7 Petitions

Individuals and organisations may seek to have petitions presented to the Parliament. Petitions generally express views on matters of public policy and ask the Parliament to take—or, in some cases, *not* to take—a particular course of action.

1. Petitioning the Senate

Each House of the Parliament has its own rules that documents must follow in order to be accepted as petitions. To be accepted by the Senate, a petition:

- must be addressed to the Senate
- must be presented by a senator; and
- must be certified by the Clerk as being *in conformity* with the standing orders; in particular, it must contain a request for action by the Senate or the Parliament.

Petitions must be addressed to the Senate

The Senate can only accept petitions that are addressed to the Senate. The Senate cannot accept petitions addressed, for instance, to the Government or to a particular Minister. The traditional form of address is shown on the sample petition at the end of this Guide, though the particular words are not important, as long as the petition is clearly addressed to the Senate.

Petitions must be presented by a senator

Only senators may present petitions, so a person wishing to petition the Senate must forward the petition to a senator and ask the senator to present it. While there is nothing in the rules of the Senate to compel a senator to present a petition, most senators take the view that they should seek to present any petition forwarded to them, even if the views represented in the petition do not reflect the views of the senator presenting it.

Before presenting a petition a senator must place his or her name on its *front page* (usually at the top of the page), together with a statement of the total number of signatures. Note that the senator does not sign the petition with the other signatories.

Petitions must be lodged with the Clerk for presentation. This is done by delivering the petition to the Senate Table Office in SG 25, which arranges the presentation of petitions. Petitions should be lodged with the Table Office by 5 pm for presentation the following sitting day. However, on Tuesdays when the Senate commences at 12 pm, petitions will be accepted until 9am that morning.

On each sitting day, at the time provided in the routine of business (standing order 57), the Clerk announces that petitions have been lodged for presentation. A summary of the petitions being presented is available from the Dynamic Red, or may be obtained from the chamber attendants. These petitions are taken to have been received by the Senate, although any senator may move that a petition not be received.

Petitions must conform with the standing orders

Petitions must be certified by the Clerk as being in conformity with the standing orders before they can be presented. In summary:

- a petition must contain a request for action by the Senate or the Parliament—it should not merely express a point of view
- a petition must be legible and must be in English or accompanied by a translation
- all signatures must be original and must be written on a page bearing the full text of the petition—photocopies of signatures, for instance, cannot be accepted; and
- a petition must be respectful, decorous and temperate in its language—language considered unparliamentary in the Senate would be unacceptable in a petition.

The relevant rules are contained in standing orders 69 to 71. If there are any concerns about the conformity of a petition, the Table Office (x3010) will provide relevant advice to the senator lodging it.

2. When is a petition not a petition?

Occasionally a document will be lodged as a petition which does not qualify as a petition under the standing orders, for instance because it is not addressed to the Senate or because it does not contain original signatures. In those circumstances the Clerk cannot certify the document as a petition and it cannot be presented in the usual way.

The President may nonetheless approve the presentation of the document as a petition if the President is satisfied that *exceptional circumstances* warrant its presentation (standing order 69(8)). This test of exceptional circumstances is taken seriously. President Reid ruled that it would defeat the purpose of the standing order if non-qualifying documents were routinely allowed to be presented:

> Circumstances which seem to me not to qualify as exceptional circumstances are, for example, that there are a lot of signatures attached to the petition, that a great deal of trouble has been taken to collect the signatures, or that the subject matter of the petition is an important public issue.
>
> Circumstances which would seem to qualify as exceptional might be, for example, that the subject matter of the petition is immediately before the Senate, that the petition refers to facts of which the Senate might not otherwise be aware, that the petition refers to a serious grievance of injustice to which the Senate should give immediate attention, or that there is no other way in which the document can be treated so as to bring it to notice.

A more common remedy is for a senator to seek the leave of the Senate to table the document, for instance during a relevant debate, during senators' statements on Wednesdays from 12.45 pm, or during the adjournment debate (see Guide No. 10—Tabling of Documents). A document tabled in this way is *not* received by the Senate as a petition, and the text of the document is not automatically incorporated in Hansard.

3. Online petitions

The Senate standing orders make no special reference to *online* or *electronic* petitions; they apply to all petitions whether written on paper or in cyberspace.

Although it is in order to lodge a petition for which the signatures have been collected by e-mail, the common practice of copying and forwarding e-mails to multiple addressees, and the tendency of recipients to add comments (thereby changing the *text* of the petition) makes this problematic. The most successful approach has been to post the text of the petition on an Internet page and invite people to *sign* the petition by submitting their names and e-mail addresses.

Petitions that are posted and signed online are accepted if the senator certifies that they have been duly posted with the text available to the signatories. In presenting the petition, the senator lodges a paper document containing the text of the petition and a list of the signatures submitted. Alternatively, if an electronic petition is presented, the senator provides a list of email addresses of signatories.

4. What happens to petitions?

Petitions presented to the Senate are brought to the notice of the appropriate Senate committee. A committee may seek a reference from the Senate on the issues contained in a petition (see Guide No. 13—Referring matters to committees), or may use the petition as evidence in a related inquiry.

Senators sometimes refer to petitions in debate in the Senate. The full text of each petition received is printed in Hansard.

5. Petitions and privilege

The presentation of a petition to the Senate is a proceeding in Parliament and is protected by parliamentary privilege. The publication of a petition *before* presentation is not similarly protected. For further information see chapter 2 of *Odgers' Australian Senate Practice*, under "Circulation of Petitions".

Need assistance?

Petitions may be lodged with the Senate Table Office in SG 25. Inquiries relating to the presentation of petitions should be directed to the Table Office on extension 3010. Further information is available online, and information about petitions addressed to the House of Representatives can be found in House of Representatives Infosheet No. 11.

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Sample format of a petition

To the Honourable President and members of the Senate in Parliament assembled:

The petition of the undersigned shows:

(state grievance or subject of complaint)

Your petitioners ask that the Senate:

(state the redress or action desired)

Name	Address	Signature