



BOROONDARA
City of Harmony

Petitions Policy

2015

Responsible Directorate: Chief Executive Office
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1. Introduction

1.1. Purpose

The purpose of this policy is to state Council's position in regard to the submission of petitions to 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.

1.2. 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.

2. Definitions

CEO - refers to the Chief Executive Officer (including their delegate) of the Boroondara City Council or an Acting Chief Executive Officer of the Boroondara City Council (including their delegate).

Contact Person - the person submitting a petition or a 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.

3. Background

Petitions to 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. Petitions to Council

4.1. What is a petition?

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 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, when petitions are presented to Council, only the issues raised in the petition, along with the number of signatories, will be presented to Council.

4.2. 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 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
- Petition statement (the expected action to be taken by Council e.g. we would like 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

4.3. How does a petition get considered at a Council meeting?

Council will manage petitions in accordance with the following:

- All petitions, containing 20 or more signatures, received by Council either by mail, email, fax, or by personal delivery to Customer Service are forwarded to the Governance department. Where a petition has been signed by less than 20 people it is forwarded directly to the appropriate council officer for action.
- The Governance 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 Governance department will ensure that petitions containing 20 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.



4.4. Petitions objecting to a planning application

If a petition objects to a planning application, once it has been presented to Council in the manner described above it is forwarded to the Director City Planning. The Contact Person is registered as an objector to the specific application. The petition is dealt with through the planning application process.

Where a petition has been signed by less than 20 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. The petition is dealt with through the planning application process.

For more information on this process, please contact the Statutory Planning department on 9278 4444.

5. 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.



6. Implementation and monitoring

6.1. Accountabilities

For all queries regarding this policy, please contact the Manager Governance via email at boroondara@boroondara.vic.gov.au or on telephone 9278 4470.

The Manager Governance will review and make any necessary amendments to the policy in consultation with the CEO or otherwise in accordance with any changes in legislation.

7. Relevant Legislation

Privacy and Data Protection Act 2014 (Vic)

Freedom of Information Act 1982 (Vic)

Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)

Local Government Act 1989 (Vic)

Boroondara Council Meeting Procedure Local Law

Version History:

How Do I Lodge a Petition Policy

Adopted by CEO on 5 April 2005

