



PREPARING A PETITION FOR THE
LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

NOTES FOR GUIDANCE

FEBRUARY 2014

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1. WHAT IS A PETITION?

- 1.1 Petitions allow citizens to request the Assembly to redress any personal, local or Territorywide grievance they may have. Petitioners might ask for changes to a law or to have an administrative decision reconsidered. Petitions can also request the redress of a personal grievance, for example, the correction of an administrative error. They cannot, however, request redress of a matter on which the Assembly has no power to act (i.e. it must be a Territory matter rather than a Federal matter).

2. PETITION FORMAT

- 2.1 Standing orders of the Legislative Assembly set out how a petition will be drawn up (see sample Petition at the end of this guide). A petition must be addressed to The Speaker and Members of the Legislative Assembly of the Australian Capital Territory. It should not be addressed to an individual Member.

3. PRESENTING A PETITION

- 3.1 Petitioners cannot personally present a petition to the Assembly. They must request a Member to present it to the Assembly on their behalf; they may ask either their local Member or another Member.
- 3.2 Petitions must be lodged by a Member of the Assembly with the Clerk by 5 pm on the day before they are to be presented to the Assembly. The Clerk or Deputy Clerk will check and certify that the petition complies with the standing orders (see next section of this guide). A petition is usually presented to the Assembly immediately after the Speaker opens the morning session.

4. CLERK TO ANNOUNCE PARTICULARS OF PETITIONS LODGED

- 4.1 The Clerk shall make an announcement in the Assembly as to the petitions lodged for presentation that day, indicating in the case of each petition the Member who lodged it, the identity and number of the petitioners and the subject matter of the petition. No discussion upon the subject matter of a petition shall be allowed at the time of presentation, however, a petition may be referred to a committee. Petitions are normally presented as the first item of business following the prayer or reflection.

5. REFERRED TO MINISTERS

- 5.1 Once the petition has been presented to the Assembly, the Clerk will refer a copy to the relevant Minister, for information and response. The Minister must provide a response to the petition within three months of the tabling of the petition. The response should be lodged with the Clerk for presentation to the Assembly, which occurs at the end of the announcement of petitions. The petition and any responses received are then kept with all other papers presented to the Assembly that day.

5.2 Though nothing may be done immediately, petitions inform the Government and all Members of the Assembly about public opinion. A single petition sometimes changes the way Members deal with an issue.

6. CONFORMITY WITH LEGISLATIVE ASSEMBLY STANDING ORDERS

6.1 Legislative Assembly standing orders set out some commonsense and simple rules governing the format and presentation of petitions. It is important that those preparing a petition keep these in mind before collecting signatures.

THE SIMPLE RULES TO FOLLOW:

CONTENTS OF PETITIONS

6.2 A petition will:

- be legible;
- be addressed to the Speaker and the Assembly;
- state the action or remedy sought from the Assembly on the top of every sheet;
- be in English or be accompanied by a translation certified to be correct by a person who shall affix his or her name and address to the translation;
- contain at least one signature;
- contain the names and addresses of the petitioners and their own signatures or marks, except in case of incapacity or sickness where a person unable to write shall affix his or her mark in the presence of a witness, who shall, as such, also affix his or her signature and address, and the address of the petitioner;
- only contain signatures of ACT residents/citizens;
- not contain signatures copied, pasted or otherwise transferred to the petition;
- be respectful, decorous and temperate in its language;
- if from a corporation, be made under its common seal; and
- be a matter on which the Territory has power to act (for example, not a Federal matter).

PETITIONS MUST NOT CONTAIN

6.3 A petition must not:

- have letters, affidavits, or other documents attached to it;
- be critical of a character or conduct of a person or contain unbecoming expressions;
- contain irrelevant statements; or
- be lodged by a member who has signed the petition as a petitioner.

6.4 The procedure for the lodging and presentation of a petition is as follows:

- the Member lodging the petition must write the number of signatures contained in the petition on the front sheet and sign the front sheet;
- the petition must be lodged with the Clerk by 5 pm on the day previous to the meeting of the Assembly at which it is proposed that it be presented;
- the Clerk or Deputy Clerk will certify the petition if it is in conformity with the standing orders;
- if the petition is certified, the Clerk will announce, upon its presentation to the Assembly, the name of the Member who lodged it, its subject matter and the number of signatures attached to it;
- no discussion of the subject matter of the petition is allowed;
- a petition may be referred by motion to a committee; and
- petitions are referred by the Clerk to the responsible Minister for information and response.

7. OUT OF ORDER PETITIONS

7.1 Petitions not in conformity with the standing orders may be lodged with the Clerk. These 'out of order petitions' may only be presented as a paper, with the concurrence of a Minister. The Minister may indicate the subject matter of the paper and the number of signatories. If, in the opinion of the Speaker, the subject matter is not within the ministerial responsibility of the Territory, is critical of a character or conduct of a person, contains unbecoming expressions, is not respectful, decorous or temperate in its language or offends any standing order other than those relating to petitions, the paper shall be returned to the Member who lodged it without tabling.

If you have any doubts about the format of a Petition, please contact the Chamber Support Office of the Legislative Assembly on (02) 6205 0171.

8. E-PETITIONS

8.1 As Members may be aware the Legislative Assembly has now introduced online petitioning, known as "e-Petitions". The following information is provided to inform Members about their role in the e-petition process.

STEP 1: SPONSORSHIP

8.2 At some point an MLA may be approached by an individual to sponsor an e-petition. As with paper petitions, it is the individual MLA's decision to agree to sponsor an e-petition.

STEP 2: E-PETITION REQUEST FORM

8.3 Once an MLA has agreed to sponsor an e-petition a request form should be completed by the Principal Petitioner which will record:

- the eligibility criteria for persons wishing to initiate e-petitions—the individual must be an ACT resident and/or citizen;

- the precise wording of the e-petition—at this point an MLA may request changes to the wording of the e-petition before agreeing to proceed with the sponsorship and if changes are made a revised version of the form should be completed;
- the period the e-petition will be on the website— the Principal Petitioner, together with the sponsoring MLA, decide the period the e-petition will remain open for people to join with standing orders stating that an e-petition can be posted on the website for a minimum of one week and a maximum of six months;
- sponsoring MLA’s details; and
- Principal Petitioner’s details.

Both the MLA and Principal Petitioner are required to sign the request form.

8.4 The guidelines for e-petitions outline that only one MLA should be approached at a time to sponsor a particular e-petition. Standing orders state that only one e-petition dealing with substantially the same grievance and requesting substantially the same action by the Assembly shall be published on the Assembly’s website at the same time.

STEP 3: SIGNED FORM PROVIDED TO CLERK

8.5 The sponsoring MLA should then provide the signed e-petition request form to the Clerk of the Assembly.

8.6 The Clerk checks that it meets the requirements set out in the standing orders. If these requirements are satisfied, the e-petition is posted on the website until the specified closing date.

STEP 4: TERMS OF E-PETITION ANNOUNCED

8.7 Once the posting period for an e-petition has closed, the e-petition will be made available in hard copy format for presenting in the Assembly. The Clerk will announce the terms of the petition in the sponsoring MLA’s name at the first available opportunity.

STEP 5: MINISTERIAL RESPONSE

8.8 As with paper petitions, every e-petition received by the Assembly is referred to the Minister responsible for the administration of the matter which is the subject of the petition.

8.9 The Minister to whom the petition is sent must present a response to the Assembly within three months of the e-petition’s tabling.

8.10 In the case of e-petitions, when a Minister presents a response to the Assembly, the response will also be posted on the Assembly’s website.

PROMOTING AN E-PETITION

8.11 An MLA’s role is **only** to facilitate the e-petitions process. As with paper petitions, the Principal Petitioner is responsible for raising awareness in the community about the availability of the specific e-petition.

FURTHER INFORMATION

8.12 Further information on e-Petitions is available on the ACT Legislative Assembly website at www.parliament.act.gov.au under the “In the Assembly” drop down list, or at <http://www.epetitions.act.gov.au/>.

Members are encouraged to seek the advice of officers from the Chamber Support Office at any step in the process.

LAPetitions@parliament.act.gov.au is the contact email address for any queries.

APPENDIX 1—SAMPLE PETITION

SAMPLE PETITION FORMAT

PETITION

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: *(outline situation which needs change)*

Your petitioners therefore request the Assembly to: *(detail the action which the Legislative Assembly should take)*

	NAME (please print)	ADDRESS	SIGNATURE
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- * The request for action must appear on every page that has signatures.
- * All signatures must be original and at least one must appear on each page.