

PARLIAMENT OF VICTORIA

LEGISLATIVE ASSEMBLY

Standing Orders Committee



**Report on e-petitions,
responding to statements
made in the Legislative Council
and supplementary questions**

Parliament of Victoria
Standing Orders Committee

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Committee membership



Hon Colin Brooks
Speaker of the Legislative Assembly



Hon Jacinta Allan
Leader of the House



Mr Darren Cheeseaman
South Barwon



Ms Maree Edwards
Deputy Speaker



Mr Matt Fregon
Mount Waverley



Ms Cindy McLeish
Deputy Leader of the Liberal Party



Ms Suzanna Sheed
Shepparton



Ms Louise Staley
Ripon



Hon Peter Walsh
Leader of the Nationals

About the Committee

Functions

The role of the Standing Orders Committee is to review the standing orders (procedural rules) of the Legislative Assembly and to make recommendations for change.

Staff

Bridget Noonan, Clerk of the Legislative Assembly
Robert McDonald, Deputy Clerk of the Legislative Assembly
Paul Groenewegen, Assistant Clerk Procedure and Serjeant-at-Arms (Secretary)

Contact details

Address Legislative Assembly Standing Orders Committee
Parliament of Victoria
Spring Street
EAST MELBOURNE VIC 3002

Phone 61 3 9651 8553

Email assembly@parliament.vic.gov.au

Web <https://www.parliament.vic.gov.au/la-standing-orders>

This report is available on the Committee's website.

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Recommendation

RECOMMENDATION : The Committee recommends that the House:

- a. adopts a new sessional order to allow the tabling of electronic petitions in the Legislative Assembly as detailed in Appendix A.
- b. amends SO 107 as detailed in Appendix B; and
- c. adopts new Sessional Order 12A as detailed in Appendix C for a temporary period until the end of 2021.

Report on e-petitions, responding to statements made in the Legislative Council and supplementary questions

Electronic Petitions

1. Electronic petitions (e-petitions) have been available in the Legislative Council since early 2017. The Committee believes introducing e-petitions in the Legislative Assembly would provide an additional way for Victorians to engage in the parliamentary process.
2. We recommend the House adopts the new sessional order in Appendix A to provide for e-petitions. Our recommended procedures are similar to those currently used by the Legislative Council. The main difference is that before an e-petition is published, it must first be sponsored by an Assembly member. This provides an additional safeguard to ensure a potentially objectionable petition, that no member wishes to sponsor, is not published on the Parliament's website, and it mirrors the existing relationship petitioners have with the member presenting a paper petition.
3. We have also prepared guidance notes, to assist members and the public understand the e-petition process. The guidance notes are included as Appendix D.

Responding to statements made in the Council

4. If an Assembly member feels that they have been seriously misrepresented by statements made in the Council, they have two options available to them to correct the record:
 - (1) they can make a personal statement under SO 107, by leave, to refute or explain what was said in the Council; or
 - (2) they can make a personal explanation under SO 123, with the consent of the Chair.
5. The Committee believes it is unhelpful to have two different procedures—one which requires leave, and one which requires the consent of the Chair. We believe the preferred approach is for a member to make a personal explanation under SO 123, which requires the Speaker to approve any statement before it is made in the House.
6. We therefore recommend that SO 107 be amended to state that a member must not refer to any matter pending in the Council, except when making a personal explanation under SO 123. This preserves the prohibition on members seeking to influence debate pending in the Council.

New Sessional Order 12A—Member nominating another member to ask supplementary question

7. The Committee has examined a way in which a supplementary question could still be asked if a member who has asked a substantive question is asked to withdraw from the House under SO 124 before asking their supplementary question.
8. Our proposed new sessional order 12A would allow the Chair to ask a suspended member prior to leaving the Chamber if they wish to nominate another member to ask their supplementary question. If the suspended member's behaviour is disrespectful after being asked to withdraw, the Chair will ask the member to withdraw immediately, and they are not required to ask the member for a nomination.
9. We recommend that new sessional 12A be adopted for a temporary period until the end of 2021 and it will then be reviewed by the Committee.

Appendix A

Proposed new sessional order

Electronic Petitions

- (1) A person (the sponsoring petitioner) may lodge a request to start an electronic petition (e-petition) with the Clerk for publication on the Parliament's website.
- (2) Standing Orders 45 to 52 apply except in relation to the requirement for a petitioner's signature.
- (3) The sponsoring petitioner must provide the following information to the Clerk:
 - (a) the issue (maximum 200 words) and action requested (maximum 120 words);
 - (b) their full name and address; and
 - (c) the name of the member sponsoring the e-petition.
- (4) Before the e-petition is published, the Clerk will review the wording of the e-petition to ensure it conforms with standing orders and confirm that the sponsoring member has agreed to sponsor the e-petition.
- (5) The sponsoring member must nominate a period (the posted period) that the e-petition will be available to sign on the Parliament's website and:
 - (a) the posted period must be a minimum of one week and a maximum of six months from the date of publication;
 - (b) if the Assembly is due to expire under s 28(2) of the *Constitution Act 1975* within six months from the date of publication of an e-petition, the Clerk will determine the maximum posted period;
 - (c) the sponsoring member may request the Clerk to change the posted period before it ends, provided the maximum period is not exceeded.
- (6) A member must not sign an e-petition they have sponsored.
- (7) Once published an e-petition cannot be altered but the sponsoring member may request the Clerk withdraw it.
- (8) Residents of Victoria may become signatories to an e-petition by electronically providing their name, address and signifying their intention to join the e-petition.
- (9) The Clerk will table the e-petition on the next sitting day after the posted period has ended.
- (10) E-petitions about the same issue and requesting the same action are not allowed simultaneously. However, once an e-petition has been tabled, a new e-petition can be started.

Appendix B

Proposed amendment to Standing Order 107

Current SO 107

107 No referring to debate in Council

A member must not refer to any debate or matter pending in the Council. However, if the Speaker is satisfied that a member has been seriously misrepresented by statements made in the Council during the same session, that member may, by leave, make a personal statement to refute or explain what was said in the Council. The personal statement may not be debated.

Proposed new wording

107 Reference to pending Council matters

A member must not refer to any matter pending in the Council, except when making a personal explanation under SO 123.

Appendix C

Proposed new Sessional Order 12A

Supplementary questions—who may ask if Chair has ordered member to withdraw

- (1) If a member is ordered to withdraw from the House under SO 124 after asking an oral question on notice and before they have asked the supplementary question, the Chair may ask the member if they wish to nominate another member to ask the supplementary question.
- (2) If the member's conduct is not quiet or respectful after being ordered to withdraw under SO 124, the Chair will ask the member to withdraw immediately, and is not required to ask the member for a nomination.

Appendix D

Electronic petitions guidance notes

How do I start an e-petition?

To start an e-petition, fill out the create an e-petition template on the Parliament website.

The template includes spaces for you to enter the issue (maximum 200 words), action requested (maximum of 120 words) and your contact details.

You also need to supply the name of the member who will sponsor your petition. Before submitting your petition, you need to contact your local member, or another Assembly member, and seek their agreement to sponsor your petition. Contact details for Assembly members can be found [here](#). If the petition does not have a sponsor, the petition cannot be posted on the Parliament website.

What terms and conditions apply?

You can find the terms and conditions and privacy statement for e-petitions on the Parliament's website. You must confirm you agree to these terms and conditions in order to submit a request to start an e-petition.

Multiple e-petitions on the same topic are not allowed simultaneously. However, once an e-petition has been tabled, you can start a new e-petition on the same topic.

What happens once I have submitted my request to start an e-petition?

Once you have submitted a request to start an e-petition, we will check the petition wording to ensure it complies with Standing Orders. The general rules for Assembly petitions can be found [here](#). If any changes are required, we will contact you to discuss.

Once we have checked the wording, we will confirm that the member you have nominated has agreed to sponsor the e-petition. The sponsoring member must nominate a posted period for the length of time that the e-petition will be available to sign on the Parliament's website. This must be a minimum of one week and a maximum of six months. If you have a preference, discuss this with the member when you contact them asking them to sponsor your petition.

Depending on the petition, these checks may take between a few days and a week. Once these checks have been completed, the e-petition will be placed on the Parliament website for the public to sign.

How do people sign my petition?

Once your e-petition has been posted on the Parliament's website, we will send you a link to the e-petition, which you can share on social media, via email, or through other methods, to encourage people to sign your petition.

Only Victorian residents can sign e-petitions. Anyone wanting to sign the e-petition must electronically provide their name and address and signify their intention to join the e-petition. All signatories must agree to the terms and conditions and privacy statement.

What happens once the period for signing the petition has ended?

Once the period for signing the petition has ended, the Clerk will table the e-petition on the next sitting day. A list of scheduled sitting days can be found on the Parliament's website.

Once an e-petition is tabled in the Assembly it becomes a public document and forms part of the Original Papers of the House. As with a traditional paper petition, the names and addresses of signatories will be recorded and published in a tabled e-petition.

