

## PETITIONS TO COUNCIL POLICY

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| <b>Policy/Procedure Type</b>           | Council  |
| <b>Responsible Department</b>          | Office of the CEO  |
| <b>Responsible Officer</b>             | Manager Governance   |
| <b>Related Policies and Procedures</b> | <ul style="list-style-type: none"> <li>• Code of Practice – Procedures at Meetings</li> <li>• Petitions Submission Process and Template.</li> <li>• Deputation Information Sheet and Request Form</li> </ul> |
| <b>Community Plan Link</b>             | 4.Civic Leadership<br>4.1 We have strong leadership and governance   |
| <b>Date Originally Adopted</b>         | 22 May 2006  |
| <b>Last Review Date</b>                | 28 October 2024  |
| <b>Next Review Date</b>                | October 2027   |
| <b>ECM Document No.</b>                | 9033207  |

### 1. PREAMBLE

1.1. The Petitions to Council Policy (Policy) provides direction in relation to the presentation of petitions to Council or a Council Committee (Committee) as prescribed by Section 41 of the *Local Government Act 1999* (Act).

### 2. SCOPE

2.1. This Policy applies to all petitions submitted to Council.

### 3. PURPOSE/OBJECTIVES

3.1. Any member of the public may submit a petition to Council for consideration. The purpose of this Policy is to:

- 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 apply to petitions;
- Assist Council in effectively managing petitions in accordance with legislative obligations and in the interests of the community;
- Ensure robust communication channels exist between Council and the public in relation to issues of community importance; and
- Facilitate the effective functioning of the democratic process within the community.

#### 4. DEFINITIONS

| <u>Term</u>                                       | <u>Definition</u>   |
|---|---|
| <b>Business Days</b>                              | means Monday to Friday (inclusive) but excluding public holidays.   |
| <b>Cause</b>                                      | means the request or the subject of a petition.   |
| <b>Chief Executive Officer</b>                    | means the appointed CEO or Acting CEO.  |
| <b>Clear days</b>                                 | includes Saturdays, Sundays and public holidays.  |
| <b>Compliant petition</b>                         | means a petition that satisfies the criteria under Regulation 10(1) of the <i>Local Government (Procedures at Meetings) Regulations 2013</i> (Regulations). That is the petition: <ul style="list-style-type: none"> <li>• is legibly written or typed or printed;</li> <li>• clearly sets out the request or submission of the petitioners;</li> <li>• includes the name and address of each person who signed or endorsed the petition; and</li> <li>• is addressed to Council and delivered to the principle office of Council.</li> </ul> |
| <b>Council</b>                                    | means a council constituted under the <i>Local Government Act 1999</i> (Act).   |
| <b>Council Member</b>                             | means an Elected Member of the City of Unley.   |
| <b>Next ordinary Council or Committee meeting</b> | means the next ordinary meeting of Council or a Section 41 Council Committee that is scheduled at least fourteen (14) clear days after the Council's receipt of a petition.   |
| <b>Petition</b>                                   | means a formal written request, typically signed by a number of people that requests some action be taken by the target of the petition. A petition normally contains a statement of concern or grievance or is soliciting a favour, right or benefit or that otherwise appeals to a particular cause. A petition which forms part of a Council or Section 41 Council Committee (Committee) Agenda is considered by Council to be a public document and an official Council record.   |
| <b>Principal signatory</b>                        | means the person responsible for delivering the petition to Council.  |
| <b>Section 41 Council Committee</b>               | means a Committee established by Council under Section 41 of the <i>Local Government Act 1999</i> (Act).  |
| <b>Signatory</b>                                  | Means a person who has signed the petition to support the cause   |

#### 5. ROLES AND RESPONSIBILITIES

| <u>Role</u>                   | <u>Responsibilities</u>  |
|-------------------------------|--|
| Council Members               | Responsible for the approval and adoption of this Policy   |
| Chief Executive Officer (CEO) | Ensures that all compliant petitions are addressed within the agenda of the next ordinary Council meeting or Committee of the Council.<br>Determines if the petition is compliant. |
| Governance                    | Responsible for preparing a report to the next available   |

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|  | <p>Council or Committee meeting providing a summary of petition details and information.</p> <p>Responsible for the review and application of this Policy.</p> |
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## 6. STATEMENT

### 6.1. Principles

- 6.1.1. This Policy is based on the principles that:
  - 6.1.1.1. Individuals and groups in the community should have the freedom to express their views and solicit support for their views.
  - 6.1.1.2. Presentation of petitions to government and civic authorities is a legitimate activity which underpins the democratic process of government.
- 6.1.2. Pursuant to Regulation 10(2) of the Regulations the CEO will ensure that all compliant petitions are addressed within the agenda for the next ordinary Council or Committee meeting, but not the actual petition itself, in accordance with the requirements of this Policy.
- 6.1.3. Council Members are entitled to access a copy of the full petition, prior to the meeting at which a report of the same is received.

### 6.2. Submitting a Petition

- 6.2.1. Any person may submit a petition to Council.
- 6.2.2. Council will only communicate with the principal signatory in respect of a petition.
- 6.2.3. The CEO is required by regulation to act in accordance with the Policy position set by Council. A petition that is provided for consideration at a Council or Committee meeting extends to compliant petitions only.
- 6.2.4. 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.

### 6.3. Process upon receipt of a Petition

- 6.3.1. Council will acknowledge receipt of a petition within three (3) business days to the principal signatory.
- 6.3.2. Council's acknowledgement of receipt of a petition will include a statement requiring that the principal signatory be responsible for all correspondence to signatories.
- 6.3.3. If the petition is not a compliant petition the CEO may determine whether or not to address the petition within the agenda for a Council or Committee meeting. The CEO's decision in this regard is final.
- 6.3.4. If the petition is a compliant petition or the CEO determines that the petition should be addressed within the agenda for a Council or Committee meeting, the principal signatory will be advised of the date of the meeting at which the petition will be referred to in the Council or Committee agenda.
- 6.3.5. A compliant petition that is received no less than fourteen (14) clear days prior to a scheduled Council or Committee meeting will be addressed within the agenda for that meeting. Upon receipt of a compliant petition less than fourteen (14) days

prior to a scheduled meeting, a practical effort will be made to include that petition in the upcoming agenda.

- 6.3.6. The petition itself will not be placed on the agenda but the cause as stated on the petition will be extracted and included within the Council or Committee papers.
- 6.3.7. Prior to an upcoming meeting Council Members will receive a copy of any petitions received by Council for consideration.
- 6.3.8. As soon as practicable after a petition has been considered the CEO (or delegate) will notify the principal signatory of any outcome made by Council or Committee in relation to it.

#### **6.4. Petition for presentation to Council or Committee**

- 6.4.1. A petition may be presented at a Council meeting for consideration by the Council. The process will follow the Regulations and Code of Practice – Procedures at Meetings (Code).
- 6.4.2. The Regulations also provides for the submission of petitions to a Council Committee by private individuals and groups.
- 6.4.3. Governance will be responsible for preparing a report to the next available Council or Committee meeting detailing the following:
  - Summary of the petition.
  - The number of signatures.
  - Factual information in relation to the issue and intent of the position (for example 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 petition.
  - Any supporting information to assist Council and/or Committee Members in assessing the petition such as site plans, photos etc.
- 6.4.4. Petitioners may address Council or a Committee regarding a petition via the deputation process. Requests for a deputation must be in writing addressed to the CEO. Such requests will be considered by the Mayor (for Council meetings) or the Presiding Member (for Committee Meetings). Deputations will be managed in accordance with the Regulations and the Code.

#### **6.5. Format and Process of Petition**

- 6.5.1. Where a petition comprises of multiple pages, the cause must be clearly set out on the top of each page.
- 6.5.2. The petition must include the name and full address (number, street name and suburb) of each signatory.
- 6.5.3. Council considers the inclusion of a full address of a signatory to be essential because depending upon the nature of the cause, Council will have regard to the address of each signatory in determining the weight to be given to the petition.
- 6.5.4. The Petition Template (Template) provided as **Attachment A** to this Policy must be used by members of the public who wish to submit a compliant petition to Council. This Template can be accessed from the Council's website.
- 6.5.5. Council's Petitions Submission Process is provided as **Attachment B** to this Policy and can also be accessed from the Council's website.

#### **6.6. Privacy Considerations**

- 6.6.1. Any petition may be presented to a Council or Committee. If presented the petition forms part of the Council or Committee Agenda and as such is a public document. The Act requires that it be displayed on the Council website. 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.

6.6.2. Petitions published by Council will be done so as an image or any other way which ensures that signatories to a petition cannot be searched or discovered by a search engine.

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

## 7. POLICY DELEGATIONS

Nil.

## 8. LEGISLATION

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

## 9. AVAILABILITY OF POLICY

9.1. The Policy is available for public inspection during normal office hours at:

The 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](http://www.unley.sa.gov.au).

## 10. DOCUMENT HISTORY

| Date       | Version No. | Comment  |
|------------|-------------|----------|
| 22/05/2006 | Version 1   | Item 809 |
| 28/05/2012 | Version 2   | C420/14  |
| 23/06/2014 | Version 3   | C1170/14 |
| 26/06/2017 | Version 4   | C887/17  |
| 28/10/2024 | Version 5   | C1425/24 |

# PETITION

To the Mayor and Councillors of the City of Unley



## Part 1:

**Petition Contact Person:** .....

**Telephone Number:** .....

**Address:** .....

**Date Range of Signature  
Collection:**

From / / to / /

## Part 2:

The petition of *(identify the individuals or group, e.g. Resident of the City of Unley)*

## Part 3:

Draws the attention of the Council to *(identify the circumstances of the case)*

**Part 4:**

The petitioners therefore request that the Council (*outline the action that the petitioners are requesting Council should or should not take*)

**Please note:** *If this petition is presented to Council or a Council Committee, it will be a public document and names and addresses will appear in the Agenda on the Council website.*

| Name (print) | Address | Signature |
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Petition page ..... of ..... completed on date: \_\_ / \_\_ / \_\_







# PETITIONS

## Submission Process

The City of Unley's principal role is to act as an informed and responsible decision maker which represents the interests of its community through open and transparent decisions. The City of Unley makes decisions on behalf of the community, however, members of the community have a role to play in informing Council of their needs and/or to provide information that may assist or influence Council's decision(s).

One of the ways members of the community can advise Council of their concerns, and influence the decision-making process, is to take up a petition. Petitions provide a democratic mechanism for the community to make requests of, and provide information to, Council.

The City of Unley's *Code of Practice - Procedures at Meetings (Code)* sets out information relating to the presentation and receipt of a Petition. This form provides further information to assist members of the Community in preparing and submitting a Petition to the Council.

### What is a Petition?

A petition is a request for action. Examples include a request to install a footpath in a particular street or to implement a new service. The subject of a petition must be a matter which is within the power of Council and not a State or Federal Government issue. Often there are ways other than a petition to resolve an issue – direct contact with Council staff or with your local elected member.

A petition is a public document and may be presented in full to Council as part of a formal Council Agenda. 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*.

### Preparing a Petition

A petition to the Council must meet the requirements set out in the Code, which incorporates the *Local Government (Procedures at Meetings) Regulations 2013 (Regulations)*. These requirements are that a petition must:

- a) be legibly written or typed or printed; and
- b) clearly set out the request or submission of the petitioners; and
- c) include the name and full address of each person who signed or endorsed the petition; and
- d) be addressed to the Council and delivered to the principal office of the Council.

The following are some guidelines to assist you in this process.

### Submitting a petition

#### Step 1

Prepare your petition using Council's petition template, available for download from the Council's website ([www.unley.sa.gov.au](http://www.unley.sa.gov.au)) and distribute it to the community.

Ensure that you describe the specific request you are making of Council at Part 4 of the template, and that this is repeated at the top of each page of signatures you collect.

## **Step 2**

Provide a covering letter with the petition detailing the name, address and contact details of the Head Petitioner(s) to whom we can address correspondence.

Other requirements include:

1. The petition should be in the English language (or be accompanied by a translation and certified as such by a host petitioner).
2. The petition must be signed personally by every petitioner unless a Power of Attorney exists.
3. Photocopies or signatures pasted on to the petition are unacceptable.
4. Corporations must be signed under Seal.
5. No letters or affidavits or other document(s) can be attached.
6. The wording should not be disrespectful to the Council or of individuals and generally should be temperate in tone.
7. The original copy of each page of the petition must be provided to Council.

## **Step 3**

Submit the petition to Council by lodging with the Chief Executive Officer (CEO) at the Council's Civic Centre Offices, 181 Unley Road, Unley, SA 5061 no later than fourteen (14) clear days before a Council or Council Section 41 Committee meeting.

### ***After your petition is received by Council***

Once the petition is received by the CEO, Administration will arrange for it to be tabled at the beginning of the next ordinary Council meeting (or Council Section 41 Committee if more appropriate) with a short report indicating the number of signatures and a suggested course of action.

Receipt of the petition will be acknowledged to the Head Petitioner within three (3) business days, and you will be advised the date and time of the meeting it will be presented to.

The CEO may convey the document informally to Council Members so they are aware of its existence before the Council or Committee meeting. Members of the public are welcome to attend all Council and Section 41 Committee meetings but cannot participate in the debate at these meetings.

### ***Notification of the outcome***

Administration will contact the Head Petitioner regarding Council's consideration of your petition and any decision made by Council or Committee.

## **Deputations**

A deputation is an oral way of presenting an issue to all Council Members at a Council meeting. You may wish to make a Deputation to the Council meeting in support of a Petition you have prepared. Information on how to make a Deputation is available on Council's website: [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

## **More information**

Civic Centre  
181 Unley Road  
Unley SA 5061

**Telephone:** (08) 8372 5111

**Email:** [pobox1@unley.sa.gov.au](mailto:pobox1@unley.sa.gov.au)

**Website:** [www.unley.sa.gov.au](http://www.unley.sa.gov.au)