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Citizens’ Initiated Referenda Policy

Purpose and scope

1. The purpose of this Policy is to clarify the circumstances under which a Citizens’ Initiated Referendum may be held and to ensure that Council’s referenda processes comply with statutory requirements.
2. From time to time Hamilton City Council will hold referenda on any matter relating to either the services that are provided or that may be provided by Council, or any policy or intended policy of the Council.
3. Referenda are held at the request of Council but may also be initiated through public demand.

Strategic alignment

4. This policy assists in the delivery of Council’s outcomes and goals as follows:-

Prosperous and Innovative	Outstanding City Leadership	People Love Living Here
<ul style="list-style-type: none"> ▪ Hamilton has a strong, productive economy and we build on our economic strengths. ▪ We have a thriving Central Business District (CBD). ▪ It’s easy to do business here. ▪ Our city grows and prospers in a sustainable way. 	<ul style="list-style-type: none"> ▪ The city is led by effective, open and responsive governance. ▪ Council’s finances are sustainable for the long term. ▪ We operate efficiently and provide exceptional service. ▪ The city takes a leadership role regionally and nationally. 	<ul style="list-style-type: none"> ▪ Hamilton embraces the Waikato River and it is the focal point of our city. ▪ We value, preserve and protect Hamilton’s natural, green environment. ▪ Our city is attractive, well-designed and compact with outstanding architecture and distinctive public spaces. ▪ Our city is a fun place to live with a vibrant arts scene. ▪ Hamilton is a safe city. ▪ It’s easy to get around. ▪ We celebrate our people and many cultures.

■ = primary contribution

Principles of Policy

5. The guiding principles for this Policy are:
 - a. Council recognises the use of referenda as contributing and improving Council’s decision-making through community involvement.
 - b. Citizens’ initiated referenda will be non-binding.

Policy

Making a request for a Citizens' Initiated Referendum

6. A petition containing not less than 1500 signatures of residents of Hamilton City, inclusive of the principal petitioner, all being on the Electoral Roll for Hamilton City and eligible to vote, shall be presented to the Hamilton City Council advising of the petitioners' request for a referendum.
7. All petitions will be considered by the appropriate Standing Committee of Council, together with staff advice.
8. The subject of that petition must be considered by Council within 60 days of receipt.
9. If Council declines to hold a referendum as requested, the petitioners have a period not exceeding 90 days from the Council's decision to collect a further **petition containing signatures from not less than 10 percent (trigger level)** of Hamilton residents being on the Electoral Roll for Hamilton City and eligible to vote to demand a referendum.
10. Failure to present a further petition within the 90-day period will invalidate the request for a referendum.

Process for a Citizens Initiated Referendum

11. The sequence of events to be followed for a public-demanded referendum is as follows:
 - a. The proposer submits a proposal for a referendum to Council and the wording of the petition to demand the referendum must be determined in conjunction with the Electoral Officer.
 - b. The proposer collects the details and the signatures for the petition in accordance with the requirements of the valid petition criteria section.
 - c. The proposer presents the completed petition to Council.
 - d. The Electoral Officer validates the petition.
 - e. On receipt of a valid petition which meets the requirements of valid petition criteria section. Council will, within fourteen (14) days, direct the Electoral Officer to initiate the referendum in accordance with the Local Electoral Act. Council may decide in the interests of economics to delay a request for a referendum to enable two or more issues to be decided concurrently.
 - f. The referendum then takes place using the wording from the petition.
12. Once Council has determined that a referendum is required, the provisions of the Local Electoral Act 2001 specify the detailed procedure to be followed. Council will follow the process included in the Local Electoral Act, though that process has not been restated in this Policy.
13. Council will have the right to initiate counter-proposals to the subject of the petition and require the two issues to be voted on jointly.
14. Council may, of its own volition, initiate a referendum.
15. There shall be no restriction on the number of referenda held at any one time. No similar petition shall be put to referendum again for a period of three years unless the Council considers that there are extraordinary circumstances justifying a further petition within that period of time.

Validate petition - criteria

16. The petition shall contain not more than twenty (20) eligible and original signatures per page on A4 white paper.
17. Each signature shall be next to the printed name and address of the person signing, given with sufficient detail to enable that person to be identified on the Electoral Roll of Hamilton City.

18. The petition shall also include a statement that the act of signing the petition is no more or less than a request to hold a referendum on the issue.
19. The petition must show the estimated cost of the referendum to the ratepayer. This estimated cost will be provided by the Electoral Officer.
20. To **request** a referendum the petition must contain not less than 1500 signatures of residents of Hamilton City, inclusive of the principal petitioner, all being on the Electoral Roll for Hamilton City and eligible to vote (as outlined in making a request for a Citizens' Initiated Referendum section).
21. To **demand** a referendum, the petition must contain signatures from not less than 10% (trigger level) of Hamilton residents, all being on the Electoral Roll for Hamilton City and eligible to vote (as outlined in in making a request for a Citizens' Initiated Referendum section)

Consequences of referenda

22. The result of the referendum shall not be binding on the Council, but the Council shall, where legally possible, give favourable consideration to the view of the majority of valid votes cast at a referendum. Where there are legal or other constraints on the Council, the Council shall endeavour to inform the public prior to the referendum of the qualifications on its decision-making process.
23. The principal petitioner may appoint up to three (3) scrutineers to observe the counting of votes and the procedures used. Any informality of procedure must be advised in writing to the Chief Executive of Hamilton City Council by the principal petitioner or one of the scrutineers so appointed within seven (7) days of the results of the referendum being declared by the Electoral Officer.
24. No issue becoming the subject of a referendum will proceed or be withdrawn until the issue has been declared valid or invalid. Council may proceed with or withdraw any issue where there are legal requirements or where the Council considers that there is a good reason.

Monitoring and implementation

25. The General , City Growth will monitor the implementation of this Policy.
26. The policy will be reviewed every three years or at the request of Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

References

- Local Electoral Act 2001