



**LEGISLATIVE ASSEMBLY OF VICTORIA
STANDING ORDERS COMMITTEE**

Epetitions

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Legislative Assembly of Victoria
Standing Orders Committee

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STANDING ORDERS COMMITTEE

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Ms Ann Barker, MP, Deputy Speaker of the Legislative Assembly

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APPOINTMENT OF THE STANDING ORDERS COMMITTEE

Extract from the Votes and Proceedings of the Legislative Assembly

Thursday 15 March 2007

7 STANDING ORDERS COMMITTEE AND PRIVILEGES COMMITTEE

...

- (2) A select committee be appointed to consider and report upon the standing orders of the House; such Committee to consist of the Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell and that four be the quorum.

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CHAIR'S INTRODUCTION

It gives me great pleasure to present this report of the Standing Orders Committee on providing the Victorian community with a system of petitioning the Legislative Assembly via the internet.

In 2007 the Standing Orders Committee resolved that the provision of an online petition facility should replicate, as much as possible, the system that currently exists for paper petitions tabled in the Legislative Assembly. That is, there should be no more onerous process in place for members of the Victorian community to initiate or sign an epetition than the process that exists to initiate or sign a paper petition.

I would like to thank all members of the Committee — Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell for their considered approach to the issues raised in the development of the epetition facility. My thanks also to the Clerk of the Legislative Assembly, Ray Purdey; Deputy Clerk, Liz Choat and Assistant Clerk Committees, Bridget Noonan. Their detailed knowledge and experience of the petition process was vital to the Committee's work.

Thanks also to Stephen Rosman and Julie Gardner for their technical expertise in the development of the electronic facility which will enable individual members of the Victorian community to initiate or join an epetition via an accessible and user friendly web page.

Jenny Lindell
Speaker
May 2009

RECOMMENDATION

The Committee recommends that:

- Epetitions be permitted in the Legislative Assembly with a procedure being used that mirrors that already used for paper petitions.
- Standing orders be amended by substituting current Standing Orders 44 and 45 with proposed new Standing Orders 44 and 45 as appearing in Appendix 3.

REPORT

The Committee has the honour to report as follows:

Background to the Inquiry

- 1 Over the last few years the possibility of petitions being permitted in the Legislative Assembly has been considered in a number of different forums.
- 2 In 2005 the Scrutiny of Acts and Regulations Committee presented its report *Victorian Electronic Democracy* and recommended that:

The Parliament of Victoria should introduce an online petitions facility on a trial basis, subject to ongoing evaluation as to the benefits offered to Victorians. The Victorian online petition system should include a moderated discussion facility, similar to that provided by the Scottish Parliament.

- This system should be developed in open source, if possible, with access to the code available (at minimum) to the Local Government sector in Victoria.

The government response to that report was supportive of the Parliament developing an petitions system.

- 3 The Standing Orders Committee of the 55th Parliament initiated discussions on the possibility of the Legislative Assembly permitting petitions. A discussion paper was issued in late 2005 and comments sought from members. The 55th Parliament ended before the Committee was able to make recommendations to the House.
- 4 After it was appointed in 2007, the Standing Orders Committee of the current Parliament made it a priority to investigate a suitable petitions model, looking at both the technological and procedural aspects. During the period of its investigations the Public Accounts and Estimates Committee, as part of its *Report on Strengthening Government and Parliament Accountability in Victoria*, also recommended that petitions be considered.

Principles agreed by the Standing Orders Committee

- 5 The Committee took an early decision to recommend a system which follows, as closely as possible, the procedural rules for paper petitions. It was felt that such an approach would enable an online system to be readily understood by all those participating and that it was appropriate to take measured steps when looking to introduce a new online process.
- 6 Accordingly the Committee has not recommended a system which includes any steps, such as discussion forums or consideration by a Petitions Committee, which do not already apply to paper petitions. If the system recommended by the

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Committee is adopted, it would be a matter for the House at a later stage to consider any operational changes having had the benefit of seeing initially how petitions operate in practice.

- 7 The Committee sees petitions as another method for the community to petition the House and not a method of replacing paper petitions. It simply offers petitioners an alternative method of presenting their views to the House.
- 8 The Committee looked at systems in other jurisdictions to see how they could be adapted to meet the House's procedural requirements for petitions. In particular, the Committee reviewed the Queensland model. Petitions have been permitted in Queensland since 2002 and, within Australia, that jurisdiction has the most experience in this area. Tasmania has also adopted procedures analogous to those in Queensland.

Development and Demonstration of Database

- 9 Although initially it was thought that the Queensland database could be adapted for use in Victoria, regrettably the software used proved incompatible with our operating system. Staff in the Parliamentary Library have therefore provided much assistance in designing a database which meets the specific requirements of the Committee. This draws on the functionality of the Queensland database but has been developed specifically to cater for the House's procedures.
- 10 Internal testing of the database has taken place and, after various developmental stages, the Committee sought feedback from members on the procedure being proposed. Two demonstrations were held (25 February 2009 and 11 March 2009) during which members were given an overview of the process, provided with copies of relevant accompanying documents and were shown how the database would operate from the perspective of both members and petitioners. This was also an opportunity for members to ask questions and give feedback. The Committee was pleased that the feedback received was positive.

Overview of petitions process

- 11 In summary, the process recommended is as follows:
 - The person initiating an petition is known as the principal petitioner.
 - To start the process the principal petitioner completes a request form (which is very similar to the current template for paper petitions) and asks a member to facilitate the petition. The principal petitioner will need to state on the request form how long the petition will be left current online for signatures; anything between one week and six months is permitted. The request form can be completed electronically using a template or printed and completed manually.

- If the member agrees, both the member and the principal petitioner sign the request form and the member sends the form to the Clerk. This is the equivalent of the member signing the top page of a paper petition.
 - The Clerk checks the validity of the petition and, assuming everything is in order, arranges for it to be put online. The principal petitioner is advised by email.
 - The epetition then appears online as a current epetition for the period requested by the principal petitioner. During this period other people can sign it by formally joining the epetition. This involves giving the same information as they would for a paper petition plus an email address.
 - At the time of signing an epetition a person also has to complete a small 'Captcha' exercise which involves typing in a box the equivalent of randomly generated letters/numbers which appear on the screen. This measure has been included to protect the database from multiple computer generated signatures. The database security will also prevent two identical entries (ie name and address details) but not different names from the same address as that would preclude signatures by different members of the same family. Whilst the security does not in itself prevent someone from 'inventing' other names, that is no different from the paper based system currently used.
 - The principal petitioner's name and suburb/town will appear online but no other details are recorded. As others sign the petition their details are not disclosed but the running total of signatures increases accordingly. A note appears by the total to advise that it is provisional until such time as signatures have been checked for admissibility.
 - When the epetition closes staff in the Clerk's Office will check signatures for validity (for example, only Victorian addresses are admissible) in the same way as is currently carried out paper petitions. A copy is then printed for formal presentation to the House and for subsequent archiving with the House's original papers. This will contain names and addresses (but not email addresses) of all signatories. The epetition is presented in the name of the facilitating member along with any paper petitions being presented that day; there is no intention to make any distinction between them.
 - As for paper petitions, the front sheet of an epetition will be sent to the relevant minister.
 - Closed petitions are archived online; they can be viewed but signatures cannot be added to them.
- 12 The website will include resources available to assist petitioners, specifically an *Epetitions Information Guide* which includes the request form and Frequently Asked Questions. Drafts are provided in Appendix 1 and Appendix 2 respectively.

Other procedural issues

13 In proposing a system the Committee took careful note of the experiences in Queensland and also considered the adaptations needed to fit in with the Assembly's current procedures for paper petitions. The database and draft documentation therefore reflect the Committee's view that the following rules should apply:

- The maximum words allowed for the principal petitioner to set out his or her grievance and action is 250.
- To avoid the potential for confusion and the database being overloaded, petitions setting out substantially the same grievance and requesting substantially the same action by the House will not be allowed simultaneously. However there is nothing to prevent a 'repeat' petition being created immediately after an earlier one has closed.
- As petitions will be presented in the facilitating member's name, the Committee has taken the view that a member can only properly assist in that process during a Parliament in which he or she is a member. Therefore, at the end of a Parliament, petitions will need to be presented on or before the final sitting day, failing which they will lapse. In practice, towards the end of a Parliament staff in the Clerk's Office would liaise with the principal petitioner about the time period an petition is to remain open for, so as to avoid problems of this nature. For the same reasons, members will not be able to facilitate petitions during the period between the Assembly expiring/dissolving and a new Parliament starting.
- All personal electronic data should be disposed of by the Clerk within six months of a petition being presented.

14 The proposal for petitions is presented with the agreement of all members of the Committee. The Committee suggests that a new procedure be adopted as soon as possible.

Recommendation

The Committee recommends that:

- **Petitions be permitted in the Legislative Assembly with a procedure being used that mirrors that already used for paper petitions.**
- **Standing orders be amended by substituting current Standing Orders 44 and 45 with proposed new Standing Orders 44 and 45 as appearing in Appendix 3.**

**Committee Room
6 May 2009**

Epetitions Information Guide

Epetitions

A petition is a way for members of the public to place their concerns before Parliament and ask for action to be taken. It is a method of demonstrating to the government issues that members of the public feel strongly about.

Until 2009, petitions were only possible in paper form. The Legislative Assembly of Victoria has now introduced online petitioning. Petitions submitted in electronic format are known as epetitions.

Information on epetitions is available on the Parliament of Victoria's website at www.parliament.vic.gov.au. You can view epetitions through this website and, if you wish, join a current epetition.

Epetitions and paper petitions

Epetitions do not replace the paper petition process. If you wish to start a petition you can choose to circulate a paper petition, start an epetition or use both processes. The person starting an epetition is known as the principal petitioner.

Who is eligible to join an epetition?

To initiate or join an epetition, you must be a resident of Victoria. The principal petitioner will identify who might have an interest in, and want to support, the epetition. The group of eligible petitioners will be identified on the website.

The group may simply be identified as residents of Victoria or could be more specific — for example identifying residents of a particular town, region or electorate.

How are epetitions started?

Step One: Obtain an epetition request form. There is a copy of the form attached to this Information Guide and it can also be downloaded from the website.

You may fill in the form at this stage or wait until you have contacted an MP (Step Two). It will help you, however, when contacting the MP's office to be aware of the details you will need to put in the form.

Step Two: Approach a Member of the Legislative Assembly (MP) to ask the MP to facilitate your epetition.

You can either approach an MP for a general discussion before filling in the request form, or you can complete the form fully and then discuss it with an MP. You should, however, only approach one MP at a time.

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Information on how to contact MPs is available through Parliament's website at www.parliament.vic.gov.au or you can contact the Legislative Assembly for this information on 03 9651 8563.

Step Three: Complete the petition request form.

An petition request form is included with this brochure and can also be downloaded from Parliament's website. The form records the:

- precise wording of the petition;
- eligibility criteria for persons wishing to join;
- period the petition will be on the website for people to join it;
- facilitating MP's details; and
- principal petitioner's details.

If the MP agrees to facilitate your petition, both you and the MP need to sign the request form. The MP may request changes before agreeing to assist you.

Step Four: The MP sends the signed petition request form to the Clerk of the Legislative Assembly.

The Clerk will check that it complies with the Assembly's procedural rules. If these requirements are satisfied, the petition is posted on the website until the specified closing date.

The Clerk will notify the principal petitioner when the petition is posted online.

How long can an petition remain on the website?

All current petitions are accessible from the website. An petition remains current for a minimum period of one week and a maximum period of six months. The time period must be specified in the petition request form.

Petitions will, however, lapse if not presented to the Assembly during the Parliament in which they were started. The Assembly has fixed four-year terms. If, when receiving a request form, the Clerk's Office considers that the timescale requested would not mean that the petition is presented before the election period, staff will contact the principal petitioner for a discussion. A revised closing date may then be requested by the principal petitioner in writing.

Closed petitions can also be viewed on the website but no additional signatures can be added to them.

Who will promote an petition?

As with paper petitions, the principal petitioner is responsible for raising awareness in the community about the availability of the specific petition. (The name and suburb/town of the principal petitioner will be provided on the website.)

What happens after the petition has closed?

Once the posting period for an petition has closed, a copy is printed for presenting to the Legislative Assembly. This is then checked by the Clerk's Office to ensure all signatures are valid (eg that they are all from residents of Victoria).

As for paper petitions, petitions need to be presented in the Legislative Assembly by the Clerk on behalf of the facilitating MP. This will occur at the first available opportunity, allowing time for the checking process to be completed. Details of the Assembly's sitting dates are available from the website.

The principal petitioner and anyone else who has joined the petition can ask to be notified by email when the petition has been presented.

Will ministers respond to petitions?

After the petition has been tabled, details are sent to the relevant minister/s.

The minister/s may choose to respond but they are not obliged to. Any response is sent to the principal petitioner and is not presented to the Legislative Assembly. This is the same procedure as applies to paper petitions.

Conditions of Use

By joining an petition, you will be agreeing to the petition's conditions of use which outline the eligibility requirements; the requirement that a person may only join an petition once; and the prohibition on the use of false names.

Any invalid signatures are not counted towards the total number of signatures and do not form part of the paper petition presented to the Legislative Assembly.

Legislative Assembly standing orders state that 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. A person could also be regarded as being in contempt if they induce someone else to sign an petition by fraud.

As part of the signing process, you will be asked to complete a simple 'test' by typing out exactly some random text which you will see on the screen; this control has been put in place to prevent computer generated signatures. You will also be required to record your name, address (including post code) and email address.

What about privacy?

Only the name and suburb/town of the principal petitioner will be made public on the website. The personal details of people who join petitions will not be published in any form on the website. The website will only show a tally of the number of signatures collected. However, the copy of the petition which is presented to the Assembly will include names and addresses of everyone who joins the petition with a valid signature.

In addition, details of all petitions presented to the Assembly (including the names, addresses of signatories) may be accessed from the Office of the Clerk of the Legislative Assembly. A privacy statement on the website details how your personal information will be protected.

Where can I obtain further information on the petition process?

Further information can be obtained in a number of ways:

- Check the website www.parliament.vic.gov.au
- Email assembly@parliament.vic.gov.au
- Phone the Office of the Clerk of the Legislative Assembly on 03 9651 8554
- Write to the Clerk of the Legislative Assembly, Parliament House, East Melbourne, Vic 3002.

How can I give feedback on the petition process?

Contact us by email, telephone or by post, using the contact details set out above.

Epetition Request Form

Use this form to ask a Member of the Legislative Assembly to submit your proposed epetition for posting on the Parliament of Victoria's website.

Please ensure this form is completed in full and signed prior to forwarding to the MP's office.

Member of the Legislative Assembly's Details* (to be completed by the principal petitioner)

Name

Address

Postcode

Principal Petitioner's Details (to be completed by the principal petitioner)

Name

Address

Postcode

Note: The name and suburb/town of the principal petitioner will be published on the website in accordance with the standing orders of the Legislative Assembly of Victoria.

Telephone (office hours)

Email

Proposed Epetition Details (to be completed by the principal petitioner)

Subject

Confirm eligibility (*insert the descriptions of the petitioner or petitioners such as residents of Victoria or residents of [name of town, region or electorate in Victoria]*)

draws to the attention of the House or points out to the House (*select option and then insert the circumstances of the issue*)

The petitioners therefore request that the Legislative Assembly of Victoria (*insert here the request of the petitioners, showing clearly the nature of the remedy or action requested*)

Number of words
(*limit of 250 in total for grievance and action of posting*)

Length petition to be open for signatures
(*minimum 1 week/maximum 6 months from date*)

Signature

Date

Note: The MP's office will contact you to advise whether he or she is willing to submit your proposed petition. If the MP agrees to do so, you may be required to attend his or her office to sign another Epetition Request Form if there are any required changes to its text.

*The contact details for MPs are available from the Parliament of Victoria's website at www.parliament.vic.gov.au or on (03) 9651 8911.

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Member of the Legislative Assembly's Details (to be completed by the MP — the completed form should then be sent to the Clerk of the Legislative Assembly)

Name

Electorate

I agree to submit the petition overleaf for posting on the Parliament of Victoria's website

Signature

Date

EPETITION FREQUENTLY ASKED QUESTIONS

Can a paper petition and an epetition of the same wording be active simultaneously?

Yes.

Can two epetitions of the same wording be active simultaneously?

No.

After an epetition closes, can the same wording be resubmitted as an epetition for a second nominated time period?

Yes. There is no restriction on successive petitions on the same issue.

Can the closing date of an epetition be extended?

No. However there is no restriction on successive petitions on the same issue.

Can an epetition be posted on the internet after the Legislative Assembly has expired prior to an election?

No.

Can an MP be a principal petitioner or join a current petition?

No.

Can the principal petitioner's address be a PO Box number or a business address?

Yes, providing it is in Victoria and the principal petitioner is a resident of Victoria.

Can a company name be used as the principal petitioner's name?

Only if the company provides its Australian Company Number (ACN) or seal and is based in Victoria.

Can people under 18 years of age sign the epetition?

Yes, if they are residents of Victoria and old enough to understand what it is they are signing.

Can a name be removed from an epetition?

No but, if a signature is invalid, it will not be included in the printed version of the epetition presented to the Legislative Assembly or counted towards the final total of signatures.

Does a principal petitioner need to sign his or her own petition?

No, the principal petitioner is automatically regarded as being the first to sign the petition, based on the completed request form.

How is a petition tabled?

After a petition has closed, all signatures are checked; any invalid signatures are not counted towards the total. A copy of the petition incorporating all valid signatures is then printed. This is presented (tabled) on the next sitting day

by the Clerk of the Legislative Assembly in the name of the MP who agreed to facilitate the petition.

Can MPs make statements in the Legislative Assembly about current petitions?

Yes. There isn't a time specifically set aside for statements on petitions but, each day, there is a 30 minute period during which members have an opportunity to make statements on any issue. A member could make a statement about a petition during this period.

Can petitions be debated?

After a petition has been tabled, a member can give notice of a motion that the 'petition be taken into consideration'. The motion is then listed on the notice paper (agenda) for debate. However no time is set aside for the motion to be debated and, in reality, it is extremely unlikely that a debate would actually take place.

PROPOSED REVISED STANDING ORDERS 44 AND 45

44 Types of petitions

- (1) Petitions are accepted by the Legislative Assembly in the form of a paper document (paper petitions) and also electronically (epetitions).
- (2) Every petition must:
 - (a) be presented by a member who has not signed the petition; and
 - (b) 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
 - (c) be certified by the Clerk to confirm it accords with the standing orders and procedures of the House.
- (3) A paper petition must:
 - (a) be given to the Clerk at least one day before the meeting of the House at which it is to be presented; and
 - (b) be signed by the member presenting it at the top of the front page.
- (4) An epetition:
 - (a) must be facilitated by a member and lodged with the Clerk, in the correct form for publication on the Parliament's internet website, specifying the period during which it can be electronically signed; and
 - (b) may be signed electronically by persons joining the petition through providing their name, address, postcode and email address; and
 - (c) must remain current for electronic signature for a minimum of one week and a maximum of six months from the date of publication on the Parliament's internet website; and

- (e) may be declined by the Clerk for publication on Parliament's internet website if it does not conform with standing orders and procedures of the House; and
- (e) cannot be altered once published on the Parliament's internet website; and
- (f) dealing with substantially the same grievance and requesting substantially the same action by House as another current petition cannot be published on the Parliament's internet website at the same time;
- (g) will be printed (including the names and address and of all persons who signed the petition) by the Clerk at the end of the period allowed for electronic signatures; the Clerk then arranges for the petition to be presented to the House by the facilitating member;
- (h) can only be presented during the Parliament that is current at the time it is published on the Parliament's internet website; any petition that has not been presented prior to the Legislative Assembly expiring or being dissolved will lapse;
- (i) cannot be facilitated by a member during the period after the Legislative Assembly has expired or dissolved and the commencement of a new Parliament.

45 Content of petitions

- (1) All petitions must:
 - (a) be addressed to the Legislative Assembly of Victoria; and
 - (b) be in English or accompanied by an English translation certified to be true and correct by the member in whose name it is to be presented; and

- (c) be respectful and temperate in its language; and
 - (d) state the action or remedy sought from the House which, in the case of paper petitions, must appear on the top of every sheet; and
 - (e) if from a corporation, be made under its common seal; and
 - (f) only be signed by the same person once.
- (2) Paper petitions must:
- (a) contain at least one signature; and
 - (b) 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; and
 - (c) not contain signatures which have been pasted or in any other way transferred or attached to the petition.
- (3) In relation to petitions:
- (a) persons joining petitions by an electronic signature must fill out their correct details as confirmation they personally agree to sign the petition; details should not be completed by anyone else except in the case of incapacity from sickness; and
 - (b) the Clerk must dispose of all electronic personal data relating to the posting and joining of a petition within six months after it is presented to the House.