

<b>Central Hawke's Bay District Council</b>	<b>POLICY MANUAL</b>	
	<b>Document #</b>	1.17
<b><i>SUBMISSIONS AND PETITIONS POLICY</i></b>	<b>Approved by:</b>	Council
	<b>Adoption Date:</b>	27-03-2014
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## **1 INTRODUCTION**

New Zealand's Local Government democracy not only provides for community members to elect their representatives, but also allows community members to have a say in shaping the policies that affect the community they live in. This involvement is achieved by Council receiving submissions and petitions from the public.

The system of community input into Local Government proposals is an important element in the governance process and in the democratic life of the country. Submissions are also received on planning issues and other matters before Council. This provides the community with the opportunity to put forward its views.

## **2 DEFINITION**

### **2.1 SUBMISSION**

A submission is the presentation of views or opinions on a matter currently under consideration by Council. Council invites the public to make submissions on a matter through a formal consultation process. Submissions are normally received in written form, and they can be reinforced through oral presentation to Council or a Committee. By writing or presenting a submission, a community member provides Council with his/her own insights, observations and opinions.

For submissions to be effective, content and format are factors that need to be considered carefully. When the public write a submission to Council they are required to produce it in a form that is easily read and understood. This will enable a submission to be more effective and its recommendations or suggestions to have a greater impact on Council.

The reasons a community member provides for any proposed changes that he/she believes should be made, or proposed actions he/she believes should be taken, give validity to the submission.

### **2.2 PETITION**

A petition is a document addressed to the Central Hawke's Bay District Council, signed by one person or many people, that requests Council to take action on a matter of Council policy, or to redress a local or private grievance. The Chief Executive will determine whether the correspondence submitted qualifies as a petition under this policy.

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### **3 PURPOSE OF POLICY**

The purpose of this policy is to strengthen and improve Council's decision-making through community involvement.

Policies support the decision making of Council, and ensure that the vision, mission and strategic direction of Council are consistently implemented.

## **4 PART A - SUBMISSIONS**

### **4.1 CALLING FOR SUBMISSIONS**

The term "*calling for submissions*" means that it is either a statutory requirement to do so, or when the issue is considered significant enough by Council to consult on and seek public comment.

When Council decides to seek submissions, it places a 'public notice' advertisement in the public notice columns of the CHB Mail newspaper and the Council Website.

*The public notice will state:*

- the purpose for which submissions are sought;
- (for an enquiry) where the enquiry's terms of reference can be obtained;
- where and by what date submissions should be sent;
- the name and telephone number of the appropriate contact.

### **4.2 WRITING A SUBMISSION ON A DRAFT PLAN, E.G. ANNUAL PLAN**

When writing a submission on a draft Plan the public should have a copy of that draft Plan so they know what is being proposed. Draft Plans are available from Central Hawke's Bay District Council, or can be downloaded from Council's website - [www.chbdc.govt.nz](http://www.chbdc.govt.nz). The public will then be able to focus their submission on what the draft Plan actually contains. Contained within the draft Plan are a submission form and specific instructions on how to present a submission on the draft Plan to the Central Hawke's Bay District Council. These forms are also available from Council's website.

#### **Summary document**

The Annual Plan summary document is a requirement under the Local Government Act 2002. It sets out the key information contained in the Draft Annual Plan and contains a submission form for submitters.

### **4.3 ALL OTHER SUBMISSIONS**

The process for writing a submission to Council on any other matter is different from writing a submission on a draft Plan. The public should be encouraged to list any specific recommendations that they wish Council to consider.

#### **4.4 MAKING A SUBMISSION**

- The address for Public Submissions is:

*Chief Executive  
Central Hawke's Bay District Council  
P O Box 127  
WAIPAWA 4240*

- Drop off at the Council Office, Ruataniwha Street, Waipawa or at the Waipukurau Library and Service Centre, Kitchener Street, Waipukurau.
- Complete an online submission on the website at [www.chbdc.govt.nz](http://www.chbdc.govt.nz).
- Fax it to the Council Office on (06)857-7179.
- Email the Council on [cp@chbdc.govt.nz](mailto:cp@chbdc.govt.nz).

The public need to quote the plan, or what they are submitting on e.g.: Submission on LTCCP

A suggested submission layout is shown in Appendix 1. This can be amended to suit the specific submission.

If the public have any problems meeting the closing date, they are advised to telephone the Corporate Administrator immediately so that alternative arrangements, if possible, can be made. A late submission will not necessarily be accepted.

*Corporate Administrator  
Central Hawke's Bay District Council  
Telephone : (06)857-8060  
Facsimile : (06)857-7179  
Email : [cp@chbdc.govt.nz](mailto:cp@chbdc.govt.nz)  
Website : [www.chbdc.govt.nz](http://www.chbdc.govt.nz)*

#### **4.5 PRESENTING ORAL SUBMISSIONS**

Once Council has decided to hear Public Submissions, staff will contact those involved to arrange the details of the time and place of the meeting. (Some submissions are not heard, but received by Council in written form only).

At the meeting, when Council is ready to hear the Public Submission, the Chairperson will welcome those involved to the meeting. At this stage, those involved should introduce themselves and those who are appearing with them. The Chairperson will then ask them to speak about their submission. All communication with the Committee is addressed through the Chairperson. Standing Orders (S3.20.4) allow up to five minutes for each oral presentation. The Public are to briefly summarise the main points of the submission along with any recommendations. If there is any new information that has become available those involved may wish to inform the Committee of this.

After presentation the members of Council may question those involved via the Chairperson to clarify points they are uncertain about or that they feel require further elaboration.

## **4 PART B - PETITIONS**

### **4.6 WHO CAN PETITION?**

Anyone may petition the Central Hawke's Bay District Council, including business houses, clubs and community organisations having sufficient identity as organisations.

### **4.7 SHOULD YOU PETITION?**

Petitioning the Central Hawke's Bay District Council is not always the only course of action. Some matters can be investigated by an Ombudsman or other agencies.

The public can obtain advice on whether a matter is within the jurisdiction of the Ombudsman from the offices of the Ombudsman situated in Wellington, Auckland and Christchurch, or by writing to the Office of the Ombudsman, PO Box 10-152, The Terrace, Wellington.

### **4.8 PETITIONS WHICH ARE NOT ACCEPTABLE**

A public petition will not be accepted by the Central Hawke's Bay District Council where -

- The petition is not addressed directly to the Central Hawke's Bay District Council. Petitions addressed to the Governor-General, a Minister of the Crown, or any other body or person are not petitions to Central Hawke's Bay District Council.
- The matter can be investigated by the Ombudsman but the public has not applied to an Ombudsman. The Ombudsman can investigate and review decisions, recommendations or acts relating to matters of administration in local authorities. The public can obtain advice on whether a matter is within the jurisdiction of the Ombudsman from the offices of the Ombudsman situated in Wellington, Auckland and Christchurch, or by writing to the Office of the Ombudsman, PO Box 10-152, The Terrace, Wellington.
- The public have not exhausted their legal remedies and the matter should be dealt with by the Courts or a tribunal. This restriction applies when the public have a statutory right of appeal or have legal action pending.
- The petition contains multiple issues.
- The petition is similar to an earlier petition that has already been fully considered by the Central Hawke's Bay District Council (within the 3 year term of Council). Such a petition may be received or considered by a Council only if substantial and material new evidence has become available since the consideration of the earlier petition.
- The petition does not meet the guideline outlined in Appendix II.
- The statutory requirements of the petition have not been met.

#### **4.9 PRESENTING A PETITION**

When a petition is ready, the public are required to request through the Chief Executive, Central Hawke's Bay District Council, for arrangements for it to be presented.

- The principal petitioner presents a petition by delivering it to the Chief Executive. It can be delivered in person to Council offices or by mail.

#### **4.10 THE ROLE OF THE CHIEF EXECUTIVE**

When petitions are delivered to the Chief Executive, they are checked. If a public petition complies with the rules and conventions of the Central Hawke's Bay District Council, it is presented. If a public petition does not comply, it will be returned by the Chief Executive to the principal petitioner. An explanation of why the petition is returned will be included.

#### **4.11 REFERRAL OF THE PETITION TO COUNCIL**

The Chief Executive will refer the petition to Council with recommendations. Council must report on what decision, if any, it has resolved to implement the recommendations. The Central Hawke's Bay District Council's report on a petition is contained in the meeting minutes and is available to the public. Once the report has been to Council, those involved will be notified within 90 days of the decision and action taken.

### **5 HOW TO MANAGE PRO-FORMA SUBMISSIONS**

When a number of identical submissions are received, the Central Hawke's Bay District Council shall group these as "Submitter Group One" and list the names and addresses (submitter details) as an appendix to the document. This means that the Chief Executive only has to provide the recommendation once, and Councillors are only required to decide on the point once.

When it comes to notification all submitters will be notified individually of the decision, and all submitters have been notified individually of the hearings etc.

If Central Hawke's Bay District Council were to receive a submission in a petition format, responses would then be addressed to the organiser on behalf of the signatories and note in any reports the number of people that put their name to the document.

## 6 SUBMISSIONS AND PETITIONS CHECKLIST

Checklist	Considerations when writing a Submission	Considerations when writing a Petition
Who is it from?	Name and address of submission organiser	Name and address of principal petitioner
Do they aim to appear before the Committee?	Yes/No	Yes/No
Do they represent an organisation?	<b>The organisation</b> - If they are writing for an organisation, they must provide brief details of the organisation's aims, membership and structure. Make sure that they have provided details of their authority to do so and note their position within the organisation.	-
What consultation have they thought about?	<b>Note:</b> how widely have they consulted while preparing the submission	A petition must include for each person who has signed, name, address and phone number (legal requirement under Standing Orders*)

*\*(Source: Standing Orders NZ 9202: 2003)*

## 7 INTERACTION BETWEEN POLICY AND LEGISLATION

Local Government Act 2002

Model Standing Orders for Meetings of Local Authorities and Community Boards NZS9202: 2003

Privacy Act 1993

## 8 POLICY ASSISTS COUNCIL ACHIEVING COMMUNITY OUTCOMES

8.1 Strong regional leadership and a sense of belonging

8.2 Supportive, caring and inclusive communities

Appendix I

**SUGGESTED SUBMISSION LAYOUT**

Here is a layout which the public may wish to consider copying. Name, address and daytime telephone number could be included in a covering letter instead.

**Submission Form**

This is your opportunity to contribute. Submissions must reach the Council office by 5.00 pm, Friday, 8 May 2013.

Submitters Name: .....

**Post:** P O Box 127, Waipawa 4240

Postal Address: .....

**Fax:** 06 857 7179

.....

**Deliver:**

Contact details:

Council Office  
28-32 Ruataniwha Street  
Waipawa 4210

Day: ..... Night: .....

Mobile: .....

Waipukurau Library and Service Centre  
Kitchener Street  
Waipukurau 4200

Email: .....

If you are completing this submission on behalf of others, please name the group or organisation and your role.

**Email:** cp@chbdc.govt.nz

.....

Do you wish to present your comments to Council in person at a hearing?

*Please note that your submission (including any personal information supplied) will be made available to Councillors and the public.*

Yes

No

**Draft Annual Plan 2013/2014 submission**

Submission: (please print clearly)

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**Attach any additional information or further pages if required**

## Appendix II

### HOW TO PREPARE A PETITION

#### **Principal petitioner**

The **principal petitioner** is the individual or person representing an organisation whose name appears at the head of the petition. The principal petitioner is usually the person:

- who has initiated or organised the petition; and
- is sought by a Committee to provide further information on the petition.

Confirm the principal petitioner is clearly named on the petition.

Ensure the petition relates to one single issue only.

#### **Signatures**

##### **Signing the front page**

When preparing a petition, remember:

- the principal petitioner must sign the front page of the petition;
- if the petition is from a business house or club/society, a duly authorised officer of the organisation must sign the front page of the petition on behalf of the organisation.
- the petition must be not more than 50 words, and must not be disrespectful or use offensive language or statements made with malice.

##### **Rules for signatures on pages**

- Head additional pages containing signatures with the petition's request.
- Unless incapacitated, a person must sign a petition personally (*a person signing on behalf of an incapacitated person must state this fact beside the signature*).
- Signatures must be original (*not photocopied, faxed, scanned, pasted or otherwise transferred onto sheets of the petition*).
- Signatories must include their full names and addresses.

Appendix III

**Handling of Petitions**

