Principal Building Surveyor in accordance with operational responsibilities. Added Manager Development Approvals.
DA-105	<ul style="list-style-type: none"> Sub-delegation to Director Corporate Services revoked. Extended sub-delegation to Manager Development Approvals.
DA-126	<ul style="list-style-type: none"> Sub-delegation to Manager Environmental Health and Compliance revoked as position is not involved in the issuing of building and demolition permits. Manager Development Approvals added as manager responsible for the team issuing building and demolition permits.
DA-127	<ul style="list-style-type: none"> Sub-delegation to Manager Environmental Health and Compliance revoked as position is not involved in the issuing of occupancy and building approval certificates
DA-125	<ul style="list-style-type: none"> Addition of Service Lead – Community Safety Investigations to sub-delegates
DA-122	<ul style="list-style-type: none"> Addition of Service Lead – Community Safety Investigations to sub-delegates
DA-073	<ul style="list-style-type: none"> Statutory power to sub delegate updated to note that no sub-delegation power is provided for in the <i>Food Act 2008</i>.
DA-020	<ul style="list-style-type: none"> New WAPC delegation (WAPC2025/04) in effect from 1 May 2025 added, therefore conditions on delegations updated to revoke point 4 (Call up by Council) as no longer able to be implemented. This new instrument of delegation has been added to the manual – “5.2.4 Powers of Local Governments – Metropolitan Region Scheme” Compliance links also updated to reflect these changes and removed some delegations resolved by the WAPC to be revoked. Sub-delegation matrix updated.
DA-061	<ul style="list-style-type: none"> The title has been updated to better reflect its purpose. Revoked sub-delegation to Senior Statutory Planner. Granted sub-delegation Coordinator Compliance Services, Senior Development Compliance Officer and Principal Statutory Planner.

Title	Amendment
DA-007C	<ul style="list-style-type: none"> Amended to include Regulations 29A and 29B and new delegate, Head of Governance.
DA-008C	<ul style="list-style-type: none"> Revoked sub-delegation to Manager Development Approvals. Added delegation to Service Lead – Community Safety Investigations
DA-009C	<ul style="list-style-type: none"> Revoked sub-delegation to Head of Community Safety and Service Lead – Community Safety Investigations.
CSA-Local-01	<ul style="list-style-type: none"> An additional point has been added to limit the CEO and Directors' powers to enter into goods and services contracts which are exempt from tender requirements. The CEO may now only enter into contracts with a value less than \$550,000 per contract, per financial year, and Directors may only enter into contracts with a value less than \$250,000 per contract, per financial year. Consolidated authorised officers into one bullet point for Directors. Updates to compliance references.
External Delegations	<ul style="list-style-type: none"> Three new external delegations added to part 5. '5.2.4 Powers of Local Governments – Metropolitan Region Scheme' '5.4.1 – Approval under Regulation 327(4) for Certain Local Government Vehicles as Special Use Vehicles' and '5.4.2 – Approval under Regulation 289(1)(a)(ii) to Display Flashing Warning Lights on Ranger Vehicles'

New Delegations

Title	Comment
DA-130	<ul style="list-style-type: none"> This power is currently part of 'DA-054', but it is considered to be more appropriate for it to be a separate delegation given the subject matter. Initial sub-delegates are the Director Community Development, Head of Community Safety and Service Lead – Community Safety Investigations.

Revoked Delegations

Title	Officer Comment
DA-046	<ul style="list-style-type: none"> Notice to Owner or Occupier Requiring Certain Actions to be Undertaken' – section 3.24 of the <i>Local Government Act 1995</i> requires that this be an authorisation, not a delegation. A new delegation, 'DA-131 – Appoint Officers to Exercise Powers of Entry under Sections 3.25-3.27 of the Local Government Act 1995' has been created so that the CEO may appoint persons (see 'DA-131' commentary).
DA-049	<ul style="list-style-type: none"> Power to Carry Out Works on Private Land' – for the same reason as given above for DA-046.
DA-131	<ul style="list-style-type: none"> This delegation is proposed to allow the CEO to appoint persons to exercise the powers of entry under sections 3.25 to 3.27. If this delegation is not approved, then a Council report will be required

Title	Officer Comment
	each time the City needs to appoint a new officer to exercise these powers. This is not efficient or a good use of the Council's time.
DA-010C	<ul style="list-style-type: none"> • New delegation in relation to receiving, determining and processing electoral eligibility and maintaining owner / occupier register. • Initial delegation to Head of Governance and Chief Financial Officer

As part of the CEO's review of their own delegations to other employees, some instruments of delegation by the Council have been amended at the sub-delegation level to reflect changes to organisational structure and functional responsibilities, as well as changes to titles. Sub-delegations by the CEO of delegated powers are provided for under section 5.44(3) of the *Local Government Act 1995* and are not the subject of this report.

These changes are shown marked-up in Attachment 1 - City of Melville Statutory Delegation and Authorisation Manual 2025-2026 MARKED UP.

ENGAGEMENT

Directors and managers were consulted regarding the delegations, appointments and authorisations relevant to their operations.

Public consultation was not undertaken as delegations, authorisations and appointments are an internal matter related to the operational management and administration of the local government's statutory powers, duties and functions.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications presented as part of this report.

LEGISLATIVE AND POLICY ALIGNMENT

The City of Melville must comply with section 5.46 of the *Local Government Act 1995* which requires the Council to review, at least once every financial year, its delegations made under that Act and the deemed provisions in the *Planning and Development (Local Planning Schemes) Regulations*. The City must also comply with section 47(2) of the *Cat Act 2011* and section 10AB(2) of the *Dog Act 1976*, which impose similar annual review requirements for delegations made under those Acts.

Of the 51 current delegations made by the Council, 35 have been made under the [Local Government Act 1995](#). The following provisions in the *Local Government Act 1995* relate to the delegation of local government powers and duties by the Council under that Act.

- Delegations (to Committees and the Chief Executive Officer) must be made by an absolute majority decision [s.5.16(1) and s.5.42(1)].
- Delegations (whether to Committees or the Chief Executive Officer) must be in writing, and may be general or as otherwise provided in the instrument of delegation [s.5.16(2), s.5.42(2)].
- All delegations will have effect for the period of time specified in the delegation, or if not specified, indefinitely [s.5.16(3)(a), s.5.45(1)(a)].

- Any decision to amend or revoke a delegation must be by absolute majority [s.5.16 (3)(b), s.5.45(1)(b)].
- Section 5.17 limits the delegation of powers and duties to certain committees.
- Section 5.45(2)(a) permits a local government to perform any of its functions by acting through a person other than the CEO (but it may not delegate its functions other than to the CEO).
- An employee to whom a power or duty has been delegated under Part 5 Division 4 is a designated employee (s.5.74) who must lodge primary and annual returns (s. 5.75, s.5.76).

Section 5.43 prohibits the local government from delegating to the CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor; and
- (i) such other powers or duties as may be prescribed.

Regulation 18G of the *Local Government (Administration) Regulations 1996* prescribe that the following powers and duties of a local government cannot be delegated to the CEO:

- (a) Section 7.12A(2), (3)(a) or (4) (duties related to audit reports); and
- (b) Regulations 18C (approve process for selection and appointment of CEO) and 18D (consider a review on the performance of the CEO carried out under s.5.38).

In addition to the above, the following provisions are also relevant to Council delegations:

- Section 127 of the [Building Act 2011](#)
- Regulation 70 of the [Building Regulations 2012](#)
- Sections 48 and 59 of the [Bush Fires Act 1954](#)
- Sections 44, 45, 46 and 47 of the [Cat Act 2011](#)
- Sections 10AA and 10AB of the [Dog Act 1976](#)
- Section 118 of the [Food Act 2008](#)
- Section 16 and 17 of the [Graffiti Vandalism Act 2016](#)
- Section 26 and 344 of the [Health \(Miscellaneous Provisions\) Act 1911](#)
- Regulation 15D of the [Health \(Asbestos\) Regulations 1992](#)
- Sections 50, 53, 58 and 59 of the [Interpretation Act 1984](#)
- Section 21 of the [Public Health Act 2016](#)
- Schedule 2 clauses 82, 83 and 84 of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

New delegations, amendment and revocation of delegations under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976*, *Graffiti Vandalism Act 2016* and the *Planning and Development (Local Planning Schemes) Regulations 2015* must be made by absolute majority decision of Council.

Delegations under other legislation, and appointments and authorisations, do not require an absolute majority.

From time to time, between reviews, a new delegation may be required or an existing delegation requires amendment. This will be presented to the Council as a separate report and the City of Melville Statutory Delegation and Authorisation Manual 2025-2026 will be updated to reflect the approved changes.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the recommendations of this report.

CONSEQUENCE

If the Council do not review its delegations under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976*, and the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations*, it will be in breach of that relevant legislation. This may lead to intervention by the Department of Local Government, Sports and Cultural Industries and would reflect poorly on the City and the Council.

BRIEFING FORUM – FURTHER INFORMATION

This section may be updated following the Agenda Briefing At the Agenda Briefing Forum held on Tuesday, 10 June 2025, the following questions and/or requests for information were raised by Elected Members and now form part of the Final Ordinary Meeting of Council Business Papers:

Question 1:

Why have most of the delegations have the “substantive amendments” section removed?

Response 1:

Yes, there is now a dedicated section with all of the substantive amendments listed at the end of the manual.

Question 2:

Can you elaborate on DA-007, and provide more detail on the sub delegation to apply to renewals and lease extensions?

Response 2:

There hasn't been any significant change with this delegation, but it provides the CEO the ability to negotiate leases and license agreements within certain parameters. Under section 3.58 of the *Local Government Act 1995*, there are requirements to advertise disposal of property to commercial entities but there are exemptions for not for profit entities, such as sporting clubs, community groups and arts and culture groups. So the delegation just allows for renewals and extensions to be negotiated with those types of organisations.

Question3:

Would that be for preliminary negotiations and then it would come before Council?

Response 3:

This is for terms up to 10 years, so anything over that will be presented to the Council for approval.

Question 4:

Regarding DA-131 Appoint Officers to Exercise Powers of Entry Under Sections 3.25-3.27 of the Local Government Act 1995, how many times has this been exercised and could you provide some examples of when it would be exercised?

Response 4:

DA-131 is a new delegation, which combines and tidies up previous delegations. The City may use this delegation to access properties for example where a property is not being maintained in the manner it should be or where works are required to be undertaken following a prosecution. This is only used in extenuating circumstances and is usually a very low number each year.

C25/284 Investment Statements for April 2025

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Responsible Officer:	Director Corporate Services
Voting Requirements:	Simple Majority
Officer Disclosure of Interest:	No officer involved in the preparation of this report has a declarable interest in this matter.
Attachments:	Nil

COUNCIL'S ROLE

Information: For the Council / Committee to note.

SUMMARY

- This report presents the investment statements for the period ending 30 April 2025 and recommends that it be noted by the Council.

OFFICER RECOMMENDATION

That the Council notes the Investment Report for the period ending 30 April 2025.

PURPOSE

To report on the performance of the City's investment portfolio for the month of April 2025.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 4.49% to 4.96% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 4.02%.

27% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 23% in March 2024.

Future investment earnings will be determined by the cash flows of the City and movements in interest rates on term deposits.

STRATEGIC ALIGNMENT

Outcome	5	Leadership and good governance for the benefit of the whole community.
Objective	5	Good Governance and Leadership
	5.1	Provide transparent and accountable good governance.
	5.2	Ensure long term financial sustainability, strategic advocacy and partnerships, and diverse revenue streams.
	5.3	Ensure efficient and effective use of assets, resources and technology.

BACKGROUND

The City of Melville (the City) has cash holdings as a result of timing differences between the collection of revenue and its expenditure. Whilst these funds are held by the City they are invested in appropriately rated and liquid investments.

The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

CONSIDERATION

The following statement details the investments held by the City of Melville as at 30 April 2025.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 APRIL 2025		
SUMMARY BY FUND		
Municipal		\$27,164,643
Reserve		\$146,651,724
Citizen Relief		\$248,191
TOTAL		\$174,064,558
SUMMARY BY INVESTMENT TYPE		
11AM		\$15,223,904
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$140,240,653
TOTAL		\$174,064,558
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$129,964,558
	A+	
A Category (A+ to A-)	A	
	A-	\$44,100,000
BBB+ Category	BBB+	
TOTAL		\$174,064,558

The City's total investments amount to \$174.06 million, mainly held in Municipal Funds (\$27.16M) and Reserve Funds (\$146.65M) which are restricted to the defined purpose for which the reserve account was established.

Key Points

- Most of the funds (\$140.24M) are in Term Deposits, ensuring secure and stable returns.
- Short-term investments include 11AM accounts (\$15.22M) this account is a money market deposit that allows the City to access funds for daily financial needs if notice is given before 11AM, and call deposits totalling (\$18.60M). These funds allow the City to meet financial obligations, including suppliers' payment and other debt repayments, without disruptions to its services.
- The portfolio is low-risk, with 75% of funds in AA Category rated institutions and 25% in A Category rated institutions.
- There are no investments in AAA-rated and BBB+ institutions and effort are undertaken to invest in accordance with Council Investment Policy CP-009.

Overall, the City's investments remain secure, well-distributed, and aligned with financial stability goals.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
Bank of Queensland	A-	A Category	\$ 28,100,000	16.14%	30.00%	✔
Bendigo & Adelaide	A-	A Category	\$ 16,000,000	9.19%	30.00%	✔
Suncorp	AA-	A Category	\$ 31,000,000	17.81%	50.00%	✔
NAB	AA-	AA Category	\$ 29,422,998	16.90%	50.00%	✔
Westpac	AA-	AA Category	\$ 69,541,560	39.95%	50.00%	✔
TOTAL			\$ 174,064,558	100%		

**Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds*

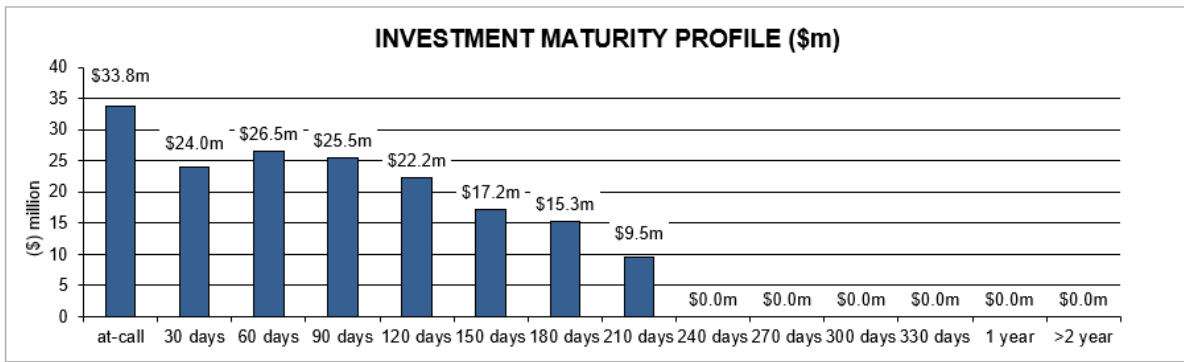
The City's investments were invested within the limits allowed within each category rating for April 2025.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✔
AA Category (AA+ to AA-)	\$ 129,964,558	75%	80%	✔
A Category (A+ to A-)	\$ 44,100,000	25%	50%	✔
BBB+ Category	\$ -	0%	25%	✔
TOTAL	\$ 174,064,558	100%		

**Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds*

The City's investments meet the requirements of the portfolio credit framework, as per the Investment Policy, and shown in the table above.

The below graph summarises the maturity profile of the City's investments at market value as at 30 April 2025. The immediacy of the demand for funds depends on the particular fund or reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.



The above Investment Maturity Profile graph for April 2025 provides an overview of the City's investment portfolio, categorising term deposits based on their maturity periods. The maturity profile of the City's investments is aligned with Council's investment policy, cash flow requirements, and prevailing market conditions. Interest rate fluctuations will continue to influence the term of the reinvestment decisions to ensure optimal financial outcomes.

The City's current investment approach prioritises short-term liquidity to meet operational needs and unforeseen expenses rather than focusing on long-term yield opportunities.

A significant portion of funds (\$33.8M) is available for immediate use, ensuring sufficient liquidity for day-to-day operations. This allows the City to meet financial obligations, including suppliers' payment and other debt repayments, without disruptions to its services.

Investments are well-distributed across various short- to medium-term maturities, with notable allocations in 90 days (\$25.5M), 120 days (\$22.2M), 150 days (\$17.2M), and 180 days (\$15.3M). This structured approach ensures financial stability while balancing liquidity needs and optimising returns. The estimated average cash outflow requirement of the City is between \$13M to \$16M per month.

There is no portfolio allocation beyond 210 days due to uncompetitive interest rates offered for term deposit resulting from the RBA interest rate cuts on 18 February 2025 and 20 May 2025. There are no long-term investments exceeding one year, as the City's investment strategy aligns with its annual revenue cycle, primarily driven by rate collections.

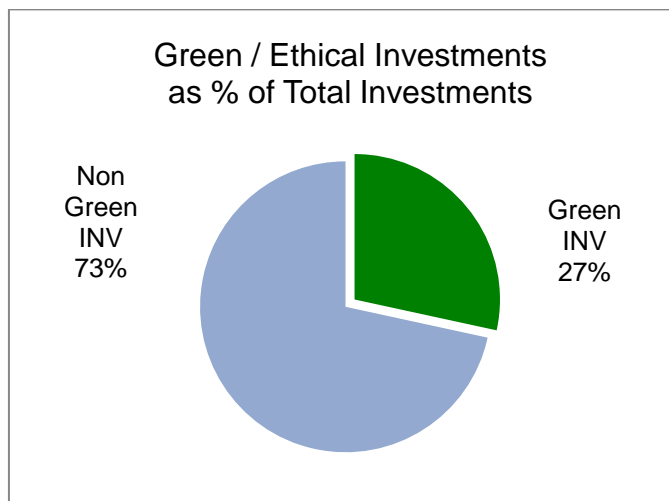
Additionally, the City maintains a balanced risk exposure, diversifying investments within shorter timeframes to mitigate financial and interest rate risks.

The City exercises a deliberative preference in favour of green/ethical investments. This preference will however only be exercised after the foremost investment considerations of credit rating, comparable rate and risk diversification are fully satisfied.

"Green investments" are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

Environmental, Social & Governance Term Deposit (ESGTD) is a similar product to Green investments. ESGTD's provide the opportunity to invest in products that seek to mitigate environmental and social risks.

The total investment in authorised institutions as at 30 April 2025 was \$47,000,000 or 27% of total investment holdings being in non-fossil fuels institutions, compared to \$42,000,000 (23%) in March 2025. The total investments holding for April and March were \$174,064,558 and \$184,164,558 respectively.



Green / Ethical Investment with financial institutions

Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	A-	A Category	\$ 16,000,000
Suncorp	AA-	AA Category	\$ 31,000,000
TOTAL			\$ 47,000,000

The Green investments are allocated across the two banks mentioned above, in alignment with the Council’s credit rating policy.

The City continues to engage in active discussions with financial institutions regarding the availability of ESG Tailored Deposit (ESGTD) products. Westpac has offered AUD Green Tailored Deposits and AUD Social Tailored Deposits; however, total investments with Westpac have nearly reached the maximum limit permitted under the City’s Investment Policy.

While the City maintains a preference for green and ethical investments, this is only exercised after ensuring that all requirements related to credit rating, competitive interest rates, and risk diversification are fully met.

In addition, the City has held formal discussions with CBA, NAB and Bank of Queensland to explore potential ESGTD and Green Term Deposit options. At this stage, these banks are in the exploratory and development phases of these products. Currently, there are no suitable ESGTD products available in the market that meet the City’s Investment Policy requirements.

ENGAGEMENT

This report is available to members of the public on the City's website. A wide range of suitably credit rated Authorised Deposit-taking Institutions (ADI's) were engaged with during the month in respect to the placement and renewal of investments.

SUSTAINABILITY IMPLICATIONS

Strategic

The interest earned on invested funds assists in addressing the following key priority area identified in The City of Melville Corporate Business Plan 2024-34.

Priority Number One – "Restricted current revenue base and increasing/changing service demands impacts on rates".

Risk

The Council's Investment of Funds Policy CP-009 was drafted to minimise credit risk through investing in highly rated securities and diversification. The Policy also incorporates mechanisms that protect the City's investments from undue volatility risk as well as the risk to reputation because of investments that may be perceived as unsuitable by the Community.

Environmental

When investing the City's funds, a deliberative preference will be made in favour of authorised institutions that respect the environment by not investing in fossil fuel industries. This preference will, however, only be exercised after the foremost investment considerations of credit rating, risk diversification and interest rate return are fully satisfied.

LEGISLATIVE AND POLICY ALIGNMENT

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996 Regulation 19 – Management of Investments*
- *Trustee Act 1962 (Part 3)*

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards oversight by the Australian Prudential Regulation Authority (APRA).

The *Local Government (Financial Management) Regulations 1996* (regulation 19C) allows local governments to deposit funds for a fixed term of three years or less. Deposits of greater than one year may, depending on the shape of the yield curve, enable the City to achieve better investment returns.

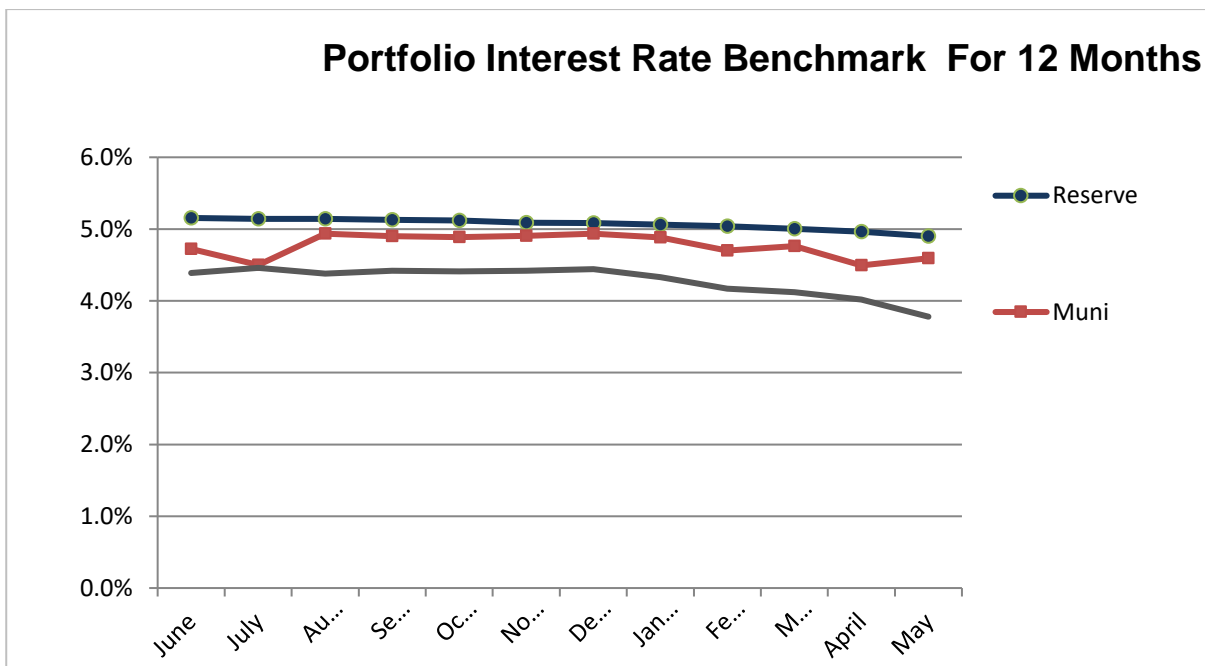
Council Policy CP-009 – Investment of Funds provides guidelines with respect to the investment of City of Melville (the City) funds by defining levels of risk considered prudent for public monies. Liquidity requirements are determined to ensure the funds are available as and when required and take account of appropriate benchmarks for rates of return commensurate with the low levels of risk and liquidity requirements. The types of investments that the City has the power to invest in is limited by prescriptive legislative provisions governed by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Part III of the *Trustees Act 1962*.

FINANCIAL IMPLICATIONS

For the period ending 30 April 2025:

Year-to-date Investment earnings on term deposits held in reserve accounts, money at call accounts and the municipal account in aggregate, was \$6,031,342 against a year-to-date budget of \$6,905,000 representing a negative variance of \$873,658 This negative variance is mainly due to timing differences, reflecting the impact of a reduced interest income forecast for remaining period until 30 June incorporated into the Mid-Year Budget Review.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 April 2025 was 4.73% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 4.02%.



CONSEQUENCE

There are no consequences or alternative options presented as part of this report.

BRIEFING FORUM – FURTHER INFORMATION

At the Agenda Briefing Forum held on Tuesday, 10 June 2025, there were no questions or requests for further information in relation to this item.

C25/286 Statements of Financial Activity for April 2025

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Responsible Officer:	Director Corporate Services
Voting Requirements:	Absolute Majority
Officer Disclosure of Interest:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Attachments:	<ol style="list-style-type: none"> 1. Statement of Financial Activity April 2025 ↓ 2. Statement of Comprehensive Income April 2025 ↓ 3. Net Working Capital April 2025 ↓ 4. Reconciliation Net Working Capital April 2025 ↓ 5. Notes to Statement of Financial Activity April 2025 ↓ 6. Statement of Financial Position as of 30 April 2025 ↓ 7. Summary Rate Debtors April 2025 ↓ 8. Rates Collection Graph April 2025 ↓ 9. General Debtors Aged 90 Days April 2025 ↓ 10. Budget Amendments April 2025 ↓

COUNCIL'S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

SUMMARY

- This report presents the Statements of Financial Activity, Statement of Comprehensive Income and Statement of Financial Position for the period ending 30 April 2025; and
- Presents the variances for the month of April 2025 and recommends that they be noted by the Council; and
- Presents the budget amendments required for the month of April 2025 and recommends that they be adopted by the Council by Absolute Majority decision.
- The KPMG/OAG audit plan was presented to the Audit, Risk and Improvement Committee (ARIC) on 12 May. Both the interim and final audits of the annual financial statements are scheduled, with the final audit to be conducted in October. The final audit report will be presented to Council and the Minister for Local Government by 31 December.
- The Budget amendments required for the month of April 2025 and recommends that they be adopted by Absolute Majority decision of the Council.

OFFICER RECOMMENDATION**That the Council:**

1. **Notes the Rate Setting Statement and Statements of Financial Activity for the month ending April 2025 as detailed in the following attachments:**
 - **Statement of Financial Activity April 2025 (Attachment 1); and**
 - **Statement of Comprehensive Income April 2025 (Attachment 2); and**
 - **Net Working Capital April 2025 (Attachment 3); and**
 - **Reconciliation Net Working Capital April 2025 (Attachment 4); and**
 - **Notes to Statement of Financial Activity April 2025 (Attachment 5); and**
 - **Statement of Financial Position as of 30 April 2025 (Attachment 6); and**
 - **Summary Rate Debtors April 2025 (Attachment 7); and**
 - **Rates Collections Graph April 2025 (Attachment 8); and**
 - **General Debtors Aged 90 Days April 2025 (Attachment 9).**
 - **Budget Amendments April 2025 (Attachment 10); and**
2. **By Absolute Majority Decision adopts the budget amendments, as detailed in the Budget Amendments April 2025 (Attachment 10).**

PURPOSE

The attached financial reports reflect a positive financial position of the City of Melville as at 30 April 2025.

STRATEGIC ALIGNMENT

Outcome	5	Leadership and good governance for the benefit of the whole community.
Objective	5	Good Governance and Leadership
	5.1	Provide transparent and accountable good governance.
	5.2	Ensure long term financial sustainability, strategic advocacy and partnerships, and diverse revenue streams.
	5.3	Ensure efficient and effective use of assets, resources and technology.

BACKGROUND

The Statements of Financial Activity for the period ending 30 April 2025 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

Overall Summary of the City's Financial Position

- The City's total investments holding for April 2025 were \$ 174.06m of which the Municipal cash balance at the end of the month was \$27.16m and \$146.65m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The investment in green/ethical term deposits as at 30 April 2025 was \$47m or 27% of total investment holdings, compared to \$42m (23%) in March 2025. Green/Ethical investments are invested, in accordance with the CP-009 Investment of Funds Policy.
- Rates raised as at April were \$109.56m compared to a year-to-date budget of \$108.59m.
- Total debtor collections for April 2025 equalled \$2.04m. Rates collection progress for the month of April is equal to target at 94.7%, compared to 94.5% for the same period in 2023-2024. The total outstanding debtors (including all rates and sundry debtors) is \$7.94m as of 30 April 2025.
- The KPMG/OAG audit plan was presented to the Audit, Risk and Improvement Committee (ARIC) on 12 May. Both the interim and final audits of the annual financial statements are scheduled, with the final audit to be conducted in October. The final audit report will be presented to Council and the Minister for Local Government by 31 December

CONSIDERATION

The attached reports have been prepared in compliance with the requirements of the legislation and Council policy. The three-monthly reports that are presented are the:

1. Statement of Financial Activity
Provides details on the various categories of income and expenditure.
2. Statement of Comprehensive Income
Provides details on the Nature classifications.
3. Statement of Financial Position
Provides details on the Financial Position.

Variances

A detailed summary of variances and comments based on the Statement of Financial Activity for April 2025 by Nature or Type is provided in attachments:

- Statement of Financial Activity April 2025 (Attachment 1); and
- Statement of Financial Position as of 30 April 2025 (Attachment 6): Statement of Variances in Excess of \$100,000.

Revenue

Rates raised as at April were \$109,560,096, compared to a year-to-date budget of \$108,594,065.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	5,425,866	5,425,866	0%	4,487,816	21%
Debtors Raised	134,563,135	134,149,038	0%	126,334,303	7%
Payments Received	(132,512,720)	(130,885,919)	1%	(123,388,732)	7%
Closing Balance	7,476,281	8,688,985	-14%	7,433,388	1%

Total rate debtor collections for the month equalled \$1,626,801.

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	565,184	565,184	0%	901,439	-37%
Invoices Raised	3,515,281	3,121,148	13%	5,128,231	-31%
Receipts	(3,600,022)	(3,185,913)	13%	(5,095,370)	-29%
Prepayments	(16,181)	(14,978)	8%	(9,868)	64%
Closing Balance	464,261	485,441	-4%	924,433	-50%

Sundry debtor balances decreased by \$21,180 over the course of April from \$485,441 to \$464,261 of which total 90-day sundry debtors for the month is \$372,549, representing 80% of total sundry debtors.

Corporate Climate Action Plan

A summary of the expenditure associated with the City’s climate action plan initiatives, compared to a year-to-date budget, is provided below. These costs encompass various activities aimed at reducing our carbon footprint and promoting sustainable practices across the City.

Description	YTD Actuals 2024-2025	YTD Revised Budget 2024-2025	Total Revised Budget 2024- 2025	Actual 2023-2024
Sustainability & Climate Action Salaries	426,717	393,123	478,304	465,621
Electric Vehicles	175,540	162,602	162,602	36,192
Corporate Emissions Monitoring & Management	59,139	60,000	70,000	0
Micro Grid Project	12,000	12,000	40,000	26,795
Sustainability Initiatives	102,201	107,000	300,000	121,125
Piney Lakes Environmental Education Centre Refurb (new)	59,139	50,000	1,280,009	0
Total	830,096	784,725	2,330,915	649,733

Money Expended in an Emergency and Unbudgeted Expenditure

There was no money expended in an emergency or unbudgeted expenditure for the month of April 2025.

Budget Amendments

Details of Budget Amendments requested for the month of April 2025 that reflect effective changes to budgets are shown in attachment Budget Amendments April 2025.

Budget amendments that are purely administrative and detail movements between budget responsible officers are not included in the attachment. This reporting is aligned with legislative requirements.

Granting of concession or writing off debts owed to the City

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and write off monies owing to the City to a limit of \$10,000 for any one item. The CEO has partially on-delegated this to the Directors to write off debts or grant concessions to a value of \$5,000 and the Manager Financial Services to a value of \$1,000.

Sundry Debtors

There were no debts written off for the month of April 2025.

Rate Debtors

There were no rate debts written off for the month of April 2025.

ENGAGEMENT

There are no applicable engagement considerations presented as part of this report.

SUSTAINABILITY IMPLICATIONS

The City of Melville (the City) has well developed business continuity plans in place and an Incident Response Team (IRT) to coordinate and plan the City's response to the significant situations.

LEGISLATIVE AND POLICY ALIGNMENT

Local Government Act 1995 Division 3 – Reporting on Activities and Finance Section 6.4 – Financial Report.

Local Government (Financial Management) Regulation 1996 Part 4 – Financial Reports Regulation 34 requires that:

34. Financial activity statement report — s. 6.4

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) budget estimates to the end of the month to which the statement relates;*
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing —*
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) such other supporting information as is considered relevant by the local government.*
- (3) The information in a statement of financial activity may be shown —*
- (a) according to nature and type classification; or*
 - (b) by program; or*
 - (c) by business unit.*
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be —*
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

The variance adopted by the Council is 10% or \$100,000 whichever is greater.

Local Government Act 1995 Division 4 – General Financial Provisions Section 6.12; Power to defer, grant discounts, waive or write off debts.

The format of the Statements of Financial Activity as presented to the Council and the reporting of significant variances is undertaken in accordance with the Council's Accounting Policy CP-025.

FINANCIAL IMPLICATIONS

Variances

Variances are detailed and explained in the attachment Notes to Statement of Financial Activity April 2025 (Attachment 5): Notes on Statement of Variances in excess of \$100,000.

CONSEQUENCE

There are no consequences or alternative options presented as part of this report.

BRIEFING FORUM – FURTHER INFORMATION

At the Agenda Briefing Forum held on Tuesday, 10 June 2025, there were no questions or request for information in relation to this item.

C25/288 RFT242512 - Restricted Tender Supply & Implementation of a Customer Experience, Relationship & Request Management Platform

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Responsible Officer:	Director Community Development
Voting Requirements:	Absolute Majority
Officer Disclosure of Interest:	Nil
Attachments:	1. Minutes - 20 May 2025 - CTAU (confidential)

COUNCIL'S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

SUMMARY

- This report is presented to Council to recommend the acceptance of a request submitted for Supply & Implementation of a Customer Experience, Relationship & Request Management Platform.

CTAU RECOMMENDATION

That the Council by Absolute Majority Decision:

1. **Accepts the recommendations as contained in the confidential attachment to this report, RFT242512 Contract and Tender Advisory Unit Minutes; and**
2. **Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**
3. **Noting award of this Contract is subject to reaching an agreement on the final Contract Terms.**

PURPOSE

The Contract and Tender Advisory Unit (CTAU) is satisfied that the recommended supplier meets the City's qualitative requirements and represents value for money. The City of Melville went to market seeking Expressions of Interest (EOI) for the Supply & Implementation of a Customer Experience, Relationship & Request Management Platform. The outcome of the EOI evaluation process identified a shortlist of Vendors, who were invited to make a formal submission via Restricted Tender.

The CTAU's recommendation for the Restricted Tender is now being presented to Council for their approval.

STRATEGIC ALIGNMENT

Outcome	5	Leadership and good governance for the benefit of the whole community.
Objective	5	Good Governance and Leadership
	5.4	Strengthen active citizen engagement, participation, and access to information.
	5.5	Provide excellent customer experiences and ease of access.

BACKGROUND

The City is seeking to procure the supply, configure and implement a Customer Experience, Relationship and Request Management (CXR) platform. Following an Expression of Interest (EOI) process in 2024, the City invited three of the nine Vendors to provide a formal submission via Restricted Tender. The CTAU Meeting Minutes included as a confidential attachment to this report is additionally available to Elected Members on the Elected Members Portal.

CONSIDERATION

Restricted Tender was requested and received from the following organisations:

- 8Squad Pty Ltd
- Ennovative Pty Ltd
- HCL Australia Services Pty Ltd

All Respondents addressed the Compliance and Disclosure Requirements appropriately and were processed through to Qualitative Assessment.

The City set the following qualitative criteria and weightings:

Demonstrated Experience	15%
Capacity to Deliver	25%
Methodology	30%
Suitability of Products – Functional Requirements	30%
Total	100%
Suitability of Products – Technical Requirements	Risk Based Non-weighted
Price	Non-weighted

The recommended Respondent achieved a qualitative score of 69% against the following criteria:

I. Demonstrated Experience

The Respondent provided the required information against this criterion. Examples provided were relevant to the services that will be delivered under this Contract. The Respondent also had the strongest Local Government experience out of all Vendors.

II. Capacity to Deliver

The Respondent provided the required information against this criterion.

The key personnel have relevant qualifications and a good level of experience in similar projects.

III. Methodology

The Respondent provided the required information against this criterion.

The methodology meets the City's expectations, with the ability to accelerate the implementation process.

IV. Suitability of Products – Functional Requirements

The Respondent provided the required information against this criterion.

The solution proposed by the Respondent clearly meets the City's requirements.

V. Suitability of Products – Technical Requirements

This criterion is risk based, please refer to attached CTAU Attachment for full details.

The Evaluation Panel reviewed all Respondents' offers and prepared an Evaluation Report, identifying the recommended Respondent.

The recommendation was supported by the CTAU and is put forward as part of the recommendation to the Council.

The Evaluation Report and associated confidential attachments were distributed to Elected Members under confidential cover.

ENGAGEMENT

No community or external engagement has been required or undertaken as part of this request.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications presented as part of this report.

LEGISLATIVE AND POLICY ALIGNMENT

This request has been considered with regards to the following policies and legislative requirements:

- CP-023 Procurement of Products and Services
- *Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1)*

"A Local Government is required to invite tenders before it enters into a contract for another person to supply goods or services".

FINANCIAL IMPLICATIONS

Any relevant financial implications are detailed in the confidential attachment to this report.

In addition to the contract costs, there will be additional budget required in the next Financial Year for external resources to assist with the project implementation. Please refer to page 17 of the confidential attachment "Project Financial Summary".

It is important to note that the City has reduced the financial risk associated with this project by developing a contract which provides the City an option to not continue with either the vendor or the platform if the not fully satisfied with the performance of each during the 'Proof of Concept' phase. It is envisioned that the 'Proof of Concept' phase will be undertaken over a three-month period starting in July 2025. City Officers will provide Elected Members with an update via an Elected Member Engagement Session regarding the status of the ongoing contract following this phase.

CONSEQUENCE

No alternative options or consequences are presented as part of this report

BRIEFING FORUM – FURTHER INFORMATION

At the Agenda Briefing Forum held on Tuesday, 10 June 2025, the following questions and/or requests for information were raised by Elected Members and now form part of the Final Ordinary Meeting of Council Business Papers:

Question 1:

Can we get further information or a breakdown of the staff costs / resourcing regarding the contract?

Response 1:

This question was taken on notice, and a response provided on the Elected Members Portal on Friday, 13 June 2025.

Community Development**CD25/46 Proposed Parking Station - Former Bridge Club Location (788, 790, 792 & 794 Canning Highway Applecross)**

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Responsible Officer:	Director Community Development
Voting Requirements:	Simple Majority
Officer Disclosure of Interest:	No officer involved in the preparation of this report has a declarable interest in the matter.
Attachments:	Nil

COUNCIL'S ROLE

Legislative: Includes adopting local laws, town planning schemes & policies.

SUMMARY

- The subject site at 788, 790, 792, and 749 Canning Highway was formerly occupied by the Melville Bridge Club and now remains undeveloped.
- The on-site car park (approximately car bays 40 bays) remains in use by commuters due to its proximity to Transperth bus services.
- The site provides an opportunity to generate revenue and ensure consistency across the City's parking infrastructure.
- Recommended initial flat daily rate of \$5 per day.
- Estimated implementation cost is approximately \$8,000–\$10,000 and potential annual revenue of approximately \$45,000 with an upside of \$50,000 at full occupancy.
- To establish the location as a Parking Station, the City requires a Council Resolution in accordance with the City of Melville Parking Local Law 2023.

OFFICER RECOMMENDATION**That the Council:**

1. Approves the designation of the car park located at 788, 790, 792 and 749 Canning Highway as a paid parking station under the City of Melville Parking Local Law 2023; and
2. Approves the designation of metred zones on the subject sites adjacent verges of Tain Street and Simpson Street Applecross; and
3. Approves an initial daily flat rate of \$5 per vehicle.

PURPOSE

To seek Council approval to formalise and implement a paid parking station at 788, 790, 792, and 749 Canning Highway to improve local parking consistency, support public transport users, and generate operational revenue for the City.

STRATEGIC ALIGNMENT

Outcome	3	Sustainable, connected development and transport infrastructure across our City.
Objective	3	Sustainable and Connected Development
	3.5	Facilitate improved integrated public transport solutions.

BACKGROUND

The subject site, previously the location of the City of Melville Bridge Club, has remained undeveloped since the building was demolished in late 2019. The existing car park is regularly used by commuters due to its immediate proximity to a Transperth bus stop and surrounding transport infrastructure.

With approximately 40 formal bays and additional informal parking occurring, the site has become a popular and unsanctioned park-and-ride location.

A recent review of the subject site indicates that development is unlikely to occur in the immediate future, presenting an opportunity to formalise the current consistent but informal parking arrangements.

CONSIDERATION

The subject site (image below), comprising 788, 790, 792, and 749 Canning Highway, remains undeveloped following the closure and demolition of the former Melville Bridge Club in 2019. Despite the building's removal, the on-site car park (containing approximately 40 formalised bays) was retained in a usable condition and has since become an informal park-and-ride location due to an adjacent Transperth bus stop and proximity to regional transport corridors.



Image 1: Subject Site

Blue highlighted area – Parking Station
Orange highlighted areas – Metred Zones

A recent site inspection and usage assessment confirm that the car park operates at high occupancy during weekdays, predominantly by commuters who utilise the Transperth bus network. In addition to the formalised bays, there is evidence of informal verge and unmarked bay usage, indicating demand in excess of the structured supply.

When the bays within the subject site are fully occupied a number of motorists park on adjacent verges along Tain Street and Simpson Street Applecross.

The current use of the site, while beneficial to users, is unmanaged, unregulated, and unsupervised. This has created several operational concerns:

- Inconsistent use of the verge and unmarked areas
- Lack of signage or regulation makes enforcement of undesirable behaviour difficult
- Possible damage and safety risks due to the high use of the ground
- No revenue is generated from daily use, despite possible maintenance and oversight by the City

Formalising the site as a temporary paid parking station and metred zones under the City of Melville Parking Local Law 2023 until the subject site is redeveloped will:

- Enable consistent enforcement, supported by regulatory signage and clear bay markings
- Promote equitable use of City-managed parking assets across the City's parking infrastructure
- Ensure commuter parking is retained in an orderly and compliant manner until the site is redeveloped
- Improve community awareness that the location is a temporary parking area, not considered for long-term use
- Create a new source of revenue from an otherwise dormant site

Comparative Options

A review of comparative public transport parking options highlights Murdoch and Bull Creek Stations offer parking at \$2/day but are further away and near capacity during peak times.

The City of Perth charges between \$15–\$18/day in CBD areas, but require motorists to drive into the City, often at Peak times.

Aside from the options mentioned above, there are limited other options for people to park and use public transport.

Proposed Implementation

The proposed implementation plan includes:

- Applying parking restrictions between 8:00AM – 5:00PM Monday to Friday.
- Introducing a daily flat rate of \$5 per day.
- Installing pay-by-app signage and completing minor infrastructure upgrades including bay re-marking and verge signage.
- Designating the adjacent verges along Tain Street and Simpson Street as 4-hour time-limited, fee-free parking zones. Beyond this period, apply the same \$5 flat daily rate as the subject site to discourage long-term commuter parking shifting to the verges in order to avoid payment.

The implementation plan does not recommend the installation of parking meters, as this may imply that the parking station is intended for long-term use. Given the routine nature of users at this location, a pay-by-app system is considered more suitable and convenient for the sites users.

The site remains a longer-term development opportunity. However, the interim use as a managed parking station ensures the City meets its obligations in maintaining the property while delivering short-term community benefits.

ENGAGEMENT

Internal stakeholder engagement has occurred to assess operational and budgetary implications. Following Council approval, site signage and localised community advertisement will be implemented to inform regular users of the changes and timing.

Subject to Council approval at the June 2025 OMC, it is proposed that the parking charges commence in early September 2025, allowing sufficient time to notify motorists and enable those who do not wish to pay the flat rate to make alternative arrangements.

The fee proposed in this report is included in the 2025-2026 Fees and Charges (listed for adoption within the same business papers). Should Council resolve not to adopt the fees and charges, or that a different fee is appropriate, then Elected Members will need to move an alternative motion for the different fee.

SUSTAINABILITY IMPLICATIONS

The proposal supports public transport usage by retaining access to parking near existing bus services while promoting more sustainable and equitable use of parking infrastructure through demand-based pricing.

LEGISLATIVE AND POLICY ALIGNMENT

City of Melville Parking Local Law 2023 requires a council resolution to formalise the paid parking station (subject site) and metred zone (adjacent verges).

FINANCIAL IMPLICATIONS

The City's 2025/26 budget includes funds to support the initial set-up, which is estimated at \$8,000–\$10,000.

Revenue modelling demonstrates that even modest uptake at 90% occupancy could generate between \$45,000 annually, with an upper yield of \$50,000/year based on full occupancy of the formalised car park. Revenue generated from the adjacent verges would generate an additional, but negligible return.

Should Council request the installation of a parking meter, estimated costs range between \$10,000 and \$28,000 for a single unit. This variance accounts for potential power supply requirements, as solar-powered meters may not be feasible at the subject site.

CONSEQUENCE

If the proposal is not adopted:

- The City will forgo potential revenue of approximately \$50,000 annually
- Inconsistent parking management practices will persist, resulting in an inequitable situation where commuters in other areas of the City are disadvantaged by being required to pay for parking while users of this site park for free
- Informal parking behaviour may continue to negatively impact local amenity, while the City remains responsible for ongoing maintenance and care of the site without recovering any costs associated with wear and tear resulting from the current unregulated parking arrangement

BRIEFING FORUM – FURTHER INFORMATION

At the Agenda Briefing Forum held on Tuesday, 10 June 2025, the following questions and/or requests for information were raised by Elected Members and now form part of the Final Ordinary Meeting of Council Business Papers:

Question 1:

Is the City anticipating people parking in the sandy areas?

Response 1:

It's likely to happen, it's currently happening now. So the signage will reflect that if they do park in the sandy areas is that the expectation is that they would have to purchase a ticket and failure to do so would be an offense.

Question 2:

Is the City going to be putting markings or infrastructure in place to show where people should be parking in the sandy areas?

Response 2:

The City's preference is for them not to park there, but if they do so, there will be signage up with the advice to purchase a ticket.

Question 3:

When will the marketing campaign occur for the sale of the land, and how long will the campaign be?

Response 3:

There is currently no date for the campaign at this stage. The process at this point is requesting proposals, 410 will be open for six weeks and 788 is proposed to be open for eight weeks. They will come back and be assessed by staff and a report presented to the Council to accept and progress any of the proposals. In terms of the timing, it will be a lengthy process which is likely to be next year.

Question 4:

If we're out for requests for proposals, it might not be prudent to wait for the result of that. So, what is the scope for us to wait until after the responses for the request for proposals come in?

Response 4:

From a financial perspective, there would be an income obtained from this. Secondly, once the City goes through this process, it may be a condition where it's still used as a temporary parking station up until the planning approval process for whatever the future land could be used for is completed, and the site handed over. Part of the rationale with the new signage to be installed will be making it clear that this is a temporary parking facility.

Question 5:

Can you comment on the practicality and logistics of having ticketed parking on the sandy areas for the sandy areas but not wanting people to park there?

Response 5:

This approach is from a customer experience perspective. However, we could consider disallowing the parking in that space, and it is noted that the City's preference is that they don't park there, but if they do, then they are required to purchase a ticket. When completing the use analysis of the space, we've seen a number of cars parked within the sandy area and the City is trying to be as pragmatic as possible with the space.

Question 6:

How many parking bays are in Bull Creek and Murdoch?

Response 6:

There are 613 bays available at the Bull Creek station, and 1,800 bays at Murdoch.

Question 7:

Can you explain the four hours free, and then after they pay, when across the road there is a three hour free zone, so why is there a differential in the payments?

Response 7:

The four hour free verge nearby is really to cater for people who live nearby, and we don't want to impact them by this proposal, who may have contractors arriving and using the verge nearby. However, if they are using the verges as overflow or for commuter use, then we're trying to make sure that they pay the same fee.

Question 8:

Will people be able to get a physical ticket?

Response 8:

The parking will utilise EasyPark, which is already used across the City. The City will put up a sign with a unique identifying number for the parking, and a QR code which people can use to download and pay for parking. The people using the parking station are regular commuters and are going to the same place each day. Therefore the intent is not to create a new parking destination for people, and are trying to target the people who may be using it already. Using this we're also not increasing our capital expense as it is not a long term parking solution.

Question 9:

What is the \$8,000 to \$10,000 for the implementation actually for?

Response 9:

This will be used for the line marking and infrastructure, as the current parking on the site has degraded so this will improve visibility of the parking bays, and will also be used for the signage within the area.

Question 10:

Is there a cheap solution to improve the condition of the sandy area?

Response 10:

The City does not currently have any indicative pricing for this subject site. However, previous experience suggest that once the City road base it, we have to look at potentially asphalt as the road base gets turned up quite quickly. Therefore, it is recommended that the Council look at what the longer term plan of the site is before starting to increase the capital requirements of the site.

Question 11:

Regarding the site's proximity to the Riseley Street Activity Centre, is the Riseley parking all day parking?

Response 11:

It is a mix of private and City parking, and we are working with the businesses in that area to try and consolidate parking. Regarding the City's parking and all-day parking, the Kearns Crescent parking is currently charged at:

- first 3 hours free and then charged \$2.20 per hour thereafter.

This fee is subject to review and amendments are being proposed in the FY 25-26 Fees and Charges. The private parking operator at the Riseley Street complex charges \$8 for all day parking.

Question 13:

Is the City going to look at other areas of the city where commuters might make the most of free parking?

Response 13:

Yes, the City is actively completing an ongoing review of the City's parking areas, especially around the Canning Bridge area. The Council will see over the next year a number of items coming to the Council in this space.

Question 14:

Is there a way to maximise return without formalising the parking, such as a coin machine or parking meter, and making it more of a temporary option?

Response 14:

The City wouldn't necessarily need a parking meter in there to maximise the potential return, as people who park there are regular users of the facility. So limiting our capital expense will maximise our return, as currently we can't confirm the duration of this solution.

Question 15:

Is the City calling the site a temporary parking area in the signage?

Response 15:

Yes, the signage will be clear that the area is a temporary parking station, and if possible may include some time frames associated with the change of land use in the future.

Question 16:

If the parking overflows to the side street, do you have a plan to stop that?

Response 16:

The City's intention is not to advertise this space as a destination parking space. However, if traffic and parking issues arose, the City would be able to explore this.

Planning

Nil.

11 MOTIONS WITH PREVIOUS NOTICE

15.1 Notice of Rescission Motion - Removal of Street Tree - 21 Ferguson Street, Alfred Cove

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 17 June 2025. At the time of the deferral, the item had not been moved or seconded and no debate had occurred.

File Number:	
Elected Member:	Cr Jane Edinger
Item No:	Item E25/67 Request for Removal of Street Tree – 21 Ferguson Street, Alfred Cove
Proposed Motion Name:	Nil.
Attachments	1. City of Melville Statement of Impact (confidential)





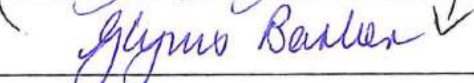
MOTION:

That the Council rescind the recommendation for item E25/67 Request for Removal of Street Tree – 21 Ferguson Street, Alfred Cove and that it be re-presented to Council.

REASONS:

I have been advised that, if the matter was taken to the State Administrative Tribunal (SAT), then the request to remove the tree would be granted. It will cost the City time and money to attend SAT. Hyper-local community consultation was undertaken in relation to removal of this tree, with 12 responses being received, 11 of which support the removal of the tree. As a Council we need to listen to our community. The proponents advised Council that they are prepared to plant 2 advanced indigenous tree saplings to replace the tree being removed.

Note: A rescission motion requires a signature by 1/3rd of the number of offices of members of the Council Local Government (Administration) Regulations 1996.

SUPPORTING ELECTED MEMBERS	
Cr J Edinger	
Cr C Ross	
Cr J Spanbroek	
Cr G Barber	
Cr T Lee	

12 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)**13 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC****RECOMMENDATION**

That the Council considers the confidential report(s) listed below behind closed doors in accordance with Section 5.23(2) of the Local Government Act 1995:

C25/289 Financial Management Review Report 2025

This matter is considered to be confidential under Section 5.23(2) - (e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

C25/290 Office of the Auditor General - Purchase Card Audit

This matter is considered to be confidential under Section 5.23(2) - (e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

M25/53 Confidential Staffing Matter

This matter is considered to be confidential under Section 5.23(2) - (b), (c) and (e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person, 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 and a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

M25/54 Confidential Staffing Matter

This matter is considered to be confidential under Section 5.23(2) - (b), (c) and (e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person, 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 and a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

C25/291 Confidential Employee Matter

This matter is considered to be confidential under Section 5.23(2) - (a) and (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees and 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.

14 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

15 CLOSURE



External Committee Members

Policy Type: Council Policy Policy Owner: Chief Executive Officer	Policy No. CP- 0XX Last Review Date: XX Month 2025
--	---

Policy Objectives

To provide transparency regarding payment of fees and reimbursement of expenses to independent committee members, in accordance with the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996*, and determinations of the Salaries and Allowances Tribunal.

Policy Scope

This Policy applies to independent members of committees established under section 5.8 of the Act.

Definitions / Abbreviations Used In Policy

independent committee member means a person appointed to a committee established under s5.8 of the Act but who is neither a council member nor an employee;

determined means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7BAA;

LG Regulations means *Local Government (Administration) Regulations 1996*.

Policy Statement

Appointment

1. Where an independent committee member vacancy arises, a merit-based process will be undertaken to select a suitably qualified and experienced candidate. This process will be line with the processes for selecting members of State Government boards and committees and will include public advertising of the vacancy and evaluation against selection criteria.
2. Appointments will be made by the Council in accordance with Section 5.10 if the Local Government Act 1995 and in alignment with the Terms of Reference related to the committee.

Meeting Fees

3. Independent committee members will be paid the maximum meeting attendance fee, as determined by the Salaries and Allowances Tribunal, for their attendance at:
 - a. Meetings of the committee on which they are an appointed member.
 - b. Meetings of a committee of Council on which they are not a member, but their attendance has been requested by Council

Reimbursable expenses

Uncontrolled Document When Printed - This Version: 20/05/2025 2:09 PM
 Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.

Page 1 of 3



4. Independent committee members are entitled to be reimbursed for expenses incurred in performing an authorised function.
5. An authorised function refers to the independent committee member's attendance at the following:
 - a. Meetings of committees of Council on which they are not a member, but their attendance has been requested by the Council.
 - b. Meetings of the Council, where Council has requested their attendance.
 - c. Meetings as required by the CEO, including meeting with City's Employees, or the Office of the Auditor General.
 - d. Training organised by the City for the committee on which they are an appointed independent committee member.

Travel

6. Travel expenses refer to the costs of reasonable travel to and from the location at which independent committee members are required to perform an authorised function. This may include reasonable bus, train, taxi or parking costs, and does not include the cost of any infringements or fines related to travel.
7. Travel costs incurred while driving a privately owned or leased vehicle are to be calculated at the rate determined by the Salaries and Allowances Tribunal, using the shortest or most practical route.
8. The extent to which travel expenses may be reimbursed is to be in accordance with the extent determined by the Salaries and Allowances Tribunal.

Reimbursement claims

9. An independent committee member making a claim for reimbursement is to submit the following information to the Chief Executive Officer within 60 days of the expense being incurred:
 - a. a completed City of Melville reimbursement of expenses form;
 - b. a copy of the receipt(s) for the expense;
 - c. evidence of the nature, amount, date and time of the expense incurred and paid by the independent committee member, and who the independent committee member made payment to, where this information is not provided on the expense receipt.
10. A reimbursement will be authorised by the Chief Executive Officer where:
 - a. The claim for reimbursement contains all required information and documents and has been submitted within 60 days of the expense being incurred.
 - b. The expense is of a kind that the independent committee member is entitled to be reimbursed under this Policy.
 - c. The Chief Executive Officer is satisfied that the sole purpose of the expenditure was for the performance of an authorised function. Governance of fees, allowances and entitlements.

Payments

11. Payment of attendance fees will be included the next available payment run after the meeting, by direct deposit to a nominated bank account.



12. Payment of reimbursable expenses will be included in the next available payment run after the meeting, by direct deposit to a nominated bank account.
13. If an independent committee member is aware of having received a payment in excess of this Policy, the independent committee member must notify the City immediately and return any monies owed to the City.
14. Making a false or fraudulent claim for reimbursement or any other entitlement may be a criminal offence and reported to the Western Australian Police Force and/or the Corruption and Crime Commission.

Code of Conduct

15. Independent committee members are bound by the requirements of the City of Melville Code of Conduct for Elected Members, Committee Members and Candidates.

References that may be applicable to this Policy

Legislative Requirements: *Local Government Act 1995,*
Local Government (Administration) Regulations 1996,

Procedure, Process Maps, Work Instructions:

Other Plans, Frameworks, Documents Applicable to Policy: City of Melville Code of Conduct for Elected Members, Committee Members and Candidates

Delegated Authority No:

ORIGIN/AUTHORITY

Ordinary Meeting of Council

XX/XX/XX

Item No.

X24/XXX

Reviews

Ordinary Meeting of Council

XX/XX/XX

X24/XXX



Procurement Policy

Policy Type: Council Policy Policy Owner: Director Corporate Services	Policy No. CP- 023 Last Review Date: 06 November 2024
--	--

Policy Objectives

The objectives of this Policy are to ensure that procurement activities undertaken by the City of Melville (City):

- demonstrate best value for money.
- are compliant with relevant legislation.
- are recorded in compliance with the *State Records Act 2000* and associated records management practices and procedures.
- mitigate probity risk by establishing consistent and demonstrated processes that promote openness, transparency, fairness and equity to all potential suppliers.
- ~~promote~~ ~~ensure that the~~ ~~consideration~~ ~~benefits~~ of ~~achieving~~ ~~environmental~~ sustainability, ~~environmental and~~, social outcomes and ~~encouraging~~ local economic activity, ~~are considered~~ in the overall value for money assessment.
- ~~ensure preference to promote the use of~~ carbon neutral and low carbon options aimed at reducing the City's carbon footprint.
- are conducted in a consistent and efficient manner across the City and that ethical decision making is demonstrated.

Policy Scope

This Policy applies to all procurement activity undertaken by the City.

Definitions / Abbreviations Used in Policy

~~ELT~~: means the Executive Leadership Team which includes the CEO, the Directors, and the Executive Managers.

Policy Statement

1. Policy

The City is committed to delivering best practice in the procurement of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the "Act") and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the "Regulations"). Procurement processes and practices to be complied with are defined within this policy and the City's prescribed procurement procedures.

2. Ethics and Integrity

2.1. Code of Conduct

All employees of the City undertaking procurement activities must have regard for the City's Code of Conduct and shall observe the highest standards of ethics and integrity. All Elected Members and employees of the City must always act in an honest and professional manner which supports the standing of the City, complies with the City's Code of Conduct, and ensures the fair and equitable treatment of all parties.



2.2. Procurement Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the procurement process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all procurement decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money.
- all procurement practices shall comply with relevant legislation, Regulations, and requirements consistent with the City's policies and Code of Conduct.
- Procurement ~~is to use its best endeavours to ensure it undertakes a~~ ~~is to be undertaken on a~~ competitive ~~process-basis~~ where all potential suppliers are treated impartially, honestly and consistently.
- all procurement practices shall ensure that no disadvantage is unfairly apportioned to small businesses and include consideration of reasonable accommodation of their capacity.
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation.
- best endeavours shall be made to ensure sustainable procurement practices have been evaluated and preferred.
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the City by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

3. Value For Money

3.1. Policy

Value for money is achieved through the critical assessment of factors such as price, risk, timeliness, environmental, social, economic and other qualitative factors to determine the most advantageous outcome to be achieved for the City.

The City will apply value for money principles when assessing procurement decisions and acknowledges that the lowest price may not always be the most advantageous.

3.2. Application

An assessment of the best value for money outcome for any procurement process could consider:

- all relevant Whole of Life Costs and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as, but not limited to, holding costs, consumables, deployment, maintenance, disposal and any other externalities.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including, but not limited to, an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications, etc.
- financial viability and capacity to supply without risk of default i.e. competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history;
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- the safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering procurement of goods and services from suppliers;
- procurement of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and
- providing opportunities for businesses within the City's boundaries to be given the opportunity to quote for providing goods and services wherever possible.

4. Procurement Requirements

4.1. Legislative / Regulatory Requirements

Uncontrolled Document When Printed - This Version: [28/05/2025 9:40 AM](#)[11/03/2025 3:46 PM](#)
Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.

Page 2 of 13



The requirements that must be complied with by the City, including procurement thresholds and processes, are prescribed within the Regulations, this Policy and associated procurement procedures in effect at the City.

4.2. Policy

Procurement that is \$250,000 or below in value (excluding GST) must be undertaken in compliance with the procurement requirements under the relevant threshold as defined under this Procurement Policy.

Procurement that exceeds \$250,000 (excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption, is not deemed to be suitable.

Procurement Authorisation Limits allows specified Officers to approve certain procurement activities without prior referral to the Council. This enables the City to conduct procurement activities in an efficient and timely manner, whilst maintaining transparency and integrity. Procurement authorisation limits ensure accountability and provide confidence to the City and the public that procurement activities are dealt with at the appropriate level.

The Council has delegated the authority for activities below \$550,000 (excluding GST) per contract year to the Chief Executive Officer (CEO). The CEO has documented and approved Procurement Authorisation Limits. These limits relate to the expenditure of funds for the procurement of goods and services. The Procurement Authorisation Limits are fully reviewed annually. All Officers with procurement authority will undertake procurement training, specifically to ensure knowledge of the requirements as set out in this policy.

Procurement Authorisation Limits can be altered ~~by the relevant ELT member at the CEO's discretion.~~

4.3. Procurement Value Definition

Determining procurement value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST).
2. Where a contract is in place, the actual or expected value of expenditure over the full contract period, including all options to extend, specific to a particular category of goods, services or works.
3. Where there is no existing contract arrangement, the purchasing value will be the estimated total expenditure for a category of goods, services or works over a minimum three year period.

4.4. Procurement from Existing Purchasing Agreements

Where the City has an existing purchasing agreement in place, it must ensure that goods and services required are purchased under the agreement to the extent that the scope of the agreement allows. When planning the purchase, the City must consult its Contracts Register in the first instance before seeking to obtain quotes and tenders.

4.5. Blanket Purchase Orders

A blanket purchase order is for an amount greater than one individual purchase, generally extending to multiple purchases for a period. If contract rates are fixed and it is possible to accurately and easily monitor expenditure against that contract, Officers may raise a 'blanket' purchase order to create efficiencies in the procurement process.

4.6. Procurement Thresholds

The table below prescribes the procurement process that the City must follow, based on the purchase value. This only applies for purchases that are not exempt from following threshold rules and where no purchasing agreements are in place.



Purchase Value Threshold	Procurement Requirement
Up to \$1,000 (exclusive of GST)	<p>Purchase directly from a supplier using a purchase card (e.g. Credit Card or Bunnings Powerpass) issued by the City or obtain at least one verbal quote or written quotation from a suitable supplier.</p> <p><u>* in line with the Purchase Card Procedure or Policy.</u></p>
Over \$1,000 and up to \$10,000 (exclusive of GST)	<p>Purchase directly from a supplier using a Credit Card* purchase card (e.g. Credit Card or Bunnings Powerpass)* issued by the City, or obtain at least one verbal quote followed up with written confirmation or written quotation from a suitable supplier, either from:</p> <ul style="list-style-type: none"> • a pre-qualified supplier on the WALGA Preferred Supply Program, State Government or Commonwealth or any of its agencies (e.g. Common Use Arrangement CUA); or • the open market <u>that is considered to provide best value for money under the prevailing circumstances, provided value for money is demonstrated through past knowledge or market research.</u> <p>* Conditions of use regarding Credit Cards shall be developed to ensure compliance with the requirements of the Local Government Act, as well as detail the responsibilities of cardholders in line with the Purchase Card Procedure and Policy.</p>
Over \$10,000 and up to \$50,000 (exclusive of GST)	<p>Obtain Taking steps towards obtaining <u>Obtain, or demonstrate all reasonable steps have been taken to obtain,</u> at least three written quotations from suppliers, outlining the specified requirement, either from: a pre-qualified supplier on the WALGA Preferred Supply Program, State Government, or the Commonwealth or any of its agencies including CUA; or the open market.</p> <p><u>Where possible With at least one Quote should be</u> obtained from a Local, Disability Support Enterprise or Aboriginal Business (unless exemption provided by Procurement Team).</p> <p>Only one written quotation is required for purchases through WALGA, Disability Enterprises, Aboriginal Businesses, Commonwealth or State Government agencies below \$50,000 exclusive of GST. Obtaining more than one quote is recommended where possible and the Officer needs to be satisfied that value for money is achieved.</p>
Over \$50,000 and up to \$250,000 (exclusive of GST)	<p>Obtain Demonstrate all reasonable steps have been taken to obtain <u>Obtain, or demonstrate all reasonable steps have been taken to obtain,</u> at least three written quotations from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assess value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from:</p> <ul style="list-style-type: none"> • a pre-qualified supplier on the WALGA Preferred Supply Program, State Government, or the Commonwealth or any of its agencies including CUA; or • the open market.
Over \$250,000 (exclusive of GST)	<p>Where the procurement requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender exempt arrangement as listed under section 4.6 of this Policy, cConduct a public Request for Tender <u>or Request for Application to form a Panel</u> process in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>, (Regulations) this policy and the City's tender procedures. The procurement decision is to be based on pre-determined evaluation criteria that assess value for money considerations in accordance with the definition stated within this Policy.</p>



Purchase Value Threshold	Procurement Requirement
Emergency Purchases	<p>An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in s6.8 of the <i>Local Government Act 1995</i>. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.</p> <p>An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the City in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.</p> <p>All emergency purchases must be approved by the Mayor or by the CEO under delegation and reported to the next available Council Meeting.</p>

4.7. Purchases exempt from following threshold rules

The following transactions are exempt from following the rules associated with thresholds unless a public Request for Tender or Request for Application to form a Panel is required under the Regulations:

- A Sole Supplier identified on the Procurement Sole Supplier & Exception List.
- Members of ELT, The Directors and CEO may, at their discretion, waive the requirements to obtain three quotations providing that justifiable reasons for such waiver are provided by the officer responsible for the purchase and that these reasons are attached to the Purchase Requisition.
- The City conducted a compliant procurement process but no submission received met the requirements or satisfied the value for money assessment. The City may decide to negotiate an agreement directly with one or more suppliers within six months of rejecting the compliant procurement process.

4.8. Variations

Variations are allowed provided they follow the Regulations and the City's Variations Procedure. Under the Regulations:

- Prior to entering into a contract, minor variations are allowed.
- Once the local government has entered into a contract, variations are only allowed if they are necessary for the goods or service to be supplied and do not change the scope of the contract.

4.7.4.9. Exceptions List

Most procurement activities undertaken by the City require the raising of a purchase order. However, there may, from time to time, be circumstances where raising a purchase order for the procurement of some goods and/or services is impractical. Any exception to the requirement for raising a purchase order is must be listed on the Procurement Sole Supplier & Exceptions List.

The Procurement Sole Supplier & Exceptions List is reviewed annually and may only be approved by the CEO or the sub delegate, the Director Corporate Services.

Whilst the Exceptions List authorises Officers to make a purchase of the specified goods and services without the use of a purchase order, it is preferred practice to raise a purchase order if possible. A quotation or tender process may still be required in line with thresholds set in table 4.6 above.

All expenditure of goods and services on the Exceptions List must be appropriately authorised in line with the Procurement Authorisations List.



4.8.4.10. Tendering Exemptions

An exemption to publicly invite tenders may apply in the following instances:

- [Purchases from a Sole Supplier as identified by the City;](#)
- the purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;
- the purchase is from a Regional Local Government or another Local Government;
- the purchase is acquired from an Australian Disability Enterprise and represents value for money;
- the purchase agreement is formed within six (6) months of no tender being accepted.
- the purchase is from a pre-qualified supplier under a Panel established by the City;
- any of the other exemptions under *Regulation 11* of the Regulations apply.

4.9.4.11. Inviting Tenders Under the Tender Threshold

Where considered appropriate and beneficial, the City may consider publicly advertising ~~t~~enders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements and also whether the procurement requirement can be met through the WALGA Preferred Supply Program, State Government or the Commonwealth or any of its agencies including CUA.

If a decision is made to undertake a public Tender for contracts expected to be \$250,000 or less in value, the City's tendering procedures must be followed in full.

4.10.4.12. Expressions of Interest

Expressions of Interest (EOI) are typically considered in situations where the project is of a significant value or contains significant complexity of project delivery that may solicit responses from a range of industry providers.

In these cases, the City may consider conducting an EOI process, ~~preliminary to any Request for Tender process~~, where the procurement requirement is:

- Unable to be sufficiently scoped or specified.
- Open to multiple options for how the procurement requirement may be obtained, specified, created or delivered.
- Subject to a creative element; or
- To establish a procurement methodology that allows for an assessment of a significant number of ~~submissions~~tenders leading to a shortlisting process based on non-price assessment criteria.

~~Over \$250,000 A~~all EOI processes are conducted as a public process and, similar rules to a Request for Tender apply. However, the EOI should seek qualitative and other non-price information only i.e. Only indicative price information may be sought from respondents in order to inform establishing appropriate budgets. All EOI processes should subsequently be followed by a Request for Tender through an invited process of those shortlisted under the EOI.

~~Under \$250,000 an EOI needs to follow the threshold rules set in table 4.6 above or may be followed by a Request for Quote through an invited process of those shortlisted under the EOI.~~

4.11.4.13. Sole Source of Supply

Where the procurement requirement is of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a quotation or tender process. This is only permitted in circumstances where the City is satisfied and can evidence that there is only one source of supply for those goods, services or works. The City must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply. Once determined, supplier and type of supply will be listed on the Procurement Sole Supplier & Exceptions List, reviewed annually by the CEO.



4.12.4.14. Anti-Avoidance

The City shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular procurement threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

Using rolling contract extensions at the end of a contract term without properly testing the market or using a tender exempt arrangement, will not be adopted where it could as this would place the City in breach of the Regulations (*Regulation 12*).

The City will conduct regular analysis of procurement activities within supply categories and aggregating expenditure values in order to identify procurement activities which can be more appropriately undertaken within the Procurement Threshold practices detailed in clause 4.65 above.

5. Records Management

Records of all procurement activity must be retained in compliance with the *State Records Act 2000 (WA)*; the City's Records Management Policy and associated procurement procedures.

For each procurement activity, such documents may include:

- The Procurement initiation document such as a business case which justifies the need for a contract to be created (where applicable).
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract.
- Request for Quotation/Tender documentation including communications regarding clarifications and addendums to specifications.
- Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable).
- Copies of quotes/tenders received.
- Evaluation documentation, including individual evaluators note and clarifications sought.
- Negotiation documents such as negotiation plans and negotiation logs.
- Approval of award documentation.
- All correspondence to respondents notifying of the outcome to award a contract.
- Contract Management Plans which describe how the contract will be managed; and
- Copies of contract(s) with supplier(s) formed from the procurement process.

6. Social Procurement

The City shall undertake best endeavours to not knowingly purchase products or services that are produced under conditions of employment (including health and safety) that do not meet international conventions or labour laws or have negative social impacts.

Where relevant, the City shall use their purchasing power to generate social benefits, in addition to the goods and services they require. To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers provide social benefits in line with the City's objectives. This includes but is not limited to:

- Actions to reduce greenhouse gas emissions.
- Actions to mitigate environmental impact of the Good or Service being provided.
- Businesses located within the City of Melville boundaries or businesses that contribute directly to the City of Melville's economy.
- Direct involvement or positive impact to First Nation people and/or people living with a disability.
- Actions to identify and mitigate risk specific to modern slavery.
- Any other Sustainable/Social initiatives the City should consider.

5-4-6.1. Sustainable Procurement

Uncontrolled Document When Printed - This Version: **28/05/2025 9:40 AM** 11/03/2025 3:46 PM
Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.

Page 7 of 13



The City is committed to providing a preference to suppliers that demonstrate sustainable business practices. Where appropriate, the City shall endeavour to provide an advantage to suppliers demonstrating that they minimise environmental and negative social impacts and provide benefits to the local economy. ~~Sustainability Functional~~ considerations must be balanced against value for money outcomes and expectations in accordance with the City's sustainability objectives.

~~The City shall undertake best endeavours to not knowingly purchase products or services that are produced under conditions of employment (including health and safety) that do not meet international conventions or labour laws or have negative social impacts.~~

~~The City will look to utilise recycled or upcycled materials where feasible to align to the sustainability strategy and support the environment.~~

~~To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers can demonstrate sustainability and/or CSR policies and practices that have been implemented.~~

5.2.6.2. Modern Slavery

~~Where applicable, the City will ensure all steps are taken to reduce the risk in procuring goods and/or services that support modern slavery. This includes the compliance to the Modern Slavery Act 2018 in respect to;~~

~~the assessment of modern slavery Statements from required businesses;
the use of specific criteria in formal evaluations on modern slavery;
monitoring contracts and take action on non-compliance, as required; and
providing awareness training to staff.~~

~~The City is committed to ethical procurement practices and will take reasonable steps to mitigate the risk of modern slavery in the supply chain when procuring goods and services.~~

~~To support this commitment, the City will align its procurement practices with the principles of the Modern Slavery Act 2018 (Cth) and implement the following measures:~~

- ~~• Supplier compliance confirmation – All tenders requests (submissions) must include a declaration confirming compliance with modern slavery laws:~~

~~"To the best of our knowledge, we comply with all applicable laws, including the Modern Slavery Act 2018 (Cth), and take reasonable steps to identify, assess, and address risks of modern slavery practices in our operations and supply chains."~~

- ~~• Contractual obligations – The City's procurement contracts will include provisions requiring suppliers to adhere to modern slavery obligations.~~
- ~~• Supplier evaluation – The City will assess modern slavery statements provided by businesses as part of the tender evaluation process. Suppliers that demonstrate robust modern slavery mitigation strategies will be afforded higher qualitative scores in the evaluation process.~~
- ~~• Staff training and awareness – The City will provide training to procurement staff to enhance awareness and understanding of modern slavery risks, ensuring informed decision-making and effective implementation of ethical sourcing practices.~~

~~The City remains committed to continuous improvement in addressing modern slavery risks and promoting responsible procurement across all operations.~~



5.3.6.3. Buy Local

As much as practicable, the City must:

- prefer buying practices, procedures and specifications that provide advantage to local businesses.
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content.
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses.
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid.
- provide adequate and consistent information to potential local suppliers.
- Provide adequate support to Local businesses as far as practicable for understanding and adopting sustainable practices.

~~Where applicable, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the boundaries of the City or the broader South West Metropolitan Region, or substantially demonstrate a benefit or contribution to the local economy.~~

5.4.6.4. Procurement from Disability Enterprises

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the City is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, ~~as registered on <https://buyability.org.au/>~~. This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. ~~A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.~~

5.5.6.5. Procurement From Aboriginal Businesses

Where possible, Aboriginal Businesses are to be invited to quote for the supply of goods and services under the tender threshold. **The City will obtain, or demonstrate all reasonable steps have been taken to obtain, two quotes.** ~~A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses or businesses that demonstrate a high level of aboriginal employment.~~ The City is dedicated to supporting Aboriginal Businesses through its procurement practices. This commitment aligns with the intent behind the *Local Government (Functions and General) Regulations 1996 (Provision of Goods and Services Part 4)*, which includes specific tender exemptions for Aboriginal Businesses.

Purchases are Tender exempt if the following apply —

(i) the goods or services are to be supplied by —

(I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or

(II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;

and

(ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and

(iii) the local government is satisfied that the contract represents value for money.

6.6. Gift Cards

~~The Local Government (Financial Management) Regulations 1996 restrict the use of cash payments unless they are made from a petty cash system. To comply with these regulations, the City defines gift cards (e.g., Visa or Mastercard gift cards) up to a value of \$500 each as petty cash. These gift cards can be used to compensate individuals for advice or services rendered to the City.~~

Uncontrolled Document When Printed - This Version: 28/05/2025 9:40 AM 11/03/2025 3:46 PM

Page 9 of 13

Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.



5.6.6.7. Carbon Neutral

~~Where possible the City will promote and may offer an advantage to the principle of avoiding and minimising Greenhouse Gas (GHG) emissions by introducing a strongly weighted criterion to consider carbon neutral or lowest carbon options in designing of tenders and quotations and for procurement decision making shall be adopted. The best combined values (in terms of lifetime financial value and GHG emissions) along with a qualitative weighting on embodied emissions may be afforded in the evaluation of quotes and tenders to provide advantages to carbon neutral or lowest carbon proposals.~~

6.7. Panels of Pre-Qualified Suppliers

6.4.7.1. Policy Objectives

A Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- the City determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money'.
- ~~the procurement activity under the intended Panel is assessed as being of a low to medium risk.~~
- the Panel will streamline and improve procurement processes; and
- the City has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The City will endeavour to ensure that Panels are not created unless most of the above factors are firmly and quantifiably established.

6.2.7.2. Establishing a Panel – Request for Application

Should the City determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel. This will be undertaken through a public invitation process.

Panels may be established for a minimum of two years and for a maximum length of time deemed appropriate by the City.

Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.

Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment. The City might publicly re-advertise a Panel with a view of adding Panel members to an existing Panel using the same evaluation criteria used to initially establish the Panel.

6.3.7.3. Distributing Work Amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the City intends to:

- a) Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases; or
- b) Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or



- c) Develop a ranking system establishing clear rules when each Panel member will be able to quote; or
- d) A mix of any of the above distribution methods

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

6.4.7.4. Procurement from the Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether every member will be invited to provide a quotation (within each category, if applicable) for each procurement requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must be captured within one of the City's electronic records system.

Where relevant, the City Officer will provide feedback to pre-qualified suppliers that are not performing or not winning any work.

Once a Panel is created individual procurements under the Panel do not need to be presented to CTAU or to the Council.

6.5.7.5. Record Keeping

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a Panel, this may include:

- the procurement initiation document such as a business case which justifies the need for a Panel to be created.
- procurement planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel.
- request for applications documentation.
- copy of public advertisement inviting applications.
- copies of applications received.
- evaluation documentation, including clarifications sought.
- negotiation documents such as negotiation plans and negotiation logs.
- approval of award documentation.
- all correspondence to applicants notifying of the establishment and composition of the Panel such as award letters.
- contract management plans which describes how the contract will be managed; and
- copies of framework agreements entered with pre-qualified suppliers.

The City is also to retain itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to Panel members.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the City.

7.8. Non-Compliance

Procurement activities are subject to financial and performance audits, which review compliance with legislative requirements and compliance with the City's policies and procedures.



City of
Melville

A failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in the context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated, it may be treated as follows:

- An opportunity for additional training may be provided; -
- A disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; and/or
- Misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

**References that may be applicable to this Policy**

Legislative Requirements:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996
Procedures, Process Maps, Work Instructions:	SP-019 Procurement Procedure Contract Variations Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	Procurement Sole Suppliers & Exemptions List Procurement Authorisation Limits Variations Procedure Purchase Card Policy
Delegated Authority No:	DA-119 Determination of Criteria for Acceptance of Applications DA-118 Consideration and Acceptance/Rejection of Applications DA-026 Determination of Criteria for Acceptance of Tender DA-027 Consideration and Acceptance/Rejection of Tenders DA-028 Minor Contract Variations Pre Award, Selection of Next Successful Tenderer & Contract Variations Post Award DA-029 Expressions of Interest DA-030 Consideration of Expressions of Interest to Supply Goods or Services DA-116 Establishment of Panels of Pre-Qualified Suppliers

ORIGIN/AUTHORITY

Ordinary Meeting of Council

17/03/2007

Item No.

C07/6006

Reviews

Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
[Ordinary Meeting of Council](#)

15/12/2009
15/11/2011
10/12/2013
09/12/2014
08/12/2015
17/05/2016
18/04/2017
17/04/2018
20/11/2018
10/12/2019
19/05/2020
14/12/2021

C09/5097
C11/5199
C13/5341
C14/6077
C15/6089
C16/5484
C17/5548
C18/6158
C18/5653
C19/6166
C20/6181
C21/5887



Compliance and Enforcement Policy

<p>Policy Type: Council Policy Policy Owner: Chief Executive Officer</p>	<p>Policy No. CP- 114 Policy Number can be obtained from I:\Mnt\Policy Review\BMS Master Document Register.xlsx LINK GOES HERE Last Review Date: Enter review date</p>
---	--

Policy Objectives

The primary objectives of the Compliance and Enforcement Policy (the Policy) are as follows:

- 1. To achieve regulatory compliance and prevent offences through education and incentives, including formal action where necessary, with legislation within the remit of the City of Melville.
- 2. To ensure the City has access to adequate and reliable information necessary for the effective investigation of concerns.
- 3. To identify instances of non-compliance in a timely and accurate manner.
- 4. To facilitate the prompt resolution of non-compliance by bringing all parties into compliance within a reasonable timeframe.
- 5. To guarantee that procedural fairness is afforded to all affected parties throughout the enforcement process.
- 6. To ensure that compliance and enforcement actions are proportionate to the scope and severity of the issues being investigated.
- 7. To maintain transparent communication by keeping affected parties and relevant stakeholders informed throughout the enforcement process.

Formatted: Indent: Left: 1 cm, No bullets or number

Policy Scope

The Elected Members, staff and contractors at the City of Melville are committed to contributing to an efficient, effective, systematic, and consistent approach that strives for continuous improvement in the management of compliance and enforcement. This is essential for maintaining public trust, and ensuring that compliance and enforcement activities within the City’s legislative jurisdiction adhere to established statutory requirements.



The Compliance and Enforcement framework adopts a risk based, graduated and proportional approach to compliance and enforcement, for matters that are within the remit of the City of Melville. The Policy encapsulates the principles of natural justice and procedural fairness including initial assumption that involved parties want to comply and cooperate with the City.

This Policy applies to all compliance and enforcement actions conducted by the City of Melville officers and relevant personnel. It will provide direction to City Officers when undertaking enforcement action and ensures that matters are escalated to the appropriate level of enforcement that is commensurate with the issue.

The City's role is responding primarily to reactive compliance activities, and the resourcing allocated, reflects this position.

The City of Melville will take a risk-based approach to any proactive compliance activities with safety and protection of amenity being key considerations of the City's response.

The Policy references but does not completely describe legislated processes of enforcement in conjunction with the City of Melville Risk Matrix.

This Policy is intended to complement and is not a substitute for the:

- Compliance and Enforcement Guideline for Enforcement Agencies published by the Western Australian Department of Health for compliance and enforcement of the *Food Act 2008*, *Food Regulations 2009* and Australia New Zealand Food Standards Code.
- Compliance and Enforcement Policy published by the Department of Water and Environmental Regulation applicable to the *Environmental Protection Act 1986*, *Litter Act 1979* and related legislation.
- Public Health Act guidance resource for local government authorised officers published by the Western Australian Department of Health for the implementation of the *Public Health Act 2016*

Definitions / Abbreviations Used In Policy

Amenity has the same meaning as in Local Planning Scheme No 6.

Authorised Officer means an officer who has statutory (including delegated) power or who are otherwise authorised to undertake activities in accordance with legislation.

City means the City of Melville.

Complaint means a formal report of alleged non-compliance with a law.



Compliance means acting in accordance with relevant legislation and lawful directions.

Enforcement relates to the legislative function of responding to non-compliance with the measures provided for in the relevant legislation.

Investigation means the process of establishing and analysing facts and applying fair and reasonable interpretations to determine whether non-compliance or an offence have occurred and the person most likely responsible.

Non-compliance means to do something prohibited by legislation or a lawful direction, or to fail to do something that legislation or a lawful direction requires a person to do.

Offence means a form of non-compliance that is classified as an offence in legislation.

Public health and safety means the welfare and protection of the general public.

Policy Statement

The City is responsible for the local administration of a wide variety of legislation that provides for the safety, health and amenity of the community, environmental protection and the interests of local business, consumers, workers and residents.

The City recognises the importance of the separation of powers between:

- the adoption of Local Laws and Policy by Council, acknowledging that Elected Members have no direct role in the application of compliance or enforcement matters;
- and
- the investigation function and the application of compliance and enforcement actions, which are the responsibility of Authorised Officers acting under delegated authority, in accordance with applicable legislation and policies.

Formatted: Indent: Left: 1.27 cm

~~The City recognises the need for the separation of powers between:~~

- ~~the adoption of local laws by Council and its enforcement by administrative personnel;~~
- ~~and~~
- ~~the investigation function and compliance and enforcement options.~~

Compliance and enforcement operations undertaken by the City are often complex and have many facets to them. It is essential that the City provides a consistent approach to compliance and enforcement activities to ensure that transparency and procedural fairness is provided at all times.

Compliance Approach

Uncontrolled Document When Printed - This Version: 28/05/2025 2:09 PM 28/05/2025 8:28 AM Page 3 of 16
Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.



Diagram below provides a visual overview of the manner in which the City recognises the interaction of occurrences of offences, the impact of those offences and the City’s response to those. The escalation of enforcement action to achieve compliance is generally a graduated approach but is also dependant on the circumstances of each individual case. These interactions are considered as part of the investigation process undertaken by the City.

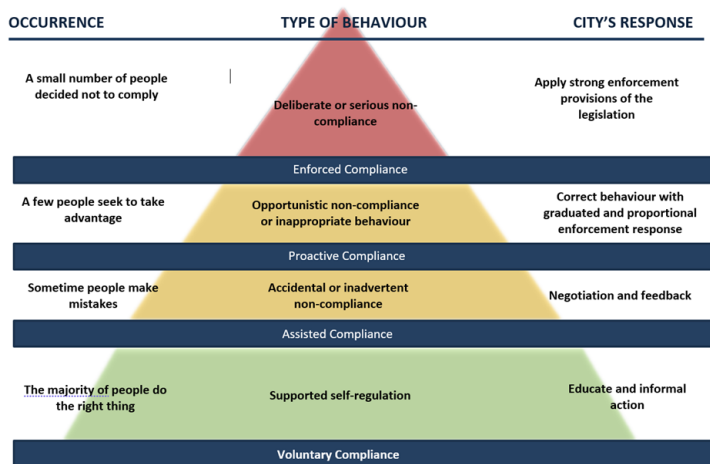


Diagram: City of Melville’s Enforcement progression

This policy strives to realise the highest standards of compliance across its operations. The approach is built on via five key pillars:

- **Education & Awareness**
Provide resources to ensure that all employees and stakeholders understand relevant laws, regulations and Policies that are subject to an investigation.
- **Advisory Support**
Offer guidance to assist in navigating regulatory complexities, ensuring informed decision-making and minimising compliance risks.
- **Monitoring & Inspections**
Proactively conduct regular statutory inspections to identify and address potential compliance risks, ensuring consistent adherence to standards.
- **Complaint Investigation**
Committed to investigating all reactive compliance-related concerns. Each complaint is investigated, and corrective actions are implemented to resolve issues, with the aim of preventing recurrence.



- **Informed and Updated**
Customers and stakeholders are kept informed of the progress of the investigation at regular intervals throughout the process.



Guiding Principles

Compliance and Enforcement services provided by the City are driven by the principles described below:

Proportionality and responsiveness

Enforcement action will be responsive, timely and in proportion to risk and potential or actual impact.

Transparency

Enforcement action will be transparent to parties understand what is expected of them.

Consistency

Enforcement action will be administered fairly, consistently and equitably.

A risk-based approach

Effort will be focused on those activities that have the potential to cause the greatest harm.

Due process and procedural fairness

Enforcement action will be carried out within the powers and processes of the legislation, applying principles of procedural fairness.

Accountability

To ensure full accountability, enforcement decision and the conduct of authorised officers will be explained and open to public scrutiny.

Cost-effectiveness

Enforcement action will be implemented to produce the desired outcome with costs effective use of public resources.

Policy compatibility

Enforcement will be carried out within the context of wider local government policies and other relevant statutory requirements.

Identification and Powers of Entry

In enforcing compliance, Authorised Officers must carry and present a Certificate of Authority. This certification validates their legal authorisation and ensures that entry and enforcement actions align with the law. Below are the essential guidelines detailing the required credentials and legal frameworks that govern their powers, supporting the City's commitment to a risk-based and lawful enforcement approach

Certificate of Authority

All Authorised Officers or Inspectors must possess and have available for viewing an Authorisation Identification Card or other relevant document.



The requirements of an Authorisation Identification Card are set out in relevant legislative documents.

Powers of Entry

There are several pieces of legislation that provide the City with powers to enter private property with lawful authority. The City views the power to enter private property very seriously and the City's Delegated Authority and appointment of Authorised Officers enables those Officers to legally enter property to undertake specific functions or actions.

Investigations

The City is committed to conducting thorough investigations to ascertain facts regarding alleged non-compliance with laws and regulations. The investigative process begins with receiving information about potential non-compliance, assessing the validity of this information, and employing a risk-based approach. This leads to informed compliance and enforcement actions throughout the investigation.

This crucial step ensures that all enforcement actions are well-founded and tailored to the nature and severity of the violation, thereby upholding community standards and legislative requirements.

Discovery of Non-compliance

The City may become aware of an alleged non-compliance or a legislative breach, within the District through either a site inspection, aerial photography or a complaint.

Anonymous complaints may not be accepted or actioned by the City due to difficulties in undertaking enforcement action. However, there may be circumstances where the nature of the complaint is considered to be of a high public health or community safety risk worthy of an immediate City response.

Where complaints have been received by the City and are found to have insufficient evidence, the complainant will be advised of this and the complaint will be closed unless more information can be found.

Every effort will be made to ensure the confidentiality of the complainant where appropriate. All complainants must agree to provide evidence in court upon request by the City. If a complainant refuses to do so, and the complaint cannot be substantiated, the City will not proceed with further action.

If the complaint involves multiple issues that relate to various City Departments, the matter will be coordinated to ensure a joint investigation by City Officers, reducing inconvenience and confusion to owners and occupiers.



Risk Assessment Process

The Risk Assessment Process is a critical component of the City's compliance approach. Officers use the City of Melville Risk Matrix to systematically evaluate and manage potential risks associated with non-compliance issues.

The process for a risk-based assessment is as follows:

Initial Assessment

Upon receiving a complaint or initiating an investigation, officers are required to perform an initial risk assessment to identify potential safety, legal, environmental, and reputational risks associated with the case.

Consider factors such as the severity of the violation, the sensitivity of the location, and potential impacts on the community and environment.

Dynamic Assessment

Officers are expected to continuously assess risks throughout the investigation. As new information surfaces, reassess and adjust the risk management strategies accordingly.

Engage with other departments as necessary to gather expertise and share critical information that may influence the risk assessment.

Documentation

Document all risk assessments and updates in the investigation file in a format and to a standard and detail which will be suitable for use in any legal proceedings. This documentation should include details of the assessed risks, the rationale for the risk level determination, and any mitigation measures adopted.

Ensure that documentation is accessible for review and audits to support transparency and accountability in enforcement actions.

Risk Mitigation Strategies

Based on the risk assessment, implement appropriate mitigation strategies. These may include but are not limited to, seeking additional resources, legal advice, adjusting enforcement tactics, or involving Senior Officers or subject Matter Experts for guidance.

Regularly review and update mitigation strategies to respond to new risks or changes in the situation.

Training and Support

Provide ongoing support for all officers on risk assessment techniques and the latest compliance and enforcement challenges. The City will encourage a culture of safety and risk awareness, where officers feel equipped and supported to make informed decisions during their enforcement duties.

Jurisdiction



Any compliance issue falling outside the jurisdiction of the City will be referred to the relevant authority for action, and the complainant will be advised accordingly. No further action will be able to be taken by the City in these circumstances.

Where a compliance issue falls partly within the jurisdiction of the City and partly within the jurisdiction of another authority, that part falling within City's jurisdiction will be dealt with in accordance with this policy, and that part falling outside the City's jurisdiction will be referred to the relevant authority for action, and the complainant will be advised accordingly.

Compliance Options

To effectively manage non-compliance matters, the City of Melville employs a comprehensive range of compliance options. These options are designed to address various levels of non-compliance through a structured and gradual approach that ranges from educational measures to enforcement actions. Below is an overview of the key compliance strategies utilised by the City.

- **No Action**
Appropriate when the issue is outside of Council's area of operation or jurisdiction; is trivial in nature, pursuit is not in the public interest or where there is no breach of the relevant legislation.

Voluntary Compliance

- **Education**
Used as a tool to enhance compliance by informing businesses and the public about their legislative and other requirements, and the community impacts of their behaviour.
- **Informal Action**
Informal verbal or written advice or warning may be used when the offender's history suggests that informal action may be effective or when the consequences of non-compliance will not pose a significant risk to public health or nuisance to the community.

Proactive & Assisted Compliance

- **Negotiation**
Negotiations may foster relationships, build trust and demonstrate reasonableness to the community. Negotiation can often be the least time-consuming approach in achieving an acceptable outcome, however, it is dependent upon the seriousness of the breach and willingness of the offender to comply. Negotiation cannot always be relied upon to achieve the desired outcome.
- **Mediation**
Mediation may be used in accordance with the Neighbour Dispute Mediation Policy. The City may choose to suspend compliance action or defer decision making on a matter where the relevant parties have agreed to attempt mediation.



- **Regulatory Assistance**
Where a breach relates to use or works or activity undertaken without approval, the City may guide and assist the party to submit an application where such a development or activity is capable of approval, subject to a merits-based assessment.

The City may allow the minor offence to continue (subject to ongoing cooperation) until the appropriate application is determined, dependent on the scale and impact.

Enforced Compliance

Enforcement tools are more formal in nature and generally impose a penalty for non-compliance. These options are designed to ensure compliance are statutory based tools, where their use is restricted to Authorised Officers and a prescribed process. All enforcement options that are available to the City will be utilised in accordance with the severity and consequences of the alleged offence and will be applied in a graduated manner.

The enforcement tools available to the City include:

Formal Letters

The City uses formal letters as an essential compliance tool to provide clear communication regarding alleged non-compliance, required actions, and potential enforcement consequences.

Formal letters may include, but are not limited to:

- **Warning Letters** – Issued where a minor or first-time offence has been identified, advising the recipient of the non-compliance and requesting voluntary rectification within a specified timeframe.
- **Request for Information Letters** – Sent to obtain clarification or supporting documentation from property owners, occupiers, or businesses regarding suspected breaches of legislation.
- **Notice of Investigation** – Advises the recipient that the City is investigating a compliance matter and outlines the process and possible outcomes.
- **Final Compliance Notices** – Issued where initial warnings have not been adhered to, setting a strict deadline for compliance before escalation to statutory enforcement measures such as infringement notices, orders, or prosecution.

Where necessary, follow-up inspections or further communication will be undertaken to verify compliance and determine if additional enforcement action is required.

Statutory Notices

Uncontrolled Document When Printed - This Version: 28/05/2025 2:09 PM~~28/05/2025 8:28 AM~~ Page 10 of 16
Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.



Relevant Statutory Notices will be used where there is a duty to do so in order to protect public health or community safety.

Notices require the recipient to comply with the terms of the Notice (such as work to be undertaken or the modification of activities) within the specified timeframe. In most cases the person receiving the Notice has a right of appeal to the State Administrative Tribunal (SAT).

Action in Default

The City will consider the use of this option (where provided for by legislation) to secure compliance with the requirements of Notices where the necessary works have not been carried out in accordance with the Notice. This action will be taken in consultation with the Chief Executive Officer and may require a court conviction and/or a decision of Council.

Orders and Directions

The City will consider the following options individually or collectively with other enforcement action as particular circumstances warrant. These Orders will generally apply where there has been a history of non-compliance by the recipient or there is a risk to the health or safety of the person or other members of the community.

Examples include:

- Prohibition Orders,
- Directions,
- Building Order and Emergency Building Order
- Enforcement Orders
- Prohibition Orders and Directions
- Works Order (Fire Control Order)
- Noise Abatement Orders; and
- Declaration of a Dangerous Dog.

This action will be taken in consultation with the Chief Executive Officer where appropriate.

Improvement Notices

Improvement Notices may be appropriate for repeated minor breaches of legislation or broad non-compliances. The following circumstances are likely to warrant an Improvement Notice:

- A failure to correct an identified problem after having been given reasonable opportunity to do so,
- Low confidence in the individual/organisation's performance; or
- A warning has been given for a similar offence.



Infringement Notice

Infringement Notices may be appropriate for continued minor breaches of legislation or failure to comply with an Improvement Notice or Caution Notice. Infringement Notices may also be issued for a minor or common offences.

Seizure, Impounding and Destruction

Local governments have the authority to seize, impound and destroy items for the purposes of evidence collection and the protection of the public. This power is conferred within numerous legislation, including the *Dog Act 1976*, the *Public Health Act 2016*, *Tobacco Products Control Act 2006*, *Local Government Act 1995* and the *Environmental Protection Act 1986*. Seizure can only occur under certain circumstances as prescribed within the legislation and be undertaken by Authorised Officers and where applicable with the assistance of WA Police.

Warrants

The City recognises that certain enforcement actions may require obtaining a warrant to ensure lawful entry and compliance with due process. Where an Authorised Officer does not have immediate statutory authority to enter premises, a warrant will be sought in accordance with the applicable legislation.

A warrant may be required under the following circumstances:

- To enter private property where consent has been refused or is impracticable to obtain, and entry is necessary to investigate or enforce compliance.
- To seize equipment, or other materials that are relevant to an investigation.
- To undertake enforcement actions such as removing unlawful structures, dangerous goods, or hazardous materials that pose a risk to public safety.

Where a warrant is required, the City will apply to the appropriate authority, such as a Magistrate or Justice of the Peace, in accordance with the relevant legislative provisions. All applications for warrants must be supported by sufficient evidence demonstrating the necessity and proportionality of the action.

The City is committed to ensuring that any warrant execution is conducted lawfully, with due regard to procedural fairness, privacy, and minimal disruption to affected persons. Where necessary, the City may seek assistance from law enforcement agencies to execute a warrant safely and effectively.

Prosecution

A decision to prosecute must be in the public interest and approved according to delegation provisions. Any of the following circumstances are likely to warrant a prosecution:

Uncontrolled Document When Printed - This Version: 28/05/2025 2:09 PM|28/05/2025 8:28 AM Page 12 of 16
Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.



- A flagrant breach of the law such that health, safety and welfare have been put at risk,
- A failure to correct an identified serious problem after having been given reasonable opportunity to do so,
- An activity or action that has significant impact or permanent impact
- An activity or action that may result in a commercial benefit to the alleged offender
- A failure to comply with the requirements of a Statutory Notice; or
- A history of similar offences.

Where circumstances warrant a prosecution, available evidence and information must be considered to enable a consistent, fair and objective decision to be made.

A prosecution may be discontinued where:

- In the opinion of the Delegated Officer, the appropriate level of compliance has been achieved, and/or it is no longer in the public interest to continue the prosecution of the offence,
- Where external guidance indicates that the discontinuation of an prosecution would be an appropriate pathway forward and in the interests of the City based on information available. Legal advice received recommends discontinuation.
- The prosecution complaint is incorrect at law or there is an error in the charges,
- The prosecution involves an error of fact,
- The alleged offender is deceased or cannot be located; or
- In consultation with or following comments or recommendations made by the Court.

The below diagram illustrates the structured approach used by the City of Melville to manage and respond to reports of non-compliance, detailing the decision-making process from initial assessment through to potential enforcement actions.

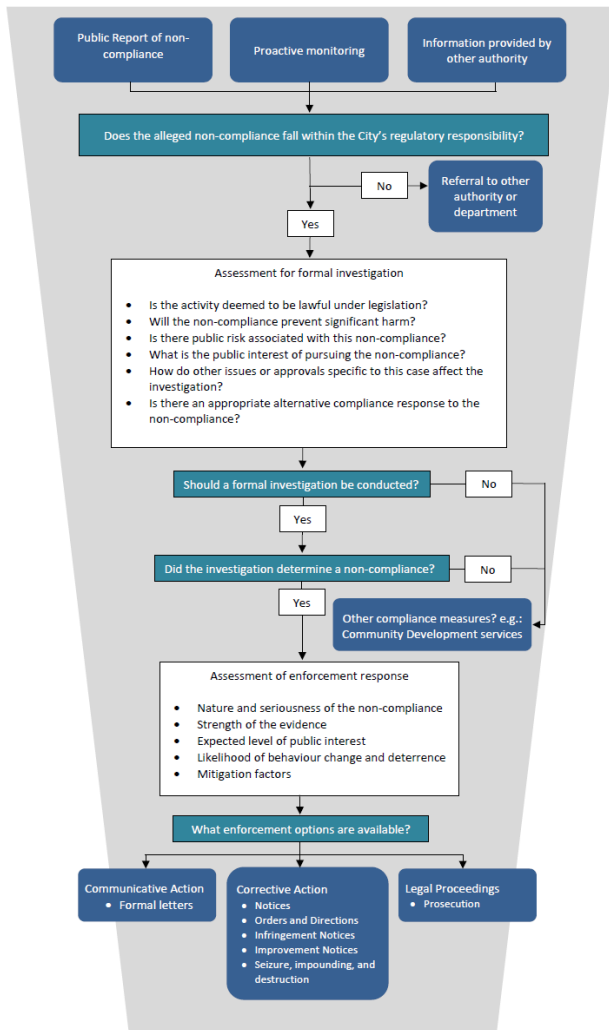


Diagram: City of Melville Compliance & Enforcement Approach

References that may be applicable to this Policy

Legislative Requirements:

Uncontrolled Document When Printed - This Version: 28/05/2025 2:09 PM/28/05/2025 8:28 AM Page 14 of 16
 Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.



- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Building Act 2011
- Bush Fires Act 1954
- Caravan Parks and Camping Grounds Act 1995
- Cat Act 2011
- Control of Vehicles (Off-road Areas) Act 1978
- Criminal Procedure Act 2004
- Dog Act 1976
- Environmental Protection Act 1986
- Fines, Penalties and Infringement Notices Enforcement Act 1994
- Food Act 2008
- Graffiti Vandalism Act 2016
- Health (Miscellaneous Provisions) Act 1911
- Litter Act 1979
- Planning and Development Act 2005
- Public Health Act 2016 and subsidiary legislation including local laws

Other Plans, Frameworks, Documents Applicable to Policy:

- City of Melville Risk Matrix
- CP-125 Neighbour Dispute Mediation Policy
- City of Melville Codes of Conduct
- Customer Service Charter
- OP-42 Managing Unreasonable Behaviour Policy

Delegated Authority No:



ORIGIN/AUTHORITY	Item No.	
Insert name of Council Meeting	Insert date of meeting	Insert Item No.

Uncontrolled Document When Printed - This Version: 28/05/2025 2:09 PM~~28/05/2025 8:28 AM~~ Page 15 of 16
 Please refer to the City of Melville website (Public) or BMS (Internal) for the latest version.



City of
Melville

Reviews

Insert name of Council Meeting Insert date of meeting Insert Item No.



Comparison of Compliance and Enforcement Policies

Category	Existing Policy	Draft Policy	Key Improvements
Objectives	Focuses on consistency and procedural fairness but lacks clear process steps.	Includes timely resolution, stakeholder engagement, and structured enforcement.	Clarifies compliance goals with structured objectives.
Scope	Applies broadly to compliance actions with listed legislation.	Expands scope to include elected members and contractors.	Better clarity on roles and responsibilities.
Governance Principles	Defines separation of powers but lacks a structured decision-making framework.	Introduces risk-based decision-making and aligns with EPIC values.	Aligns governance with City values and modern enforcement principles.
Compliance Approach	Mentions proactive vs reactive enforcement but lacks visual workflow.	Provides visual workflow and structured escalation steps.	More structured enforcement progression and transparency.
Guiding Principles	Focuses on fairness, consistency, and efficiency without a structured approach.	Adds cost-effectiveness, due process, and accountability.	Enhances enforcement consistency and fairness with clearer guidelines.
Enforcement Tools & Powers	Mentions notices, prosecution, and referrals but lacks enforcement escalation.	Clearly defines graduated enforcement tools (warnings, fines, orders, prosecution).	Provides structured enforcement steps, improving legal robustness.
Risk-Based Approach	Uses public interest criteria but lacks a structured risk assessment.	Introduces structured risk assessment and Melville Risk Matrix.	Ensures enforcement focuses on highest-risk cases.
Investigation Process	Defines investigation but lacks procedural breakdown and workflow.	Defines investigation process step-by-step, including anonymous complaints.	Strengthens investigation workflow and documentation standards.
Transparency & Communication	Ensures stakeholders are informed but doesn't define specific updates.	Outlines formal communication updates to stakeholders.	Improves public trust through structured communication.
Prosecution & Legal Actions	Defines prosecution as a last resort but lacks criteria for legal action.	Provides structured legal criteria for prosecution and case discontinuation.	Reduces unnecessary legal action with clear escalation criteria.

General Enquiries Tel: 1300 635 845 | 9364 0666 **Email:** melinfo@melville.wa.gov.au **www:** melvillecity.com.au
Street Address: 10 Almondbury Road, Booragoon WA 6154 **Postal Address:** Locked Bag 1, Booragoon WA 6954
National Relay Service Tel: 133 677 (TTY) 1300 555 727 (speech relay) **www:** relayservice.com.au

ABN 81 152 433 900



