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Department	Office of Chief Executive Officer
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Policy Statement/Objectives

Kiama Municipal Council values its community and provides opportunities to community members to be heard about issues of importance within our Local Government Area (LGA). Council welcomes the public's views on decision-making processes and considers them in a fair and consistent manner. This is a core aspect of accountable and transparent local government.

Scope

A petition is a request made to Council seeking a particular action. Any person with a direct interest in Kiama Council such as residents, land owners, business people or in some other capacity may ask Council to change an existing Policy, a decision of Council or take action for a certain purpose or for the benefit of particular persons.

The subject of a petition must be a matter on which the Council has the power to act.

This Policy applies to all petitions forwarded to Kiama Council, including those forwarded directly to a Councillor or the Chief Executive Officer.

This Policy applies to paper petitions only. The receipt of e-petitions will be considered following a review of this Policy in twelve (12) months.

References

This Policy should be read in conjunction with the following:

- Privacy and Personal Information Protection Act 1998

Consultations

- Executive Leadership Team
- Governance

Definitions

Term	Definition
Petition	A formal written request, typically signed by many people, appealing to Council in respect of a cause, an appeal or request.

Variation and review

Council reserves the right to review, vary or revoke this Policy.

Review History

Date reviewed	Date adopted/endorsed	Brief detail of amendments
N/A	19 September 2023	New Policy

POLICY

1. Petitions to be relevant to Council

- 1.1. The following categories or petitions will be considered by Council:
 - a) Matters relating to Council's assets, operations and responsibilities.
 - b) Matters which:
 - i. affect Kiama Council or the Kiama community; and
 - ii. where Council is in a position to exercise some degree of influence.
- 1.2. If a petition concerns a matter over which Council has no direct control or a request is made for the Council to petition an external Government agency, the Chief Executive Officer (CEO) will consider action to be taken such as providing a report to Council outlining the petition content.
- 1.3. This Policy does not include petitions received by Council requesting Council to facilitate the distribution of or publication of the petition on behalf of another agency for any matter that is under the control of any external agency.
- 1.4. Where a petition relates to a matter for which Council has no responsibility or ability to exert influence, the CEO or delegate may return the petition to the petition organiser with an explanation, and wherever possible, provide advice on the appropriate agency or organisation to consider the petition.

2. Required content for valid petition

- 2.1. Care is to be taken in the wording of petitions as Council imposes certain requirements on their form and content.
- 2.2. To be considered a valid petition, in addition to the petition being relevant to the Council as outlined at 1 above, a petition document must contain:
 - a) Contain the names and addresses of the petitioners and their own original signatures. Any additional requests for information, such as telephone numbers or e-mails, should be clearly listed as optional.
 - b) State the facts which the petitioners wish to bring to the notice of the Council (this is the 'grievance').
 - c) Conclude with a request that the Council do, or do not do, something or take some course of action. Each page of a petition seeking signatures must be headed with the words of the request.
 - d) Be clearly written, typed or printed and not have anything attached to it.
 - e) Be respectful, polite and temperate in its language.
 - f) Be in English or be accompanied by a translation certified to be correct.
 - g) Be in an original document format, not a postcard, leaflet or the like.
- 2.3. A petition must not:
 - a) Contain irrelevant statements or information, including logos, photos, slogans etc.
 - b) Include headings that refer to an individual Councillor or employee, or which contain photographs of a Councillor or employee, or similar information judged as 'additional' to the subject of the petition.
 - c) Contain material of a political campaigning nature.
 - d) Be altered in any way from the petition as signed by the petitioners.

2.4. Signatures:

- a) Every signature must be original handwriting, and signatures must not be pasted on, photocopied or transferred in any way.
- b) A petition must contain an accompanying statement summarising the intent of the petition and specifying the number of signatories. A minimum of four (4) signatories from different households is required.
- c) Every person signing a petition must write their full address after their signature.
- d) A petitioner unable to write may affix their mark in the presence of a witness who shall list their own name and address as well as the name and address of the petitioner.

2.5. Lodgement:

- a) Petitions must be lodged in the format as specified in Appendix 1 of the Petitions Policy.
- b) Petitions may be lodged at the Public Access section of a Council meeting if there is a speaker registered to speak on the petition however, they are not to be considered or debated unless a resolution of Council is passed to transact the business of the meeting and the chairperson rules it as a matter of urgency in accordance with the Code of Meeting Practice.
- c) Petitions lodged with Council, either personally through a Councillor or employee, will be presented to Council for consideration at the next available Ordinary meeting of Council where the agenda has not already been determined.
- d) Once a petition has been received and registered by Council, an acknowledgement letter will be sent to the person who initiated the petition.

2.6. Electronic petitions:

- a) Electronic petitions, such as change.org petitions will not be considered by Council directly. These petitions do not represent valid data for consideration as many signatures to these petitions could be from people at locations with no reasonable interest in a local matter, i.e. internationally or interstate.
- b) Electronic petitions will be circulated to Councillors by email for their information and possible action should a Councillor wish to lodge a Notice of Motion to Council to respond to the petition. It is noted that there is no obligation upon Councillors to react to electronic petitions.
- c) Council reserves the right to reject any petition that does not meet these criteria.

3. Presentation of a petition to the Council

3.1. If a Councillor receives a completed petition they may either:

- a) Table the original document at a meeting of the Council or provide the CEO with an electronic PDF copy of the petition in advance of the meeting at which it is tabled. The tabling of the petition will be recorded in the minutes and the petition will be assigned to the appropriate officer for action; or
- b) Forward the petition to the CEO for registration by Council.

4. Receipt of a petition as correspondence to the CEO

4.1. Where the CEO or other employee receive a petition, it will be registered in Council's Electronic Records Management system as correspondence and assigned to the appropriate officer, to be dealt with in accordance with correspondence standards and this Policy.

5. Action arising from the receipt of a petition

- 5.1. Where the petition meets the requirements of a petition as listed in the guidelines:
 - a) Petitions lodged with Council, containing one hundred (100) signatures or more, will be included on the agenda of the next available Ordinary meeting of Council where the agenda has not already been determined with a recommendation for notation.
 - b) Petitions lodged with Council, with less than one hundred (100) signatures, will not be placed on a Council meeting agenda and will be managed internally by employees. Councillors will be provided with a copy of these petitions informally for their information.
 - c) Council shall consider the petition and a Councillor will need to move a motion, which will be required to be seconded, to either note the petition as recommended or to act on the petition in some way.
 - d) Petitions lodged as part of a public consultation or exhibition process shall be accepted as a submission to that process and will not be dealt with separately.
 - e) Only the person who has lodged the petition and has included their contact details on the lodgement form will be advised of the outcome of Council's deliberations.
- 5.2. Signatories on a petition must be made aware, by the lead submitter, that details provided will be a public record.
- 5.3. The report to Council will include the issue as stated in the petition and where relevant, proposed further action which is intended or recommended by the Council. The petition submitter shall be advised by the report author of the meeting at which the report will be listed. The report will not include a copy of the signed petition for privacy reasons.
- 5.4. When a petition is received on a matter which has been addressed by the Council or is about the same issue as a previous petition received (within the previous twelve (12) months), the CEO or Director may determine that that the issues raised have previously been addressed and a report to Council is not warranted, in which case the petitioner will be informed of this decision. Alternatively, an information report may be submitted to Council.

6. Access to information and privacy

- 6.1. Petitions usually contain personal information such as signatures, addresses and contact details. Information contained in petitions will be managed in accordance with Council's Privacy Management Plan and requests for access petitions will be considered in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act) and the *Privacy and Personal Information Protection Act 1998* (PPIIP Act).
- 6.2. Personal information in petitions can include a person's name and contact details, personal address, financial information, photos and video recordings of people.
- 6.3. Personal information is defined in the GIPA Act as –

“information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion”.
- 6.4. Where considered warranted Council may contact individuals who have signed the petition for reasons which may include: to clarify community sentiment; to arrange a community forum; or to provide correspondence about the subject matter of the petition they signed.

Related Forms/Documents

- Petition Template
- Petition Procedure

Attachments

Attachment 1	Appendix 1: Petition
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Authorisation

Name: Council Resolution No: 23/252OC

Date: 19 September 2023

