



Legislative Assembly *of Victoria*

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Mr Ken O'Dowd MP
Committee Chair
Standing Committee on Petitions
Parliament House
Canberra ACT 2600

Dear Mr O'Dowd

Submission on petitions practices

Thank you for your letter on behalf of your committee, seeking information on the Victorian Legislative Assembly's practices relating to petitions.

I note the Committee's emphasis on ePetitions. The [Legislative Assembly Standing Orders Committee](#) recommended in May 2009 that ePetitions be permitted. To date the recommendations in the report have not been adopted. The Legislative Assembly tables hard copy petitions only, and these are governed by [Standing Orders 44–52](#). Accordingly, my submission addresses how the Legislative Assembly processes hard copy petitions.

Petition records

The Department of the Legislative Assembly maintains records of petitions tabled, including statistics on the number of signatures and how many petitions have been ordered to be taken into consideration. The number of signatures varies considerably, and a petition can be presented with only one signature. Others are supported by many thousands of signatures and publicity at the time of presentation. Each signatory must include their name, signature and address (only Victorian addresses are acceptable). Once tabled, petitions are public documents and may be inspected by anyone who seeks and is granted access to the Assembly's archives.

Additionally, a copy of every petition received by the House must be referred by the Clerk to the minister responsible for the administration of the matter that is the subject of the petition. This occurs by the close of each sitting week. There is no requirement for the minister to report back to the House or the petitioners on any actions taken. While petitions may be effective for raising awareness of an issue, it is difficult to measure outcomes.

Content of the petition

Standing Order 45 stipulates the required petition format. To ensure the integrity of the petition, the reason for the petition needs to be clearly articulated at the top of every page requesting a signature, ensuring petitioners are aware of what they have signed. To further



safeguard against fraud, signatures must also be original — photocopies and scanned signatures are not allowed.

Reviewing the petition

Standing Order 44 outlines the procedure for presenting hard copy petitions. The responsibility to check a petition for errors is shared between the member presenting the document and the Clerk, prior to tabling. Members must examine the petition to check that it is in order before submitting it to my office at least one day before tabling. My staff then review it to check it conforms with the standing orders.

Checking the petition ensures that any irregularities, such as obviously fake signatures or interstate addresses, are brought to light before the petition is tabled. After consultation with the Clerk, these irregularities may result in names being erased from the petition. If the petition contains many such irregularities, the member who has been requested to present the petition is advised.

My staff also check petitions to ensure they are addressed to the Legislative Assembly and don't have any extraneous material attached. We have a template petition available online and encourage members and petitioners to use it to reduce the risk of errors. We also offer to check the wording of a petition before it's circulated in the community, to prevent the disappointment of time and effort being wasted on an inadmissible petition.

Impact of fraudulent activity

Once a petition is tabled, the Assembly does not have a process under standing orders for removing a signature from it. In recent years the Speaker received a letter from a signatory to a petition asking for their name to be removed from a tabled petition, as they had signed it in error. This petition was from people of a particular profession and the signatory was not part of that group. The matter was brought to public attention by an article in the local press. As the Speaker did not have the power to remove the name from a petition after it has been tabled, the Speaker agreed to attach the letter and the Speaker's response to the original tabled petition.

Self-declaration of citizenship and residency

Signatories do not need to be Australian citizens to sign a petition, they just need to reside in Victoria. Petitioners self-declare their residency by including their address. There is no age limit applicable to signatories. The Legislative Assembly does not use official records for verification purposes.

I hope this information is of use to the committee. An extract of the relevant standing orders is attached. If you require further information, please do not hesitate to contact me on 03 9651 8550.

Yours sincerely,

Bridget Noonan

Clerk of the Legislative Assembly

STANDING ORDERS CHAPTER 7

PETITIONS

44 Procedure for presenting petitions

(1)	Every petition must:
	(a) be presented by a member who has not signed the petition; and
	(b) be given to the Clerk at least one day before the meeting of the House at which it is to be presented; and
	(c) be examined by the member to ensure that the petition is not offensive in its language or tone, and that it complies with the rules of the House; and
	(d) be signed by the member at the top of the front page.
(2)	The Clerk must certify that the petition is in accordance with the standing orders and procedures of the House.

45 Content of petitions

	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 incapable 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.
46 Attachments to petitions		
	A petition must not have letters, affidavits or other documents attached to it.	
47 Offence to add names of others		
	It is a breach of privilege of the House for a person to add the name of any other person to a petition to be presented to the House, except with the consent of a person who is incapable of adding his or her own name.	
48 Time for presenting petitions		
	Unless a member reads the terms of a petition under SO 49, a petition must be presented during formal business at a time when no debate is taking place.	
49 Reading of petitions		
	(1)	A member may read the terms of a petition and the number of signatures during statements by members under SO 40.
	(2)	Prior notice of not less than one day must be given to the Clerk and the Clerk's confirmation received that the petition complies with standing orders.
	(3)	After reading the details under paragraph (1) the member must give the petition to the Clerk and cannot later move that the petition be taken into consideration under SO 51.
50 Clerk announces petitions		

	<p>The Clerk, subject to SO 49, announces to the House the petitions lodged for presentation stating, for each petition, the name of the member who lodged it, the identity of the petitioners, the subject matter and the number of signatures. The terms of each petition must be printed in Hansard.</p>
51 Dealing with petitions	
(1)	<p>When a petition is presented, the only questions the House can consider are 'That the petition is tabled' and 'That it be taken in consideration' (on a stated future day). These questions must be decided without amendment or debate.</p>
(2)	<p>The House may consider a petition immediately if it concerns a personal grievance which may require an urgent remedy.</p>
51A Petition order of the day lapses	
<p>If an order of the day for the consideration of a petition has remained on the notice paper for 30 sitting days without debate, the Speaker will announce it will be removed from the notice paper on the next sitting day. A member who moved that a petition be taken into consideration may write to the Clerk and require the order of the day to remain.</p>	
52 Copy of petition to responsible minister	
	<p>A copy of every petition received by the House must be referred by the Clerk to the minister responsible for the administration of the matter that is the subject of the petition.</p>