

# Petition Policy

VERSION 1

CITY OF STONNINGTON – PETITION POLICY

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Legal and Governance, Office of the Chief Executive

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## 1 Purpose

The purpose of this policy is to state the Council's position regarding the submission of petitions to the Council and the display of petitions in Council facilities by private individuals or groups. This policy will assist to ensure that petitions are managed in a fair and consistent manner.

## 2 Scope

This policy applies to all petitions submitted to Council, to all persons submitting petitions and to all councillors and Council staff who deal with petitions.

## 3 Background

Petitions to the Council are not specifically covered by legislation, however they have a long and valued connection with government at all levels. Council wishes to ensure that the views of the community are communicated to councillors and staff and considered by them in the process of making decisions. This is a core aspect of accountable and transparent local government. One of the ways councillors and staff receive these views is by considering issues raised in petitions lodged by members of the community.

## 4 Date of Commencement

This policy commences operation on 21 March 2023.

## 5 Definitions

In this Policy, unless the context suggests otherwise the following words and phrases mean:

**Act** means the *Local Government Act 2020*.

**Chief Executive Officer** or **CEO** means the Chief Executive Officer of Council (including their delegate) or Acting Chief Executive Officer.

**Contact Person** means the first legible signatory on a petition.

**Council** means the Stonnington City Council.

**Councillors** means the individuals holding the office of a member of the Stonnington City Council.

**Council meeting** has the same meaning as in the Act.

**e-Petition** means a digital, online or electronic petition.

**Governance Rules** means the Governance Rules developed by the Council under section 60 of the Act.

**Joint Letter** means a request made of the Council by five (5) or less signatures using the format set out in this policy.

**Mayor** means the Mayor of Council.

**Petition** means a request made of the Council by five (5) or more signatures using the format set out in this policy.

## **6 Petitions to Council**

### **6.1 What is a petition?**

A petition is a formal written request to the Council for something desired that has been signed by more than five (5) people. Where a petition has been signed by less than five (5) people it is forwarded directly to the appropriate council officer for action.

If a petition contains 5 or more signatures it is presented to the Council and then forwarded to the appropriate director for action. All petitions presented to Council are then subject to a Quarterly Report updating councillors on the status of action taken by the council officers as a result of receiving the petition.

In accordance with Council's commitment to privacy and data protection, when petitions are presented to Council, only the issues raised in the petition, along with the number of signatories, will be presented to the Council.

### **6.2 How do I write a petition?**

Petitions do not need to be in any prescribed form. To assist a person in constructing a petition there is a sample attached to this policy.

As a guide to best practice, Council may only accept petitions that meet the following criteria:

- Petitions should be typed or in writing (other than pencil) in a legible form.
- Petitions should be in relation to a matter that Council has control over or is in a position to advocate to other levels of government.
- Each petition should clearly include the name, address and signature of all persons signing the petition.
- Telephone numbers are not necessary on a petition and it is suggested that they not be included for privacy reasons.
- Petition statement (the expected action to be taken by Council e.g. we request the Council to construct a footpath) must be clearly shown at the top of every page to ensure that each signatory is fully aware of what the petition is outlining.

Petitions containing inappropriate material will not be accepted and in this event the Contact Person will be provided with an explanation of why this has occurred. A petition will be considered inappropriate if it:

- Contains abusive language
- Contains remarks that could be considered defamatory, indecent, abusive, or offensive towards a person or entity
- Is not clear with its intent
- Is not legible
- Is aimed at embarrassing a councillor or a member of Council staff
- Seeks to encourage an unlawful activity

### 6.3 e-Petitions

The Chief Executive Officer may accept a e-Petition if they are satisfied that the petition is authentic and from a legitimate website and provided that the electronic petition has been closed and a copy has been forwarded to Council.

Council prefers e-Petitions that include details of the ‘request for action’ being made of Council on every page, the name, residential address and email address of petitioners.

Council recognises that some of the popular electronic petition products do not provide the level of detail preferred by the Council and encourages residents initiating electronic petitions to explore petition platforms that allow for petitioners to provide their property address.

### 6.4 How does a petition get considered at a Council meeting?

Council will manage petitions in accordance with the following:

- All petitions, containing 5 or more signatures, received by Council either by mail, email, e-petition, or by personal delivery to Customer Service are forwarded to the Legal and Governance department. Where a petition has been signed by less than 5 people it is forwarded directly to the appropriate council officer for action.
- The Governance and Legal department will send a letter to the Contact Person advising of the date that the petition will be presented to Council, and providing further contact details. Council will not respond to all petitioners as this is considered to be the responsibility of the Contact Person.
- The Legal and Governance department will ensure that petitions containing 5 or more signatures are presented to the next Council meeting.
- In accordance with Council's commitment to privacy, only the issues raised in the petition along with the number of signatories will be presented to Council.
- Following the Council meeting, the petition will be forwarded to the appropriate directorate for further action.
- The responsible director will assign the responsibility for dealing with the petition to the relevant council officer.
- The Mayor and/or the responsible director can sign correspondence to the Contact Person informing them of the Council's action.
- The council officer may liaise with the Contact Person to address the issues raised in the petition.
- The council officer closes the issue with a letter to the Contact Person.

#### 6.4.1 Councillor presenting a petition to a Council meeting

It is incumbent on every councillor presenting a petition to a Council meeting to do so in accordance with the Governance Rules.

## 6.5 Petitions objecting to a planning application

If a petition objects to a planning application, once it has been presented to the Council in the manner described above it is forwarded to the Director Planning and Place. The Contact Person is registered as an objector to the specific application and all other signatories are invited to lodge their own objection. The objections are then dealt with through the planning application process.

Where a petition has been signed by less than 5 people it is forwarded directly to the appropriate council planning officer for action. The Contact Person is registered as an objector to the specific application and all other signatories are invited to lodge their own objection. The objections are then dealt with through the planning application process.

For more information on this process, please contact the Statutory Planning Unit on 8290 3329.

## 6.6 Petitions relating to community engagement initiated by Council

Where the issue relates to any other matter for which Council is engaging with the community, the petition will be dealt with along with all other submissions to the proposal.

## 7 **Display of Petitions in Council Facilities**

The display of petitions in facilities operated by Council is inappropriate. For example Council offices, libraries and maternal and child health centres. Council facilities that are subject to a seasonal tenancy and other leases of duration shorter than twelve months are considered to be facilities operated by Council.

Requests for displaying petitions in Council facilities which have been leased for a period longer than twelve months must be approved by the CEO. As a general principle, such requests will be supported provided the petition:

- Does not contain abusive language
- Does not contain remarks that could be considered defamatory, indecent or offensive towards a person or entity
- Has a clear intent
- Is legible
- Does not seek to encourage any unlawful activity
- Includes a petition statement at the top of every page to ensure that each signatory is fully aware of what the petition is outlining
- Relates to subject matter for which Council has specific responsibility

Where the petition relates to a Council policy, service, function or activity, the CEO may refer the Contact Person to the relevant manager to determine if the matter can be resolved without needing to progress the petition further.

The applicant will be advised on the decision in relation to the display of the petition, and in the instance that the request is refused the Contact Person will be provided with an explanation for the refusal. Councillors will also be advised of any petition that has been refused to be displayed in Council facilities.

Any petition that has been approved for display in a Council facility must state a reasonable close-off date and the Contact Person is to remove the petition at this time. Petitions that have not been removed within seven days of the close-off date will be disposed of by the relevant Council officer.

## 8 Lodging a Petition with the Victorian or Federal Parliament

If you want to lodge a petition to the Victorian Parliament or Federal Parliament please contact them directly.

Victorian Parliament - <https://new.parliament.vic.gov.au/get-involved/petitions/> or phone (03) 9651 8911

Federal Parliament - <https://www.aph.gov.au/e-petitions> or phone (02) 6277 2152

## 9 Responsibilities

For all queries or feedback regarding this Policy, please contact the Executive Manager Legal and Governance via email at [council@stonnington.vic.gov.au](mailto:council@stonnington.vic.gov.au)

## 10 Monitoring, Evaluation and Review

This Policy will be reviewed in four (4) years from the date of adoption.

The Executive Manager Legal and Governance is authorised to make minor editorial amendments as needed for administrative or updated information purposes (for example, but not limited to changes to position and roles, references to legislation, definitions etc.).

The Executive Manager Legal and Governance may also make amendments to the list of related documents at such times where reference material or guidelines require updating.

## 11 Related Legislation and Policies

There are a range of legislation, codes and Council documents that inform and support this Policy. These include, but are not limited to:

<b><u>Legislation</u></b>	<b><u>Council Documents</u></b>
<ul style="list-style-type: none"> <li>• <i>Freedom of Information Act 1982 (Vic)</i></li> <li>• <i>Local Government Act 2020 (Vic)</i></li> <li>• <i>Privacy and Data Protection Act 2014 (Vic)</i></li> <li>• <i>Public Records Act 1973 (Vic)</i></li> <li>• <i>Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Complaint Handling Policy</i></li> <li>• <i>Community Engagement Policy</i></li> <li>• <i>Councillors Code of Conduct</i></li> <li>• <i>Employee Code of Conduct</i></li> <li>• <i>Governance Rules</i></li> <li>• <i>Mutual Respect Charter</i></li> <li>• <i>Privacy and Data Protection Policy</i></li> <li>• <i>Public Transparency Policy</i></li> <li>• <i>Stonnington Customer Service Charter</i></li> </ul>



**Sample Petition**

To the Mayor and Councillors of the Stonnington City Council

**Date:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Subject of the Petition:** \_\_\_\_\_

**Action Requested:** We, the undersigned, petition the Mayor and Councillors of Stonnington City Council to:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name (Please Print)	Address (Please Print)	Signature