



PETITION GUIDELINES AND PRESCRIBED FORM

Introduction

These guidelines are issued together with a pro-forma Petition Form which meets the requirements of the *Local Government Act 1993*. It is the responsibility of the Proposer(s) to arrange copies of the pro-forma for the purpose of obtaining supporting signatories. A petition to Council is governed in general terms by sections 57, 58 and 339B of the *Local Government Act 1993*. There are also more specific provisions governing petitions seeking public meetings (sections 59, 60 and 60A), requesting elector polls (sections 60B, 60C, 60D and 60E) and for ratepayers affected by the intention of a Council to make a separate rate (section 103).

Copies of all these sections of the Act are set out below the template.

Guidelines

1. A petition is to be addressed to 'The Mayor and Councillors of the Break O'Day Council' and must contain a clear and concise statement of the subject matter and the action requested of Council.
2. The wording of a petition must be temperate, respectful and factual, and the action proposed must be within Council's legal capacity to achieve.
3. The petitioners may wish to also provide the background or reason for the petition, and this may be done in successive paragraphs. Where this is provided on a separate page, it must be clearly marked as an addition to the petition.
4. Petitions seeking public meetings (Section 59) can only be validly signed by electors in the municipal area.
5. Only ratepayers affected by the intention of a Council to make a separate rate can validly sign a petition (Section 103).
6. The names and addresses of the petitioners are to be printed on the petition and each person shall sign beside their name and address.
7. At the foot of the petition is to be shown the name and postal address of the person to whom advice from Council concerning the petition will be addressed.
8. Each signatory page must contain the same statement of subject matter and action requested, as on the face of the petition.
9. Every signed page of a petition presented to Council shall be an original and not a photocopy, and each signature shall be placed directly onto the petition page and not be pasted or otherwise transferred.
10. The petition may be lodged by presenting it to the General Manager or a Councillor.
11. Provided the petition complies with the Local Government Act the General Manager will table the Petition at the next ordinary meeting of Council. The petitioners will be advised if the petition is not to be tabled together with the reason.
12. It is usual for a petition to be initially received at a meeting without discussion as to its merits or otherwise, and referred to a subsequent meeting at which a covering report prepared by staff will be available. Verbal comments or questions from the public in relation to the petition are not permitted at the meeting(s) at which the petition is listed on the agenda.
13. The petitioners will be advised in writing of Council's response to the petition via the person nominated in guideline 5.
14. Any further queries may be directed to General Manager's Executive Assistant, Council Offices, 32-34 Georges Bay Esplanade, St Helens.

John Brown
General Manager

FORM 1 – PETITIONS

(Name and Subject of Petition)

To the Councillors of the Break O'Day Council;

We the electors of the Break O'Day Municipality area petition the Councillors in accordance with the Local Government Act 1993 to: *(State Purpose of Petition)*

Name of Elector	Residential Address	Signature

Declaration

We, the proposers of the petition, being electors of the Break O'Day Municipal area, declare:

- There are _____ Signatories to the petition;
- To the knowledge of the proposers, the signatories are electors of the municipal area;
- The petition was signed between _____ *(Commencement date)* and _____ *(Completion date)*.

- The petition is proposed by-

1. _____
(Name of Proposer) *(Address)* *(Signature)*
2. _____
(Name of Proposer) *(Address)* *(Signature)*
3. _____
(Name of Proposer) *(Address)* *(Signature)*

- A petition must be signed by at least three (3) proposers.

Name and address of person to whom notices concerning the Petition shall be addressed.

To the Councillors of the Break O'Day Council,

We the electors of the Break O'Day Municipality area petition the Councillors in accordance with the Local Government Act 1993 to: *(State Purpose of Petition)*

[illegible]

Local Government Act 199 - Extracts relating to petitions

PART 6 - Petitions, polls and public meetings

Division 1 - Petitions

57. Petitions

- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.
- (2) A person lodging a petition is to ensure that the petition contains -
 - (a) a clear and concise statement identifying the subject matter; and
 - (b) a heading on each page indicating the subject matter; and
 - (c) a brief statement on each page of the subject matter and the action requested; and
 - (d) a statement specifying the number of signatories; and
 - (e) the full printed name, address and signature of the person lodging the petition at the end of the petition.

58. Tabling petition

- (1) A councillor who has been presented with a petition is to -
 - (a) table the petition at the next ordinary meeting of the council; or
 - (b) forward it to the general manager within 7 days after receiving it.
- (2) A general manager who has been presented with a petition or receives a petition under subsection(1)(b) is to table the petition at the next ordinary meeting of the council.
- (3) A petition is not to be tabled if -
 - (a) it does not comply with section 57; or
 - (b) it is defamatory; or
 - (c) any action it proposes is unlawful.
- (4) The general manager is to advise the lodger of a petition that is not tabled the reason for not tabling it within 21 days after lodgment.

59. Petitions seeking public meetings

- (1) A petition under section 57 may request that a council hold a public meeting regarding the subject matter of the petition.
- (2) A council must hold a public meeting if the petition complies with section 57 and it is signed by whichever is the lesser of the following:
 - (a) 5% of the electors in the municipal area;
 - (b) 1000 of those electors.
- (3) A petition that requests a public meeting is not to be made in respect of any matter relating to rates and charges in Part9 if those rates or charges have been made for the current financial year.

60. Action on petition

- (1) The general manager, by notice in writing to the person who lodged the petition, is to -
 - (a) advise whether the petition complies with section 59, if it seeks a public meeting; and
 - (b) give reasonable notice of when the council is to consider the petition.
- (2) Within 42 days after the tabling of the petition -
 - (a) the general manager is to advise the council at a council meeting whether the petition complies with section 59, if applicable; and
 - (b) the council, at that meeting, is to determine any action to be taken in respect of the petition.
- (3) If the petition complies with section 59, or the council otherwise resolves to hold a public meeting regarding the subject matter of the petition, the council, within 30 days after the meeting referred to in subsection(2), is to hold a public meeting to discuss the subject matter of the petition.
- (4) The council is to record in the minutes of the meeting referred to in subsection (2) -
 - (a) the subject matter of the petition; and
 - (b) the number of signatories to the petition.

60A. Public meetings and submissions

- (1) Before holding a public meeting under section 59 or section 60(3), a council, in a notice publicly displayed, must -
 - (a) state the date on which, and the time and place at which, the public meeting is to be held; and
 - (b) state the details of the subject matter; and
 - (c) invite written submissions in relation to the subject matter to be lodged with the general manager.
- (2) A copy of the notice under subsection (1) is to be -
 - (a) published on at least 2 occasions in a daily newspaper circulating in the municipal area; and
 - (b) sent to the person who lodged the petition.
- (3) A submission must be lodged within 21 days after the first publication of the notice.
- (4) Any submission received is to be summarised by the general manager in a document, copies of which are to be made available to those attending the public meeting.
- (5) The minutes of the next ordinary meeting of the council following the public meeting are to record -
 - (a) a summary of any submission received under this section; and
 - (b) any decision made at a public meeting held under this section.

Division 2 - Elector polls**60B. Council-initiated elector polls**

- (1) A council, on its own motion, may hold an elector poll on any issue the council determines.
- (2) An elector poll under subsection (1) may be conducted in any manner the council determines.

60C. Petition requesting elector poll

- (1) A council must hold an elector poll if -
 - (a) a petition requesting the elector poll is received within 30 days after a public meeting is held under section 59 in relation to the same subject matter as that contained in the petition requesting that public meeting; and
 - (b) the petition is signed by at least 5% of the electors in the municipal area or 1000 of those electors, whichever is the lesser; and
 - (c) the petition complies with section 57(2).
- (2) If -
 - (a) the person who lodged the petition agrees to an elector poll being held in conjunction with the next ordinary election; or
 - (b) a petition requesting an elector poll is received within 60 days before the notice of election for the next ordinary election - the elector poll may be held in conjunction with that next ordinary election.

60D. Elector polls

- (1) An elector poll under section 60C is to be -
 - (a) held within 60 days after the receipt of the petition, except as provided under section 60C(2); and
 - (b) Held for the whole municipal area; and
 - (c) conducted as determined by the Electoral Commissioner or any other person authorised by the council.
- (2) An elector poll held in conjunction with an election is to be conducted as determined by the Electoral Commissioner.
- (3) A matter which is the subject of an elector poll is to be decided by a simple majority of the formal votes cast.
- (4) The general manager is to ensure that the result of an elector poll is published in a newspaper circulating in the municipal area.
- (5) A further elector poll on the same issue is not to be held until after the next ordinary election.

60E. Result of elector poll

A council is to discuss the result of an elector poll at its next ordinary meeting.

- (1) The result of an elector poll is not binding on a council.

PART 9 - Rates and Charges

Division 5 - Separate rates and charges

103. Petitions

- (1) Ratepayers affected by the intention of a council to make a separate rate or separate charge may lodge a petition in accordance with section 57 to the council within 30 days of the date on which a notification is made in a newspaper under section 101.
- (2) If at least 100 affected ratepayers or at least 10% of affected ratepayers, whichever is the lesser, present a petition, the council must arrange a public meeting to discuss the issues involved.

PART 16 - Miscellaneous

Division 3 - General provisions

339B. Offences relating to petitions

- (1) A person must not include in, or delete from, a petition the name of another person without that other person's consent.

Penalty: Fine not exceeding 50 penalty units.

- (2) A person must not include in a petition a statement knowing it to be false or misleading.

Penalty: Fine not exceeding 50 penalty units.

- (3) A person must not make a statement knowing it to be false or misleading to induce or attempt to induce another person to sign a petition.

Penalty: Fine not exceeding 50 penalty units.