

Public Participation — Part 2: Petitions, Public Meetings and Elector Polls

Narration Script

Huon Valley Council | Candidate and Councillor Knowledge Series

Slide	Title
1	Title — Public Participation — Part 2: Petitions, Public Meetings and Elector Polls
2	Before You Begin
3	What Makes a Valid Petition
4	What Happens Next
5	Petitions That Compel a Meeting
6	The Public Meeting
7	Elector Polls
8	The Result Is Not Binding
9	Other Ways In
10	Five Things to Remember
	Total

Slide 1 — Title — Public Participation — Part 2: Petitions, Public Meetings and Elector Polls

Welcome back to Public Participation, part of the Huon Valley Council Candidate and Councillor Knowledge Series.

Part 1 covered what happens inside the chamber. This is Part 2, and it covers Part 6 of the Local Government Act — petitions, public meetings and elector polls.

These are the strongest tools the community has, because used properly they can compel Council to act rather than merely ask it to.

Slide 2 — Before You Begin

Part 6 of the Local Government Act gives the community an escalating set of tools, and the escalation is the thing worth understanding.

A petition asks. Any person may lodge one, and if it complies with the Act it must be tabled and Council must determine what action to take.

A petition with enough signatures compels. At the right threshold, it requires Council to hold a public meeting. Council has no discretion about that.

And a second petition can force a poll. After that public meeting, a further petition at the same threshold requires an elector poll across the whole municipal area.

Council can also start these itself, on its own motion, for a public meeting or a poll on any issue it determines. So they are not purely defensive — they are available when Council genuinely wants to test community opinion.

Slide 3 — What Makes a Valid Petition

Section 57 sets out what a petition must contain, and getting this wrong is the main reason petitions fail.

A person may lodge a petition by presenting it to a councillor or to the Chief Executive Officer. Either is valid.

It must contain a clear and concise statement identifying the subject matter and the action requested, and a statement specifying the number of signatories.

Every page counts. A paper petition needs a heading on each page indicating the subject matter, and a brief statement on each page of the subject matter and the action requested. This is the requirement most often missed, because people sign page four without ever seeing page one.

At the end goes the full name, address and signature of the person lodging it.

Electronic petitions are equally valid, with the lodger certifying that the subject matter and action requested have not been changed. Council publishes a paper template that meets every requirement — point people to it.

A template petition to guide compliance with the Act is available on the Council's website under the Petitions page. We recommend that Councillors refer anyone interested in lodging a petition to that template.

Slide 4 — What Happens Next

Once a petition is lodged the Act sets a clear sequence, and it starts with a duty on councillors personally.

A councillor presented with a petition must forward it to the Chief Executive Officer within seven days. That is a statutory obligation, not a courtesy, and it is easily breached by a petition sitting in a car.

The Chief Executive Officer then tables it at the next ordinary meeting of Council.

Unless it cannot be tabled. A petition is not tabled if it does not comply with section 57, is defamatory, or proposes unlawful action — and the lodger must be told the reason within twenty-one days.

In practice Council draws a distinction. Where the non-compliance can be fixed — a missing name or address, a missing signature, no statement of the number of signatories — the petition goes back to the lodger to be put right and lodged again.

Where it cannot be fixed — usually because correcting it would mean changing a petition people have already signed — the lodger is advised it will not be tabled. It is then treated as correspondence and actioned by the relevant employee, so the issue is still dealt with even though the petition itself fails.

Council then has forty-two days after tabling to determine what action it will take, and the minutes record the subject matter and the number of signatories — so the strength of community feeling goes onto the public record alongside the request.

Slide 5 — Petitions That Compel a Meeting

A petition can require Council to hold a public meeting, and at the threshold Council has no choice.

Council must hold the meeting if the petition complies with section 57 and is signed by whichever is the lesser of five per cent of the electors in the municipal area, or one thousand of those electors. For an area the size of the Huon Valley, five per cent is the lesser figure.

There is one exclusion. A petition cannot request a public meeting about rates or charges if those rates or charges have already been made for the current financial year. The budget cannot be reopened by petition after the fact.

The meeting must be held within thirty days after the meeting at which Council determined the petition.

And be careful not to confuse this with the other petition power. Separate rates and charges carry their own threshold of one hundred affected ratepayers or ten per cent. Different power, different test.

Slide 6 — The Public Meeting

The Act sets the notice and the submissions. Council's Framework sets how the meeting runs.

Council must publicly display a notice stating the date, time, place and subject matter, and inviting written submissions. It is published on at least two occasions in a daily newspaper, and a copy is sent to the person who lodged the petition.

Submissions must be lodged within twenty-one days after first publication. The Chief Executive Officer summarises them, and copies of that summary go to everyone attending.

The Mayor chairs — though where the subject matter is potentially controversial and challenges a Council decision, Council will consider appointing an independent chairperson. That is a sensible provision and worth knowing exists. The meeting is not to exceed two hours.

Motions must be given on notice by the advertised date, and motions from the lodger take precedence. Three minutes to move, two for other speakers, one minute reply, show of hands. If that sounds familiar, it is the procedure Council uses at its Annual General Meeting.

And it comes back. The minutes of the next ordinary meeting record a summary of submissions and any decision made at the public meeting.

Slide 7 — Elector Polls

After a public meeting, a further petition can compel a poll of every elector in the municipal area. This is the most powerful tool in Part 6 and it is deliberately hard to reach.

The trigger is a petition requesting the poll, received within thirty days after the public meeting, on the same subject matter, signed at the same threshold and complying with section 57.

The poll is held within sixty days after receipt. There is an exception — with the lodger's agreement, or where the petition arrives within sixty days before the notice of election, it may be held in conjunction with the next ordinary election.

The scope is the whole municipal area, not just the affected part, and it is conducted as determined by the Electoral Commissioner or another person authorised by Council.

The result is decided by a simple majority of formal votes cast, and must be published in a newspaper circulating in the municipal area.

And it can only happen once. A further poll on the same issue is not to be held until after the next ordinary election.

Slide 8 — The Result Is Not Binding

This is the single most important sentence in Part 6, and the one most likely to disappoint people.

Council is to discuss the result of an elector poll at its next ordinary meeting. That much is mandatory. But the result is not binding on a council — section 60E says so directly and without qualification.

Understand what that means politically. A poll produces a clear, independently conducted, published number. Deciding against it is entirely lawful, but it demands reasons the community will find convincing, and those reasons need to be on the record.

Say it early. Someone who organises a petition, a public meeting and a poll over many months, and only then learns the result does not bind Council, has every right to feel misled.

And it is still powerful. Very few things carry the weight of a formal, published measure of community opinion across an entire municipal area. Council may not be bound by it, but it will be measured against it.

Slide 9 — Other Ways In

Part 6 is not the whole picture, and it is worth being able to point someone to the right avenue rather than the loudest one.

Council can start things itself — a public meeting or an elector poll on any issue it determines, conducted in any manner it determines. Neither requires a petition.

At a Council meeting there is public question time and there are deputations, both covered in Part 1.

At the Annual General Meeting an elector can put a motion directly to Council, and a carried motion must be considered at the next Council meeting.

Statutory consultation runs alongside all of this — rates, by-laws, public land, the strategic plan and planning matters each carry their own submission rights, covered in the community engagement module.

And then there is everyday engagement. Often the fastest route is the least formal one, and part of a councillor's job is knowing which is which.

Slide 10 — Five Things to Remember

Five things to take away from Part 2.

One. A councillor handed a petition has seven days to forward it to the Chief Executive Officer. A statutory duty, not a courtesy.

Two. The form matters. Subject matter and action on every page, a statement of the number of signatories, and the lodger's details at the end. Council's template covers all of it.

Three. Five per cent of electors, or one thousand, whichever is fewer. That threshold compels a public meeting — and after it, a further petition compels an elector poll.

Four. Council must consider and must respond. Tabled at the next ordinary meeting, action determined within forty-two days, subject matter and signatory numbers minuted.

Five. A poll result is not binding, though Council must discuss it at its next ordinary meeting. Say that at the beginning, not the end.

None of these tools guarantee an outcome. What they guarantee is that the community will be heard, on the record, and that Council will have to give its reasons.