



Legislative Assembly *of Victoria*

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7 January 2020

Maddison Evans
Committee Clerk
Standing Committee on Environment and Public Affairs
Legislative Council Committee Office
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Maddison

Inquiry into the functions, processes and procedures of the Standing Committee on Environment and Public Affairs

I thank the SCEPA for its invitation to make a submission to the inquiry into its petitions function.

My submission is attached, and outlines the current procedure for, and history of, petitions in Victoria's Legislative Assembly. I hope the information is useful. Please let me know if anything is not clear, or if the Committee has further queries.

I wish the Committee well with its inquiry, and I will watch it with interest.

Regards

A handwritten signature in black ink that reads 'Bridget Noonan'.

Bridget Noonan
Clerk of the Legislative Assembly



History and operation in the petitions process in the Legislative Assembly of Victoria

Function, process, procedure

The requirements for petitions in the Assembly are set out in [Standing Orders 45-46, and have been refined by Rulings from the Chair](#). These rules and practices are in place to establish the authenticity of petitions, and to ensure the protection of the petitioner and the Parliament. Petitions that do not comply with the rules cannot be presented. To help members and petitioners ensure their petitions conform to the requirements, the Department of the Legislative Assembly has published a [guide](#).

[Standing Order 45](#) states that that a petition will:

- (1) Be legible.
- (2) Be addressed to the Legislative Assembly of Victoria.
- (3) Be in English or accompanied by an English translation certified to be true and correct by the member who presents it.
- (4) Be respectful and temperate in its language.
- (5) State the action or remedy sought from the House on the top of every sheet.
- (6) Contain at least one signature.
- (7) Contain the original signatures, names and addresses of the petitioners. Only a petitioner capable of signing may get someone else to sign for him or her.
- (8) Not contain signatures which have been pasted or in any other way transferred or attached to the petition.
- (9) If from a corporation, be made under its common seal.

Over time, Speakers have ruled that a petition must not have:

- Letters, affidavits or other documents attached to it, incorporated on the front of the petition or photocopied on the back of the sheet;¹
- any extraneous wording, such as canvassing support for the petition, on the front or back of a petition, other than a note stating a name and/or address to which the petition should be returned.² However, text that is inconsequential or irrelevant to the terms of the petition is not prohibited, such as occurs when the petition is printed in a community newsletter with unrelated text on the back.³

Regarding the collection of signatures, Chairs have ruled:

- Only signatures of Victorian residents are accepted. Other signatures are not valid and will not be counted. Each person must add their name, signature and address;
- only handwritten original signatures are accepted, not photocopies or scanned signatures;
- someone cannot sign for someone else, unless the other person is incapable of signing, and agrees;
- only sheets with the text of the petition at the top can be signed. If room is exhausted on the front of a petition page, signatures can continue to be recorded on the back.

¹ Speaker's ruling: *Legislative Assembly Hansard*, 26 October 2005, p 1759 (Maddigan).

² Speaker's ruling: *Legislative Assembly Hansard*, 26 October 2005, p 1759 (Maddigan).

³ Speaker's ruling: *Legislative Assembly Hansard*, 26 February 2009, p 433 (Lindell).

Only a member of the Legislative Assembly can present a petition in the House. Petitioners may approach any member to present a petition on their behalf, whether that member is their local member or not. The member signs at the top of the first page of the petition to show they are presenting it. This is not the same as signing as a petitioner and does not mean the member agrees with its contents. Members routinely present petitions they do not necessarily support — they are effectively the petitioners' conduit to the House. However, a member cannot present a petition they have signed as a petitioner.

Members should examine the petition to ensure that it is not offensive and that it complies with the rules of the House. Members and petitioners often ask the clerk's office to review a proposed petition before they collect signatures, to ensure potential problems with petitions can be picked up and resolved at the outset. When signatures have been collected, the petitioners provide the petition to the member, who then gives the petition to the Clerk. The Clerk's role is to check that it meets all requirements for presentation. When all checks are done, the Clerk arranges presentation on the next sitting day, tabling during formal business.

The Clerk announces the name of the member presenting the petition, its subject matter and the number of signatures. The only questions that the House can consider are 'That the petition is tabled' and 'That it be taken in consideration' on a stated future day. These details are printed in the *Votes and Proceedings* and in *Hansard*. So far as I can determine, the House has never voted against the tabling of a petition, certainly not in the modern era. It is, therefore, a routine procedural step.

The Clerk sends the relevant minister a copy of the front sheet of the petition, showing the issue raised and the total number of signatures. The minister may choose to respond to the petition in some way but is not obliged to. In December 2009 the Legislative Assembly Standing Orders Committee made [recommendations](#) that within 90 days of a petition being tabled, the relevant minister should provide a written response to the member who tabled the petition, and provide a copy to the Clerk. These recommendations were not adopted.

Petitions are not automatically referred to a committee for consideration and there is no dedicated time for debating them in the House. Consequently, it is difficult to assess the efficacy of petitions, beyond the role they have in raising awareness about issues.

History and statistics

Petitions provide Victorians with a mechanism to raise issues with and request action from Parliament, and may help to create a climate of opinion to influence or trigger action. Several notable petitions have been tabled in the Victorian Legislative Assembly.

The first petitions received in the Victorian Legislative Assembly were tabled on the fourth sitting day of the first Parliament, on Wednesday 26 November 1856. The first petition asked that the Legislative Assembly open each day's proceedings with a prayer. The second petition was presented by Mr James Grant, Member for Sandhurst, on behalf of Chinese residents of Bendigo. The 5,000 signatories had prepared the petition in English and signed in Chinese characters, asking for 'the repeal of the present capitalisation tax, as unjust in principle and opposed to the principles of the British constitution'. While Mr Grant did not actively support the petition, he moved that the petition be published, as he 'thought it only fair to people who did not understand our language or laws that their grievances should be heard'. The motion was agreed to.

In the late nineteenth century, the largest petition ever presented to a colonial parliament at that time was tabled in the Victorian Legislative Assembly. The Women's Suffrage Petition, also known as the

'Monster Petition', was tabled in September 1891 with support of then Premier, James Munro. When the petition was placed before the House to be tabled, it took four chamber attendants to physically move it. Measuring 260 metres in length, it contained almost 30,000 signatures that had been collected over six weeks. This accounted for about ten per cent of Victoria's adult female population with signatures collected from over 800 different towns and suburbs. It is now digitised and available on Parliament's [website](#).

Petitions continue to have a place in the Assembly, and petitions are tabled most sitting days. During the 58th Parliament, 558 petitions were tabled, and in the first year of the current (59th) Parliament, 76 petitions were tabled. Since October 1985, the Legislative Assembly has received and tabled 61 petitions that bear 10,000 signatures or more. Larger petitions in recent years include the *Capital Punishment Referendum* petition 1999 (51,645 signatures), the *Women's Petition 2001* (41,487 signatures), and the *Additional Police Officers for Victoria* petition 2010 (67,104 signatures).

Often a member or members will present a petition over a number of sitting days, tabling some pages on successive days. When this occurs, the petitions are considered to be separate petitions on a single issue. Consequently, there may be petitions that accumulate more than 10,000 signatures that are not recorded as such by the House.

The practice for presenting and tabling petitions has been reviewed several times by the Legislative Assembly Standing Orders Committee. For example, on 26 November 1974 the Standing Orders Committee tabled a [report](#) on the consolidation and revision of standing orders, and recommended that the Clerk read a summary of the terms of each petition, rather than read out the precise terms of each petition.

Before 1981 petitions were presented by the member on behalf of the petitioners and ordered to 'lie on the table'.⁴ The petition could also be ordered to be tabled and taken into consideration tomorrow.⁵ After the petition was read by the Clerk the member could also move a motion for the petition to be taken into consideration on the next day.⁶ On 8 December 1981 a [Report](#) of the Standing Orders Committee examined the procedures governing the presentation of petitions with a view to streamlining processes.⁷ The Committee recommended abolishing the requirement for members to personally present petitions to the House, and proposed that the Clerk should announce the substance of petitions received, the number of signatories, and the names of the members presenting the petitions.

Epetitions

Epetitions have been considered by the Scrutiny of Acts and Regulations Joint Investigatory Committee (in the 2005 report, [Inquiry into Electronic Democracy](#)) and by the Legislative Assembly Standing Orders Committee. In May 2009 the Standing Orders Committee made [recommendations](#) that epetitions be introduced in to the Legislative Assembly, with procedures mirror those in place for paper petitions. The House did not adopt these recommendations, and so the House can only accept paper petitions.

⁴ This is not language the House would use now. Instead, the House would order a document 'to be tabled'.

⁵ *Legislative Assembly Hansard*, 1976, p 3707; VP, (1976–78), p 111.

⁶ *Legislative Assembly Hansard*, 1979–80, pp 2425–6. VP, (1979–80), p 94.

⁷ *Legislative Assembly Hansard*, 1981, pp 4408–9. VP, (1981–82), p 168.