

This written submission of the City of Melville Residents and Ratepayers Association (MRRA) is in response to an unknown City Officer's recommendation in response to [September 16, 2025 Ordinary Meeting of Council \(OMC\) agenda](#) item 12.1 Petition - Request for Public Committee for Policy Review that reads:

"That the Council acknowledge the petition and requests that a report be prepared by the March 2026 Ordinary Meeting of Council."

**The MRRA asks Council to reject the unknown City officer's recommendation and replace it with"**

**That the Council acknowledge the petition and requests that a report be prepared by the October 2025 Ordinary Meeting of Council.**

### Reasons

- The City administration should not be allowed to create a **6 month delay** the development of a proper and adequate community consultation framework and approach for the development and review of Council policy and local laws, particularly Council's current much needed CP-114 Compliance and Enforcement Policy Review.

A copy of the MRRA August 24, 2025 submission to City officers on CP-114 Compliance and Enforcement Policy is attached below.

- It was [Dr Jeffrey Steven that initiated the review pf CP-114 – Compliance and Enforcement Policy in November 2023](#). Council has not properly and adequately engaged Dr Stevens and other experienced community members that are willing to volunteer their time to assist Council in its policy review.

It is not appropriate for Council to allow the administration to further delay proper and adequate community engagement in the CP-114 review process. The presumption is that Council will not pass the City officer recommendation to the substantially changed version CP-114 until the matters raised in the Petition are dealt with.

The MRRA expressed its [concerns about CP-114 outlined in the last Written Submission presented to Council for its decision at the June 17, 2025 OMC](#).

- The City should also defer passing a motion as recommended by City Director Corporate Services, Mr Tuffin, for CP C25/313 Governance Framework Biennial Review 2025 included on the September 16 agenda until the matters raised in the petition are deferred with. Further, it would be prudent for Council to defer passing a motion on the C25/313 until after the new Council is established in October 2025.
- Community consultation should be encourage and embraced by Council on an ongoing basis, consistent with existing local government legislation objectives and provisions.
- Community consultation will productively assist Council in developing policies and local laws for the benefit of the wider community.
- The MRRA is of the opinion the Petition title used in the agenda, ie "Petition - Request for Public Committee for Policy Review", is misleading and/or incomplete. The essence of the Petition is broader than as described by the title the City officers have adopted.

### Attached:

1. Petition as included in the September 16, 2025 OMC Agenda
2. The MRRA August 24, 2025 submission on UP25/71 Council Policy Review – CP-114 Compliance and Enforcement.

## 12 PETITIONS

### 12.1 Petition - Request for Public Committee for Policy Review

A petition signed by 46 residents of the City of Melvill and 1 non-resident was submitted by Mr G Waugh of Bull Creek on Monday 8 September 2025 and reads as follows:

*"We the undersigned, all being electors of the City of Melville, respectfully ask that the Council in its deliberation in relation to the City of Melville proposed Compliance and enforcement Policy CP-114, (publicly advertised for community consultation, closed August 26, 2025) adopt the following to address perceived and real inadequacies identified by the Community in proposed policy CP-114 and across those policies affected by, or associated with proposed Policy CP-114 as had been previously requested of Council, since at least 2021;*

- a) Re-form Council's Policy & Legislation Committee, to include independent voluntary community representation, or form a voluntary community inclusive focus group/committee; consistent with the Local Government Act Part 5 provisions; and task that body with advising Council on Policy content expressed to community values.*
- b) Facilitate that community inclusive Policy & Legislation Committee, or other Community group/committee formed, to hold open public meetings to enable community members-sharing of evidence related to perceptions and experiences of issues with compliance enforcement performance, in the purpose of developing functional policy advice for the Council's role as outlines in Local Government Act. section 2.7."*

### **OFFICER RECOMMENDATION**

**That the Council acknowledge the petition and requests that a report be prepared by the March 2026 Ordinary Meeting of Council.**

## 13 ADOPTION OF RECOMMENDATIONS EN BLOC

City of Melville Residents and Ratepayers Association (MRRA)

Written Submission dated August 24, 2025 Re:

## **UP25/71 Council Policy Review – CP-114 Compliance and Enforcement**

(Objection to Proposed Policy)

Through this written submission, the City of Melville Residents and Ratepayers Association (MRRA) responds in **OBJECTION** to adoption of the City's proposed rewritten/amended Council Policy – CP-114 Compliance and Enforcement Policy as published for public comment closing 4.00pm Tuesday, 26 August 2025.

The MRRA portends that the number and voracity of evidenced non-compliances, biases and other inadequacies identified in the above noted proposed Policy as summarised following, would ensure that the proposed Policy will not and cannot represent the values of the City of Melville Community and through that could (if adopted) provide no other identifiable outcome than prolonging disputation, and with that, increased financial cost and resource burdens on both the City and its Ratepayers.

In respect to non-compliances, MRRA notes that Council resolutions 1 & 2 of UP24/31 of its meeting of 20 February 2024, are not yet completed, to the extent 'compliance matrices' are not available for review and are not incorporated in the proposed Policy.

MRRA is further deeply concerned that inspite of receipt of a submission from MRRA and questions from Dr J Stevens, to Council at the June 17, 2025 briefing forum evidencing community objection to adoption of the above noted proposed Policy, that Council still moved and endorsed the 2<sup>nd</sup> of the "officer's recommendation" regardless of those unresolved community concerns and failing to identify an alternative path on repeated receipt of community objection to the proposed Policy.

It is yet further concerning that although the review of the City's Compliance and Enforcement Policy CP-114 followed on from Dr Stevens community petition to Council of November 2023, that the City's responses to Dr Stevens question of June 17, 2025, imply that City's Officers were intent on foisting the re-written Policy onto the community in stark contradiction to the prescription of Local Government Act., section 1.3(2)(b & c);

- b) greater **community participation** in the decisions and affairs of local governments;  
and
- c) greater accountability of local governments **to their communities**;

It is again further concerning that although the City officers had used two (2) years to undertake this "review", that their "review" omitted or lacked reference to any of the community petitions, submissions, questions, inconsistencies, biases, resource implications, or cost concerns, presented or otherwise remitted or relayed to the City of Melville Local Government during the past five (5) years, and whose review remains outstanding in respect to the capacity of measured performance of the proposed Policy.

In light of the above review inadequacies, the MRRA had no choice but to recommend that the City of Melville Council **REJECTED** in its totality the Proposed UP25/71 Council Policy Review – CP-114 Compliance and Enforcement Policy, citing a lack of professional and technical attention having been given to the review and which omissions obstruct a Council decision substantively compliant with sections 2.7(3) & (4) of the Local Government Act.

It is again further concerning the City continues to propose or adopt more stand-alone policies which increase confusion and complexity, increase resource needs and increase financial commitment or are otherwise blatantly inadequate, and does so in purposed exclusion of legislated participation of Community expertise. The MRRA therefore, further recommends that Council resolves to establish a professional advisory committee not controlled by employees, to redress the below listed inadequacies and provide to Council a proposal demonstrating compliant alignment with Legislation for effective Compliance and Enforcement Policy capable of demonstrating cost and resource reductions.

## 1. Summary of Grounds for REJECTION on the basis of non-alignment with legislation

The MRRA **OBJECTS** to adoption of the proposed Policy and asks Council to **REJECT** the adoption of the proposed Policy on the grounds that the proposed Policy;

- 1.1. Has no identifiable intrinsic beneficial value as it does not measure “*more efficient and effective local government*” being achieved from performance of the policy itself and therefore its application cannot be demonstrated to reduce administrative effort, nor financial or managerial cost;
- 1.2. Fails alignment with section 2.7 (4) of the Local Government Act 1995 (as at 01 Feb 2025), which mandates the Council’s decision must be “*on the basis of evidence*”.
  - 1.2.1. The Proposed Policy had been developed without existing-practice being evidenced nor experience analysed and
  - 1.2.2. Does not address evidentiary recording enabling compliance-performance and integrity-measuring, as required by State records’ laws, or for reporting or analysing success or failure of the policy for future policy improvement;
- 1.3. Does not separate or segregate policy from procedure and by that is not aligned with section 2.7 (3) of the Local Government Act 1995 (as at 01 Feb 2025) which prescribes for a clear separation between development of and compliance with Policy, and the application of and compliance with Procedure.
  - 1.3.1. As a policy it does not require the administrators to produce a procedure for the management of performance or escalation.
  - 1.3.2. MRRA has expressly chosen not to “wordsmith” the proposed Policy as doing so would perpetuate the drowning of policy in procedure to the point that separation of roles and responsibility of each of Council and employees could be further blurred.
- 1.4. Does not address section 1.3 (2) of the Local Government Act 1995 (as at 01 Feb 2025) which prescribes how, “*the general function of a local government is to provide for the good government of persons in its district* (section 3.1(1)) would be delivered.
  - 1.4.1. The prescribed implication clearly is of an intention for a Local Government to not only engage the community but to facilitate the participation of the Community to prevent or resolve differences before a matter escalates to disputation, or litigious enforcement is invoked.
- 1.5. Being developed in the exclusion of “*greater community participation in the decisions and affairs of [the] local government*” was an application of ‘executive government’ in failure to align with the prescription of section 1.3(2)(b) of the WA Local Government Act.

- 1.6. "Ownership" identified in the Title to the Policy does not align with Section 2.7(2)(b) of the Local Government Act and by that demonstrates a compliance failure in the framework to the City's policy template.

## **2. Summary of Grounds for REJECTION on the basis that compliance with State Government Guidelines for Regulatory Development is not evidenced**

The MRRA **OBJECTS** to adoption of the proposed Policy and asks Council to **REJECT** the adoption of the proposed Policy on the further grounds that for the proposed Policy;

- 2.1. The WA Local Government Act section 2.7 prescribes that Council holds exclusive authority for the "*determining the Local Governments Policies*" and which Policies are purposed expressly to define that Council "*governs the local government's affairs and, as the local government's governing body, [Council] is [also] responsible for the performance of the local government's functions*".
- 2.1.1. Such prescription clearly defines Local Government Policy to be a regulatory proposal or instrument.
- 2.2. There is no evidence included in the review to suggest that the Proposed *CP-114 Compliance and Enforcement Policy* had been analysed to assess compliance with the State Government's "*Guidance and support for agencies on developing a regulatory proposal*"  
<https://www.wa.gov.au/organisation/department-of-treasury-and-finance/better-regulation-developing-regulatory-proposal>
- 2.2.1. "*The Better Regulation Program guides the development, design and implementation of regulatory proposals in the Western Australian public sector.*"
- 2.2.2. "*Regulatory proposals involve new regulatory instruments or amendments to existing regulatory instruments. This includes legislation and regulation, and in some cases, quasi-regulations, such as codes.*"
- 2.2.3. While the Better Regulation Program is primarily for State instruments, its principles are universal and provide a best practice guide for West Australian Public Sector Policy development in general.

### **"The Better Regulation Design Principles (Quote)**

*Best practice encompasses good design, proportionate compliance and enforcement measures, and a commitment to continuous review and improvement. Consistent with the Principles, regulation should be designed to:*

1. *Support policy objectives and deliver maximum net benefits to the community;*
2. *Allow for risk based regulatory assessments and decision making focused on outcomes;*
3. *Provide clarity and certainty for affected parties, recognising that different groups may be affected differently;*
4. *Avoid duplication or conflict with other existing or proposed regulations;*  
*and*
5. *Allow for well-considered, efficient, and effective administration and enforcement arrangements."*

### 3. Summary of Grounds for REJECTION on the basis of potential for corruptible and improper application

The MRRA **OBJECTS** to adoption of the proposed Policy and asks Council to **REJECT** the adoption of the proposed Policy on the further grounds that the proposed Policy;

- 3.1. Is slated to operate or be applied in isolation of the other 120 or more authorised Policies and to facilitate accept or otherwise enable the use of the City's unauthorised policies.
  - 3.1.1. In 2021 the City and Council were provided, from the community, detailed example for a system modeling alignment of consistency and uniformity interconnecting all the City of Melville's Local Government Policy;
- 3.2. Has not addressed the impact of unauthorised Policy such as the statutorily unauthorised "*OP 42 - Managing Unreasonable Customer Behaviour Policy*" currently being applied at the uncontrolled whim of City Officers and done so outside the authority of the position of employment of those Officers;
  - 3.2.1. The exemplified OP 42 facilitates impunity against challenges to improper application of litigious enforcements;
- 3.3. Does not recognise through the "***City of Melville Statutory Delegation and Authorisation Manual***", any authority for employees to apply or otherwise reference the unauthorised "*Managing Unreasonable Customer Behaviour Policy*", or any other unauthorised Policy.
- 3.4. Does not obstruct nor prevent the perversion of law by enforcement authorised employees as is exemplified in current ongoing disputations driven by City employees such as but not limited to, vindictive prosecution for simply having materials or a single picket on the road verge, or the vexatious prosecution for removing weeds and replacing them with native plants, or the protection of a City employee convicted of assaulting a community member and while ostracizing a volunteer seeking compliance with law.
- 3.5. Does not identify any independent oversight to prevent perversion or other misuse.

### 4. Summary of Grounds for REJECTION on the basis of applied bias

The MRRA **OBJECTS** to adoption of the proposed Policy and asks Council to **REJECT** the proposed Policy on the further grounds that the proposed Policy;

- 4.1. Includes applied bias through specific exclusion of community participation contrary to the prescribed and mandated community participation define in the Local Government Act. particularly including but not limited to, sections 1.3(2)(b & c), 2.10(1)(a-c), 5.8, and 5.9(c-f),
- 4.2. Includes applied bias in its "Policy Statement" through specific exclusion of Council from a "*direct role in the application [administration] of compliance or enforcement matters*" while failing to reciprocate that administrative employees are governed by Council through the;
  - 4.2.1. Determination of compliance or enforcement **policy**;
  - 4.2.2. Determining the **services and facilities** to be provided for application of compliance or enforcement;
  - 4.2.3. Allocation of **finances and resources**;

- 4.2.4. Providing **strategic direction** for compliance or enforcement;
- 4.2.5. **Impact** of compliance or enforcement on strategic planning;
- 4.3. Is biased, through preferencing a focus on offence occurrence ahead of ensuring practices and rules deliver a preference on compliance development;
- 4.4. Is biased through written language inequitably dictating or enforcing compliance in absence of bidirectional mediation for guidance improvement;
- 4.5. Does not provide a separation between initiation and delivery of enforcement and judgement of integrity in the decision making;
- 4.6. Had been reviewed by the City's 'Governance Team' whom currently endorse a large number of noncompliance's so their advice to this policy is unreliable and hypocritical;
- 4.7. Cannot deliver Fairness if the administrator of the Policy is themselves seen or perceived to be non-compliant.

## 5. Summary of Grounds for REJECTION on the basis of inadequacy for minimising Administrative Risk

The MRRA **OBJECTS** to adoption of the proposed Policy and asks Council to **REJECT** the proposed Policy on the further grounds that the proposed Policy;

- 5.1. Does not address KPI's of the enforcers and nor does it address measuring of the application of the Policy for subsequent improvement reviews.
- 5.2. Recommendation failed to demonstrate or example any capacity to achieve the stated Policy objectives, but does carry a perception of potential or risk to intensify complexity in aggravation of disputation;
- 5.3. "*Comparison of Compliance and Enforcement Policies*" - table is highly subjective and heavily biased risking favour to City officers' personal agendas in absence of technical objectivity;
- 5.4. Would reduce risk if it were more skillfully addressed as a consistent and integral part of a systematic, "Community Engagement/Interaction, Compliance resolution, Complaint resolution, and Last-Resort-Enforcement" Policy capable of generally and specifically minimising confusion and conflict; similar to the system proposal provided to the City in 2021 and which had been dismissed or overlooked in the review of this proposed Policy;
- 5.5. Is not aligned with nor does it demonstrate any potential alignment with the City of Melville Local Government's;
  - 5.5.1. Community Strategic Plan
  - 5.5.2. Business plan
  - 5.5.3. Community Annual reporting
  - 5.5.4. Hierarchical structure
  - 5.5.5. Governance Framework 2024
  - 5.5.6. Statutory Delegation and Authorisation Manual 2025-26
  - 5.5.7. Community communications management

## 6. Summary of Grounds for REJECTION on the basis of inadequacy of technical objectivity

The MRRA **OBJECTS** to adoption of the proposed Policy and asks Council to **REJECT** the adoption of the proposed Policy on the further grounds that the proposed Policy;

- 6.1. Is not aligned with the "Rule of Law", which requires an independence separation between the maker of the rule, the executor of the rule, the enforcer of the rule, and the independence of integrity assurance across parties;
  - 6.1.1. This proposed Policy has its construction, application, enforcement and integrity all placed under the same control;
- 6.2. Contains a large number of subjective statements which are not supported by evidence or demonstration of competent achievement;
- 6.3. Is evidenced in recent past disputed compliance enforcement occurrences as being counterintuitive to the stated "*Strategic Alignment*" purported in the review of this proposed Policy;
- 6.4. Is written in the negative tense as demonstrated by it including a greater focus on reactive autocratic "enforcements" than on proactive building of community values and by that is unlikely to contribute to compliance enhancement.
- 6.5. Intensively focuses on fault by "client" and fails to address any fault or potential fault in rules, interpretation, or application of rules by the City;
- 6.6. Does not address how the Proposed Policy could be "*Strategically Aligned*" with the provision of "*Good Government*" if and while application of this policy is concerned with controlling but not preventing or resolving secondary level extension of litigation or disputation;
- 6.7. Limits a complainant party's right or access to transparency, holding the City to account, procedural fairness and/or justice;
- 6.8. "*Ownership*" listed at the head of the policy, does not align with legislation where section 2.7(2)(b) of the Local Government Act 1995 (as at 01 Feb 2025) prescribes "*determining the local government's policies*" as Council ownership. This misuse must be removed and rewritten as "Executor" (or similar);
  - 6.8.1. "*Ownership*" creates an inherent confusion with the other included uses such as vehicle owner or home owner;
  - 6.8.2. The community cannot have confidence in the City's administration when something as simple as the legislative prescription given to Policy "*ownership*" fails to be complied with;
- 6.9. Application of the City's "Risk Matrix" is not suitable nor adequate for effectiveness and efficiency of use in assessing risk arising from or with the disputation and enforcement management described in the proposed policy.
- 6.10. Is worded to advantage the executor and is not in all parts clearly understandable to "clients" or community members.
- 6.11. Is variously described as fully rewritten, not amended yet it's webpage and some other locations state discuss or seek endorsement of amendments.

## **7. Summary of Grounds for REJECTION on the basis that Council Resolutions of UP24/31, February 20, 2024 – compliance not evidenced**

The MRRA **OBJECTS** to adoption of the proposed Policy and asks Council to **REJECT** adoption of the proposed Policy on the further grounds that Council's Resolution - UP24/31 of its meeting of February 20, 2024 resolving that;

- 7.1. *The Chief Executive Officer prepare Compliance Matrices to guide the operational implementation for all compliance related services; and*
- 7.2. *A review of CP-114 - Compliance and Enforcement Policy be undertaken to incorporate the Compliance Matrices;*

That those matrices had not been included in the published review and by that the Council resolution appears yet to be complied with.

- 7.3. Failure to comply with Council's resolutions was a failure to provide the evidence required by the Local Government Act section 2.7(4)