

AD0014: PETITIONS TO COUNCIL POLICY

Policy Type	Administrative Policy
Responsible Department	Office of the Chief Executive Officer
Responsible Officer	Group Manager Governance and Risk
Related Policies and Procedures	Petitions Submission Process and Template. Deputation Information Sheet and Request Form
Date adopted	C809, 22 May 2006
Last reviewed	C887, 26 June 2017
Next review date	June 2020
ECM Doc Set I.D.	2253001

1. POLICY STATEMENT

This policy provides direction in relation to;

- (a) the display of petitions by private individuals or groups in Council facilities for the purposes of obtaining signatures of support from members of the public.
- (b) Presentation of petitions to Council.

2. COMMUNITY GOAL

O5.3; Good governance and legislative framework.

3. POLICY OBJECTIVES

Through the implementation of this policy Council will:

- Support freedom of expression.
- Facilitate the effective functioning of the democratic process within the Unley community.

4. PRINCIPLES

This policy is based on the principles that:

- Individuals and groups in the community should have the freedom to express their views and solicit support for the views.
- Council facilities are accessible to a wide cross section of the community.

- Presentation of petitions to government and civic authorities is a legitimate activity which underpins the democratic process of government.
- Council will not display petitions that contravene prevailing laws such as anti-discrimination.

5. POLICY

The written petition must clearly set out the request or submission of the petitioners and will only be received at the Unley Civic Centre, 181 Unley Road, Unley.

Where the request is to display a petition which relates to a Council policy, function or activity, the applicant should be referred to the relevant manager to ascertain if the matter can be resolved prior to establishing a petition.

Approval to display petition in a Council facility

Council may allow a member of the public or group of persons to display a petition in a council facility for collection of signatures to promote a community cause.

When a legibly written petition is received by a Council Officer for display in any Council facility, approval must be sought from the Group Manager Governance and Risk to display the petition in the facility.

Petitions that contain certain material will not be accepted for display in a Council facility and petitioners will be provided with an explanation of why the request has been denied. Any one of the following criteria, but not limited to those listed, will be cause for a request to display a petition to be rejected:

- Contains abusive language.
- Contains remarks that could be deemed defamatory towards a person or entity.
- Unclear in its message / request.
- Not legible.
- Seeks to encourage illegal activity.

Display of Petition

If approval is given, the petition is to be displayed in a location that is accessible by members of the public utilising the facility. The following disclaimer is to be displayed prominently next to the petition display area:

“Petitions displayed in Council offices/facilities are placed here by private individuals or groups for the purposes of obtaining signatures of support. The views expressed in the petition are not necessarily the views of the Council.”

The petition is to have a close off date. It is the responsibility of the lodger to remove the petition at this time. If after a further seven days the petition has not been removed, it should be removed by the relevant departmental manager or officer.

Petition for presentation to Council

A petition may be presented at a Council meeting for consideration by the Council. The process will follow the Local Government (Procedures at Meetings) Regulations 2013, Part 2, Division 2, Regulation 10.

Regulation 10 also provides for the submission of petitions to a Council Section 41 Committee by private individuals and groups.

The relevant Council Officer will be responsible for preparing a report to the next available Council meeting detailing the following:

- Summary of the petition.
- The number of signatures.
- Factual information in relation to the issue and intent of the position (such as the number of residents compared to non-residents, those that live on a particular road etc).
- The name of the person coordinating a response to the position.
- Any supporting information to assist Council and/or Committee members in assessing the petition such as site plans, photos etc.

Petitioners may address Council or a Council Section 41 Committee regarding a petition via the deputation process. Requests for a deputation must be in writing addressed to the Chief Executive Officer. Such requests will be considered by the Mayor (for Council meetings) or the Presiding Member (for Council Section 41 Committee Meetings). Deputations will be managed in accordance with Regulation 11 of the Local Government (Procedures at Meetings) Regulations 2013.

Elected Members are entitled to submit a Notice of Motion to Council with regard to any petition, but such a motion must be lawful and consistent with Council policies and the Regulations.

Any petition presented to a Council or Council Section 41 Committee Meeting forms part of the Council or Committee Agenda and as such is a public document. The *Local Government Act 1999* requires that it be displayed on the Council website and in hard copy at the Civic Centre. This means that names and addresses of petitioners are visible to the public. Access to or copies of council documents may also be requested under the *Freedom of Information Act 1991*.

Format

Refer to Council's Petitions Submission Process and Template (<http://www.unley.sa.gov.au/webdata/resources/files/Petitions%20template.pdf>) for details on how to format and submit a petition and how it will be handled by Council. Further information can also be found in the *Local Government (Procedures at Meetings) Regulations 2013* ('The Regulations') and Code of Practice – Procedures at Meetings. <http://www.unley.sa.gov.au/webdata/resources/files/COU4%20Code%20of%20Practice%20Meeting%20Procedures%20endorsed%20by%20Council%2026%20November%202012.pdf>

6. DEFINITIONS

Petition: a written document that requests some action be taken by the target of the petition. A petition normally contains a statement of concern or grievance and is signed by citizens or groups. A petition which forms part of a Council or Section 41 Council Committee Agenda is considered by Council to be a public document and an official Council record.

Section 41 Council Committee: a Committee established by Council under Section 41 of the *Local Government Act 1999*.

7. LEGISLATION

Local Government Act 1999
Local Government (Procedures at Meetings) Regulations 2013
Freedom of Information Act 1991

8. POLICY DELEGATIONS

Full information about the sub-delegated powers and duties is contained in the Council Delegations Register.

9. ROLES/RESPONSIBILITIES

Group Manager Governance and Risk

10. AVAILABILITY

The policy is available for public inspection during normal office hours from;

Civic Centre
181 Unley Road
Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website, www.unley.sa.gov.au

11. DOCUMENT HISTORY

Date:	Council/Committee/Internal	Comment:
22 May 2006	Item 809	Previously policy no. 8
19 April 2010	CSP 306/10	
14 May 2012	CSP 108/12	
28 May 2012	Council, C420/14	
21 May 2014	Audit & Governance, 90/14	
23 June 2014	Council, C1170/14	Previously policy no. COU7
26 June 2017	Council, C887/17	Name changed.