

Council Policy

Petitions



COUNCIL POLICY

 Adelaide Hills COUNCIL	PETITIONS
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Policy Number:	GOV-22
Responsible Department(s):	Governance & Performance
Relevant Delegations:	As per the delegations schedule and as included in this Policy
Other Relevant Policies:	<i>Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents</i> <i>Code of Practice for Council Meeting Procedures</i>
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	Petition Policy, 11 July 2017, SP31/17
Adoption Authority:	Council
Date of Adoption:	24 August 2021
Effective From:	7 September 2021
Minute Reference for Adoption:	Item 12.12, 182/21
Next Review:	No later than August 2024 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.1	25/2/2020	Amendments to policy nomenclature, the details of the principal office, and the content of the Council report under clause 7.4.5.	Council - Res 47/20
1.2	7/9/21	Periodic review, no changes	Council – Res 182/21

PETITIONS POLICY

1. INTRODUCTION

- 1.1 Members of the community have a role to play in informing Council/Council Committee of their needs and concerns and/or to provide information that may assist or influence decisions of the Council or Council Committee. A petition is one way in which members of the community can advise Council and its Committees of their particular concerns regarding a specific issue or to make requests of, or provide information to, Council and its Committees.
- 1.2 A petition is a formal process and the receipt of a petition (including the nature of the submission or request, details of the principal signatory and the number of signatories) is included in the respective Council or Council Committee agenda and becomes a matter of public record.

2. OBJECTIVES

- 2.1 The purpose of the Petition Policy (the “Policy”) is to:
 - 2.1.1 Ensure robust communication channels exist between Council and the public in relation to issues of community importance;
 - 2.1.2 Ensure adequate and fair opportunity for community input in Council decision-making, including at formal Council meetings;
 - 2.1.3 Clearly communicate Council’s expectations in relation to the information to be included with a petition submitted from a member of the public and to specify the legislative requirements that attach to petitions; and
 - 2.1.4 Assist Council in effectively managing petitions in accordance with its legislative obligations and in the interests of the community.

3. DEFINITIONS

- 3.1 **Business days** means Monday – Friday (inclusive) but excluding public holidays.
- 3.2 **Cause** means the request or plea the subject of a petition.
- 3.3 **Clear days** means that the time between the giving of the day the petition was received and the day of the meeting, but excluding both the day on which it was received and the day of the meeting. If a petition is received after 5 p.m. on a day, it will be taken to have been received on the next day.
- 3.4 **Compliant petition** means a petition that satisfies the criteria under regulation 10(1) of the Regulations. That is, a petition that:
 - 3.4.1 Is legibly written or typed or printed; and
 - 3.4.2 Clearly sets out the request or submission of the petitioners; and

- 3.4.3 Includes the name and address of each person who signed or endorsed the petition; and
- 3.4.4 Is addressed to Council and delivered to the principal office of Council.
- 3.5 **Next ordinary Council meeting** means the next ordinary meeting of Council that is scheduled at least 7 clear days after the Council's receipt of a petition.
- 3.6 **Petition** means a formal written request, typically signed by a number of people and addressed to a person in authority or power, soliciting a favour, right or benefit or that otherwise appeal to the person in respect of a particular cause.
- 3.7 **Principal office of Council** is the Stirling Office and can be contacted as follows:
- 63 Mount Barker Road, Stirling
PO Box 44, Woodside SA 5244
mail@ahc.sa.gov.au
- 3.8 **Principal signatory** is the person identified in the covering letter.
- 3.9 **Regulations** means the *Local Government (Procedures at Meetings) Regulations 2013*.
- 3.10 **Signatory** is a person who has signed the petition in support of the cause.

4. SCOPE

- 4.1 This Policy applies to all petitions submitted to Council and Council Committees.

5. LEGISLATIVE AND CORPORATE REQUIREMENTS

- 5.1 The *Local Government (Procedures at Meetings) Regulations 2013* prescribes the criteria for a compliant petition.
- 5.2 The *Electronic Transactions Act 2000* (Cth) is legislation that is relevant in respect of electronic petitions. This legislation provides that if the law requires a person to give information in writing, in prescribed circumstances (which extend to the Council's receipt of an electronic petition) that requirement is taken to have been met if the person gives the information by means of an electronic communication.
- 5.3 The Policy is to be read and implemented in conjunction with Council's other relevant policies, strategies and documents, including:
- 5.3.1 *Code of Practice for Council Meeting Procedures*
- 5.3.2 *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*

6. POLICY STATEMENT

- 6.1 Pursuant to regulation 10(2) of the Regulations, the Chief Executive Officer will ensure that all compliant petitions are addressed within the agenda for the next ordinary Council or Council Committee meeting in accordance with the requirements of this Policy.
- 6.2 The Chief Executive Officer is delegated to determine as to whether the petition will be considered by Council or a Council Committee, this determination will be based on the subject matter of the petition and the Terms of Reference of the Council Committees.

7. PROCEDURE

7.1 Submitting a Petition

- 7.1.1 Any person may submit a petition to Council. Prior to creating a petition it is recommended that contact is made with Council to discuss the petition topic as Council Staff may be able to suggest alternative options to achieve the desired outcome.
- 7.1.2 Council will communicate with the principal signatory only in respect of a petition.
- 7.1.3 The Chief Executive Officer is required by regulation 10(2) of the Regulations to act in accordance with the policy position set by Council. A petition that is provided for consideration at a Council or Council Committee meeting extends to compliant petitions only.

7.2 Form of Petition

- 7.2.1 Where a petition comprises multiple pages, the cause must be clearly set out on the top of each page.
- 7.2.2 The petition must include the name and address of each signatory. For the purposes of this policy an address may be a residential or business address (not an electronic address) and at the very least, must include reference to a street name and suburb. The number of the signatory's address may be omitted at the discretion of the signatory. Note: Council considers the inclusion of an address of a signatory to be essential because Council may have regard to the address of each signatory in determining the weight to be given to the petition.
- 7.2.3 The petition form comprising **Attachment A** to this Policy may be used by members of the public who wish to submit a compliant petition to Council.
- 7.2.4 Where a hardcopy petition is submitted to Council, the original petition must be submitted.

7.3 Electronic Petitions

- 7.3.1 For the avoidance of doubt, a compliant petition may be in an electronic format that is delivered to the principal office of Council via email with 'PETITION' typed in the subject line and addressed to mail@ahc.sa.gov.au
- 7.3.2 The principal signatory may choose to deliver a petition to Council by way of emailing a link to an online petition. An online petition is a compliant petition for the purposes of this Policy provided it satisfies all the criteria prescribed by regulation 10(1) of the Regulations (refer to the definition of 'compliant petition' at clause 2.2 above).
- 7.3.3 The online petition must be brought to Council's attention by the principal signatory in the event that the principal signatory wishes Council to consider it (i.e. it must be delivered to the principal office of Council). The mere existence of an online petition addressed to Council is not sufficient to trigger the application of this Policy.

7.4 Procedure upon receipt of a petition

- 7.4.1 Council will acknowledge receipt of a petition within 3 business days of receipt to the principal signatory.
- 7.4.2 If the petition is not a compliant petition, the Chief Executive Officer may determine whether or not to address the petition within the agenda for a Council or Council Committee meeting. The Chief Executive Officer's decision in this regard is final and will be communicated, including the reason, to the principal signatory and Council Members within 3 business days of the determination.
- 7.4.3 If the petition is a compliant petition or the Chief Executive Officer determines under clause 7.4.2 that the petition should be addressed within the agenda for a Council or Council Committee meeting, the principal signatory will be advised of the date of the meeting at which the petition will be referred to in Council or Council Committee's agenda.
- 7.4.4 A compliant petition that is received no less than 7 clear days prior to a scheduled Ordinary Council or Council Committee Meeting will be addressed within the agenda for that Ordinary Meeting. A compliant petition received less than 7 clear days prior to the next scheduled ordinary meeting of Council or Council Committee will be addressed within the agenda for the subsequent Ordinary Meeting.
- 7.4.5 The petition itself will not be placed on the agenda to protect the privacy of individuals. Council/Committee Members may request a copy of the petition and it is the Members' responsibility not to distribute or publish a copy of the full petition.

In placing the petition on the Council or Council Committee agenda, a report will be produced containing:

- The nature of the request or submission;
- The name and location of the principal signatory;
- The number of signatories or number of persons endorsing the petition;
- Recommendations (as appropriate) pertaining to the matter, including but not limited to:
 - That Council/Committee receive and note the petition
 - That the CEO advises the principal signatory of the Council/Committee's noting of the petition and of any resolutions relating to the matter.
 - An Officer's Response providing:
 - Commentary on the relationship/relevance of the petition topic to Council services/activities/plans/strategies/resolutions
 - Options available to Council to address the petition request

7.4.6 If, in consideration of a petition, a Council/Committee Member determines to move a Motion Without Notice, the Council/Committee will deal with the motion at that point in the agenda, subject to the compliance with the applicable requirements of legislation/policy.

7.4.7 As soon as practicable after a petition has been considered by Council, the Chief Executive Officer will notify the principal signatory of any decision made by Council in relation to it.

7.5 It is the responsibility of the principal signatory to ensure that signatories to a petition are aware of the public nature of petitions submitted to Council.

8. DELEGATION

8.1 The CEO has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy.
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

9. AVAILABILITY OF THE POLICY

9.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

Petition

To: **ADELAIDE HILLS COUNCIL, PO BOX 44, WOODSIDE SA 5244**

Date:/...../.....

We, the undersigned, wish to submit the following petition to Council. We understand that a petition submitted to the Council is a public document

Section 1: The principal signatory must complete this section:

Name: Tel:

Address:

..... Postcode:

Email:

Section 2: This petition makes the following request/submission:

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Section 3: List of signatories to the petition:

No.	Name	Address	Signature
1			
2			
3			
4			
5			
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9			
10			

We, the undersigned, wish to submit the following petition to Council. We understand that a petition submitted to the Council is a public document

This petition makes the following request/submission:

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No.	Name	Address	Signature
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