



Infosheet

PETITIONS

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The right of petitioning Parliament is a long-established fundamental right of the citizen. It is the only direct means by which an individual or group can ask the Parliament to take action—all other processes entail communicating through a parliamentary representative (Member or Senator) or a parliamentary committee.

What is a petition?

A petition is basically a request for action. The subject of a petition must be a matter on which the House has the power to act, that is, it must be a Federal (nationally controlled) rather than a State matter and one involving legislation or government administration.

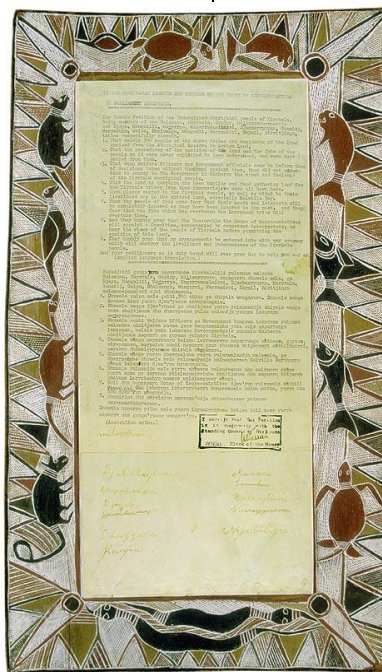
The 'terms' of a petition consist of the *address*, *reasons* for petitioning the House and a *request for action* by the House. For example, petitions may ask the House to introduce legislation, or to repeal or change existing legislation, or to take action for a certain purpose or for the benefit of particular people. Less commonly a petition from an individual citizen may seek the redress of a personal grievance, for example, the correction of an administrative error.

New arrangements for petitions

In the past, the Parliament was informed of the subject matter of each petition and the number of signatures. They were then forwarded to the relevant Minister but responses were unusual.

At the commencement of the 42nd Parliament in 2008 the House of Representatives amended

standing orders (the rules of the House) relating to the way petitions are dealt with. A Standing Committee on Petitions was established to ensure that all petitions presented to the House were considered and responded to appropriately. The role of the Petitions Committee is to receive and process petitions and to inquire into and report to the House on any matters relating to petitions and the petitions system.



1963 petition from the Yirrkala people concerning land rights, on traditionally decorated bark

The principal petitioner

In order to improve the House's ability to respond to petitions, the rules for petitions require a principal petitioner (even where a group of people sponsor a petition). This person, who initiates, sponsors or organises a petition, must provide his or her original signature along with full contact details on the first page of the petition. This will enable the Petitions Committee to contact him or her regarding any response or follow-up to the petition.

Contact details are for the use of the Petitions Committee and will not be published. It is not possible for a Member of the House of Representatives to be a principal petitioner or indeed to sign a petition.

Drawing up a petition

Care must be taken in the preparation of petitions as the House has certain rules about their form and content. These rules are designed to ensure the authenticity of petitions and to protect the intentions of petitioners. A recommended form of a petition to the House of Representatives is at the end of this Infosheet.

The standing orders do not impose any particular style of expression but certain other requirements must be met. Those involved in drawing up petitions should familiarise themselves with the rules before collecting signatures. (The terms of the petition may not be altered after the collection of signatures commences.) If in doubt, the principal petitioner should contact the Petitions Committee secretariat early in the process of developing a petition to ensure it conforms with standing orders and can be accepted by the House. This will avoid the possibility of the petition being ruled out of order and not being presented to the House. The main requirements are set out below.

What must be in a petition

To be presented to the House, a petition must:

- be addressed to the House of Representatives
- refer to a matter on which the House has the power to act, that is, a Commonwealth legislative or administrative matter
- state the *reasons* for petitioning the House
- contain a *request for action* by the House

How a petition should be prepared

At present the House of Representatives does not accept petitions in electronic form. Petitions must be on paper. In addition:

- the petition must show the terms (the facts or reasons for the petition and the specific action requested) at the top of the first page of the petition and the request must be at the top of every subsequent page
- the terms must not contain any alterations and must not exceed 250 words (i.e. *address*, *reasons* and *request* together)
- the language used must be moderate and the terms of the petition must not be illegal or promote illegal acts
- if the petition is not in English it must be accompanied by a translation certified to be correct. The person certifying the translation must place his or her name and address on the translation
- it must not have any letters, affidavits or other documents attached to it and any such

attachments will be removed before presentation to the House

- a petition from a corporation should be made under its common seal. Otherwise it will be received as the petition of the individuals who signed it

Rules about signatures

Every petition must contain the signature and address of the principal petitioner on the first page.

Each signature on the petition must be made by the person signing in his or her own handwriting. A petitioner who is not able to sign may ask another person to sign on his or her behalf.

Every signature must be written on a page bearing the request part of the terms of the petition. Signatures must not be copied, pasted, photocopied or transferred on to the petition. They must not be placed on a blank page or on the reverse of a sheet containing the terms of the petition.

Getting a petition presented

Petitions can be mailed to the Petitions Committee in the House of Representatives. Alternatively, petitioners may ask any Member, including a Minister, to present a petition in person. In both cases, the Committee checks that petitions are 'in order' (comply with the rules for petitions) before presentation.

What happens in the House?

Petitions are usually presented on Mondays by the Chair of the Petitions Committee. The Chair announces the subject of the petition and the number of signatories for each petition. If a Member wishes to present a petition in person, there are a number of opportunities for this, including the time for Members' statements, adjournment debate and the grievance debate.

Petitions presented to the House are received by the House and they become part of the records of the House. At the time of presentation no discussion of the subject matter of a petition takes place (other than the Member's statement if it is presented personally).

What happens after a petition has been presented?

After a petition has been announced in the House the full terms of the petition (but not the signatures) are printed in the Hansard for that day. They are also published on the Petitions Committee's website. The Committee may forward the terms of the petition to the Minister responsible for the administration of the matter raised in the petition. Responses to petitions are announced in the House, printed in Hansard and are published on the Committee's website. The Petitions Committee may also decide to hold discussions with the principal petitioner and government officials on the subject of the petition, at its discretion.

Some statistics

In the 42nd Parliament an average of 115 unique petitions were presented each year. Since 1988, when the number of signatures was first recorded, the petition with the greatest number of signatures was one presented on 4 December 2000 concerning taxation and beer prices, with 792,985 signatures. In 1993 a petition concerning health care funding signed by more than 500 000 people was presented. Petitions received cover a wide range of issues including, for example, health care, education and the environment.

Historical note

In the United Kingdom the right of petitioning the Crown and Parliament for redress of grievances dates back to the reign of King Edward I in the 13th century. The origins of Parliament itself can be traced back to those meetings of the King's Council which considered petitions. The terms 'bill' and 'petition' originally had the same meaning. Some of the earliest legislation was in fact in form no more than a petition which had been agreed to by the King.

The present form of petitions developed in the late 17th century. The House of Commons passed the following resolutions in 1669:

That it is an inherent right of every Commoner of England to prepare and present petitions to the House in case of grievance; and of the House of Commons to receive them.

That it is the undoubted right and privilege of the House of Commons to adjudge and determine, touching the nature and matter of such Petitions, how far they are fit and unfit to be received.

The effect of these resolutions was inherited by the Australian Parliament and the right of petitioning thus became the right of every Australian.

In modern times the practice of petitioning Parliament does not have the same primary role as an initiator of legislation or other action by the Parliament as it did in early history. There are now other, and usually more effective, means of dealing with individual grievances—for example, by direct representation by a Member of Parliament, by the Commonwealth Ombudsman or by bodies like the Administrative Appeals Tribunal. It is hoped that the new arrangements for responding to petitions may result in them becoming an important means of community involvement in the work of the Parliament.



The largest petition presented

For more information

House of Representatives Practice, 5th edn. Department of the House of Representatives, Canberra, 2001. pp 611–620.
www.aph.gov.au/house/work/petitions.htm.

Images courtesy of AUSPIC

