

Petitions Policy 2019

Department/Unit: <i>Governance</i>	First Implemented: <i>New Policy</i> Effective From: <i>16 April 2019</i> Review Date: <i>16 April 2023</i> Version: <i>1</i> Trim Reference: <i>E513/2</i>	Origin: Responsible Officer <i>Governance & Risk Co-ordinator</i> Authorising Officer: <i>Endorsed by Council 16 April 2019</i>
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PURPOSE/OBJECTIVE

The ability for residents to petition Council to act on a request is a fundamental and important part of local democracy. To facilitate this, Council sets out a procedure by which petitions may be presented, and provides information to the community on how petitions will be handled and acted upon in a consistent and procedurally fair manner.

The purpose of this policy is to state Council's position in regard to the submission of petitions to Council by private individuals or groups. It also addresses the aspect of privacy in the provision of personal details at the point of collection, and outlines Council's responsibility to be open and transparent in making material (including petitions) available to the general public on request.

POLICY STATEMENT

This policy aims to ensure that the views of the community are effectively communicated to Councillors and relevant staff.

This policy will ensure that petitions are managed in a fair and consistent manner.

Collection of personal information provided in petitions will be used solely for the purpose of administering petitions and verifying their authenticity in accordance with the *Privacy and Data Protection Act 2014*.

DEFINITIONS

Petition A petition is a request for action.

Contact Person The person submitting a petition or the person nominated as the contact person in relation to a petition. In the absence of these persons, the contact person is the person whose name is first listed on the petition.



SCOPE

This policy applies to all petitions submitted to Council, to all persons submitting petitions, all Council employees, Councillors, contractors, consultants, volunteers and other authorised personnel of Mansfield Shire Council.

RESPONSIBILITIES

Overall responsibility for the application of this Policy is held by the Chief Executive Officer.

Managers are responsible for ensuring their staff comply with the principles, practices and any associated procedures of this policy.

Management, employees, contractors and volunteers are to be familiar with, and competent in, the application of this Policy, and are accountable for the delivery of this policy within their areas of responsibility.

The Governance Unit is the owner of this policy. Any reviews of this Policy must be made in consultation with the Governance and Risk Co-ordinator and the Finance Manager.

REFERENCES / RELATED POLICIES

Petitions to Council are not specifically covered by legislation. However, the *Local Government Act 1989* encourages and assists the effective participation of local communities in the affairs of local government. Council deals with petitions in keeping with this principle.

Mansfield Shire Council is committed to responsible and fair handling of your personal information, consistent with the Information Privacy Principles set out in the *Privacy and Data Protection Act 2014* (VIC).

Mansfield Shire Council Community Local Law No. 2 also provides guidance on how petitions are managed if they are presented at a Council meeting.

IMPLEMENTATION

This Policy is effective from 16 April 2019.

REVIEW DATE

This Policy is to be reviewed by 16 April 2023.



AUTHORISATION TO IMPLEMENT POLICY

Signed: 
Councillor

Witnessed: 
Chief Executive Officer

Approval dated:

Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.



PETITIONS POLICY 2019 PROCEDURES

The following procedures are designed to ensure that all decisions relating to this policy are made in a consistent and open manner.

What is a petition?

A petition is a request for action. For example, petitions may ask Council to change a decision, policy or local law, or to take action for a certain purpose or for the benefit of particular persons.

A petition is a formal written request to Council for something desired that has been signed by more than one person. Where a petition has been signed by less than 20 people it is forwarded directly to the appropriate Council officer for action. If a petition contains 20 or more signatures it is presented to Council and then forwarded to the appropriate director/manager for action. In accordance with Council's commitment to privacy, when petitions are presented to Council, only the issues raised in the petition, along with the number of signatories, will be presented to Council.

Alternatives to petitioning the Council

Before commencing a petition, consider whether it is the most effective means of dealing with a request for action. In the first instance Council encourages persons to attempt to resolve a matter by contacting a relevant Council officer. Additionally, Councillors are always available to speak with persons on matters of concern.

Where a petition is submitted which relates to an issue that is already part of a statutory consultation process, the petition will be considered as part of that process as a single submission. Examples include Budget, Council Plan and planning applications.

Using a petition to have your view heard

Notwithstanding the above alternatives, petitions are one way the community can ensure its views are heard by the Council.

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 template 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 petitions and it is suggested that they not be included for privacy reasons.



- The name, telephone number and postal address of the contact person for the petition, and if relevant their organisation, should be provided.
- Petition statement (the desired action to be taken by Council) 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
- Seeks to encourage an unlawful activity

Electronic petitions

An electronic petition (e-petition) is a petition that is 'signed' online, usually through a website. A person submitting an e-petition must ensure that the petition has:

- A clear and concise statement identifying the subject matter of the petition.
- The total number of people 'signing' the petition.
- The full name, address and phone number of the contact person submitting the petition, together with the name of the organisation/group they represent if the petition is submitted on behalf of an organisation or group.
- The full name, address (including postcode), and email address of those people who support the e-petition.

Petitions presented at an Ordinary Meeting

An individual or group may present a petition to Council during an Ordinary meeting. The petition will not be considered by Council during that meeting, but it will be tabled at the next Ordinary meeting and the matter referred to the appropriate Council officer for consideration and response. The petition must satisfy the above criteria as specified under "How do I write a petition?"

When a petition tabled at an Ordinary Meeting relates to an item of business on the agenda, the submission will be considered by Council as part of its deliberations on that item.

Outcome of petitions

Council will decide what action, if any, it will take on the petition. Council's decision can be accessed in the minutes of the meeting, which are available on Council's website. The appropriate Council officer will consider the petition, take any action considered necessary and advise the contact person accordingly.



A pro-forma for petitions is available for download from the Council's website at www.mansfield.vic.gov.au.

For further information about the process for presenting petitions, please contact Council's Governance and Risk Co-ordinator.



APPENDIX 1 – Petition Lodgement Form

Petition Lodgement Form

SUBJECT OF PETITION:

Number of persons who have signed the petition	
Number of signed pages attached	
Signature of person lodging petition (chief petitioner)	
Name	
Address	
If acting on behalf of organisation/group, name of organisation/group	

PRIVACY STATEMENT

Mansfield Shire Council is collecting your personal information solely for the purpose of administering this petition and verifying its authenticity, as required by Council's Petitions Policy. Council will handle your personal information in accordance with the *Privacy and Data Protection Act 2014*. Questions concerning privacy or the use of your personal information may be referred to Council's Privacy Officer.

