

Legislative Council of Victoria Submission to Standing Committee on Petitions

Thank you for the invitation to make a submission to your inquiry.

This submission makes some general comments about petitioning the Legislative Council and then some specific reflections on our first year of e-petitions. I would like to acknowledge the assistance of the Commonwealth Parliament which was provided to the technical implementation of e-petitions in the Legislative Council.

Introduction

Prior to the introduction of e-petitions, the system of petitioning and the standing orders governing petitions in the Council had been largely static for many years. Citizens increasingly have alternatives to Parliament for raising matters of public concern and achieving political / policy outcomes. Various digital / social media platforms and activist groups are obvious alternatives. Parliamentary committees provide a very effective tool for citizens to engage with the political/law making system, but subject matters are restricted to what inquiries have been established at any given time.

Petitions remain an effective tool for direct engagement, but only if procedures and mechanisms are modernised. The introduction of e-petitions in Victoria is most likely only one of many reforms that may be required to maintain petitions as an attractive form of political engagement for the public. The table at the end of this submission demonstrates the significant fall in the number of paper petitions from the 56th Parliament through to the 58th Parliament, which expired on 30 October 2018. The lack of formal follow up processes remains a concern for paper and e-petitions.

[Chapter 10 of the Legislative Council's Standing Orders](#) outline the rules and process for petitions. These were updated in March 2017 to include e-petitions.

Information on paper and e-petitions, including a downloadable template, are available [here](#).

Paper Petitions

Most paper petitions tabled in the Council are organised by a Member's electorate office or a community group with the backing of a Member. Periodically, the Table Office will provide advice to Members, their staff or a member of the public and check conformity with Standing Orders before signatures are collected. For a petition to be tabled, the responsible Member must hand or post the petition (with the first page signed and dated), to the Table Office.

The Table Office reviews all paper petitions to ensure they conform with Standing Orders. The Table Office also has an internal set of procedures for verifying signatures on petitions, which are intended to have a degree of flexibility to allow as many people as possible to participate in the process.

For example —

- All signatories must have a residential Victorian address.
- A signatory can only sign a petition once and any duplicate signatures will be disallowed.
- Allowing a variation of a full name and address (for instance a first name initial and surname is accepted), in so far that with the information provided, you would be able to locate that person on the electoral role.

These rules are uniformly applied to all petitions to ensure fairness and impartiality.

A petition cannot be debated. The only questions which may be moved on the presentation of a petition to the House are “That the petition do lie on the Table” and, if the Member wishes to, “That it be taken into consideration (on a future day to be named)”, which will be decided without amendment or debate. While a motion to take a petition into consideration is relatively common, the House actually bringing this item of business on for debate on a future day is very uncommon. More frequently the petition will go on the Notice Paper as an Order of the Day for 20 days (as per Standing Orders) and then cease to be an item of business.

Once a petition has been presented to the House, the Clerk sends a letter with the first page of the petition to the Minister responsible for the subject matter in the petition. The letter is sent electronically to their Ministerial email. Once this is sent, the House’s involvement in the petition process is complete. The Council does not have a Standing or Joint Committee that automatically considers or responds to petitions.

There is currently no requirement in Standing Orders for the Government to complete the action sought or respond to any petition tabled. Any action or response to the petitioner or Member is of the Government’s own volition, and there are no Parliamentary guidelines around it.

Once tabled, a petition is a public document and anyone may request a copy. The Table Office will email a scanned copy of the certified petition in pdf format. Requests can be made in person or via email. Most requests for copies come from Members or their staff. As with all public documents in its care, the Council does not require a reason to provide a copy of a petition and does not keep records of access.

The public nature of petitions has caused some concern amongst certain members of the community, who may then wish to retract their signature. In another internal procedure not in Standing Orders, the Table Office does allow any signatory to request in writing, that they be erased from a petition, provided it is done before tabling. Most requests have been from signatories who did not realise petitions are public once tabled.

E-petitions

The Legislative Council introduced e-petitions in early 2017 following the tabling of the Procedure Committee’s report recommending the process in November 2016. The Procedure Committee’s report followed a resolution of the House that e-petitions be introduced. [Procedure Committee’s Report](#) recommended changes to the Standing Orders to set some rules around e-petitions, but also included a practice note, which was intended to be read together with the Standing Orders. The practice note contains greater detail on the technological and administrative processes that underpin the system.

The Table Office has recently conducted an internal review of the pilot phase of its e-petitions process (see ‘Review of e-petitions’ below).

The Victorian Legislative Council drew heavily on the existing technology of the Commonwealth Parliament to develop our e-petition system. The Council’s Table Office developed internal administrative procedures.

Unlike paper petitions, e-petitions are more commonly public driven. Any Victorian resident can submit an e-petition for review by the Table Office on any issue¹. Table Office staff check requests for conformity with Standing Orders and edit for content, syntax, grammar and flow.

Once the principal petitioner has approved the draft, the Table Office uploads the e-petition on the Parliament's webpage and publishes it. It is up to the petitioner to advertise and promote their petition.

The principal petitioner has control over how long their petition stays open (Standing Orders prescribe a minimum of one week and a maximum of six months). Principal petitioners may request to extend the duration of their petition (there is no limit to the number of times a principal petitioner may extend).

Progressive tabling is permitted, whereby, an e-petition will be closed temporarily, signatories tabled and then reopened for more signatures. In this case, the e-petition is reset to zero signatures when it is reopened.

The principal petitioner is responsible for contacting a Member to sponsor their petition. The Table Office has adopted the practice of informing the principal petitioner when their e-petition has been sponsored. This serves the purpose of keeping the principal petitioner updated in the process and also providing them an opportunity to request that a particular Member not table their petition. Although the principal petitioner requests a tabling date, ultimately it is up to the sponsoring Member to table on that date.

E-petitions follow the same internal procedures as paper petitions for checking and tabling. Both are reflected identically in the Minutes of the Proceedings (although *Hansard* do note when a petition is an e-petition). If the wording of a paper petition and an e-petition are identical, they can be combined and tabled together.

Review of e-petitions

The Table Office undertook an internal review of the pilot phase of e-petitions in August 2018. In this review, it was identified that having certain technical and administrative procedures set out in a practice note was appropriate for a number of the processes. However, there are certain rules and policies that are prescribed here that staff will be required to explain to Members and the public in relation to what will happen to their e-petition and the data captured. Some of these may be more appropriately included in the Standing Orders to ensure that there are clear, authoritative and enforceable rules to rely on.

Furthermore, the practice note specifies signatories must provide a Victorian address (and the technical system behind it draws from Google maps, so 'fake' addresses cannot be input). This stipulation is not in the Standing Orders for paper or e-petitions.

The e-petitions survey data the Council received from those that undertook a short survey following their participation in the e-petition process highlighted the following barriers for the public with the e-petition process:

- People unaware of e-petitions
- Hard to locate on the website
- Website is not mobile friendly

¹ A request can be made on any issue so long as they do not breach Standing Order 10.04. Paper petitions have the same requirement.

- Language used can be difficult to understand and there is a lot of information.

The review also looked at areas where the technical support could be improved – for both Table Office staff and petitioners. This mostly involved areas where the process could be streamlined and the search and processing functionality could be improved.

Statistics from the Legislative Council

	58th Parliament	57th Parliament	56th Parliament
Total Petitions	278	236	383
Paper Petitions	221	236	383
E-petitions	57	N/A	N/A
Total signatures	155,220	120,710	210,795
Largest petition	11,800 signatures	44,350 signatures	22,540 signatures
Smallest petition	1 signature	2 signatures	1 signature

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