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Our ref: 717928

2 October 2018

Mrs Lucy Wicks MP
Chair
Standing Committee on Petitions
House of Representatives
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Chair,

INQUIRY INTO THE FUTURE OF PETITIONING

Thank you for your invitation to make a submission to your committee in relation to its inquiry into the future of petitioning in the House of Representatives.

Please find attached my submission. The submission outlines the current processes of the equivalent committee in the Legislative Council of Western Australia, the Standing Committee on Environment and Public Affairs, including its terms of reference and the standing orders governing petitions. I have also included electronic links to the following that may be of interest:

1. Legislative Council Standing Committee on Procedure and Privileges Report No. 40 on E-petitions, which you can access on the Parliament of Western Australia website here; and
2. Burton R, *The People's Parliament: Have Petitions Had Their Day?*, Australasian Parliamentary Review, Autumn/Winter2018, Vol 33, No.1 which you can access from the Australasian Study of Parliament Group website here.

The House has yet to consider a recommendation contained in Report No. 40 referred to above to introduce E-petitions to augment the current paper petition process. I trust this information will assist your committee in its inquiry.

Yours sincerely

Nigel Pratt
Clerk of the Legislative Council

Att: Submission

Legislative Council
Parliament House | 4 Harvest Terrace | West Perth WA 6005
Telephone: 08 9222 7214 | Email: clerklc@parliament.wa.gov.au

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Submission – Legislative Council of Western Australia

All conforming petitions tabled in the Legislative Council by a Member of the Legislative Council, except those raising a matter of privilege, are referred to the Standing Committee on Environment and Public Affairs (Committee). While a petition only needs one signature to be tabled, most petitions contain many signatures. Extracts of the standing orders relevant to the requirements for petitions and the committee's terms of reference are attached.

The Committee's consideration of petitions serves to enhance transparency and to inform the Parliament and public about current issues of concern to the community. A petition will not always bring about a change of policy by the Government or achieve the specific objectives desired by petitioners. However, the Committee's inquiries ensure that petitioners are provided with an explanation for government decisions or actions. The petitions process therefore facilitates engagement between citizens, their elected representatives and the Parliament.

The nature and extent of inquiries by the Committee relating to each petition will vary depending on the nature of the issues raised. However, in most cases the Committee will request a submission from the principal petitioner and tabling Member. These submissions enable the Committee to better understand the issues involved and the action, if any, already undertaken by the petitioner to resolve the matter.

Once submissions are received, the Committee will usually request a written response to the petition from the relevant government Minister. The Committee may also seek responses from other organisations (such as local governments) and carry out other investigations as required. In many instances, the Minister's response to the petition will provide an explanation for the policy or action in question, although sometimes the Committee will need more information to clarify the issues to its satisfaction. These inquiries may take the form of further correspondence with the relevant parties or a hearing to obtain more detailed evidence. On occasion, the Committee will resolve to conduct a more extensive inquiry into the matter and report its findings and recommendations to the House. Any recommendation for Government action is subject to standing order 191, which requires a response by Government within 2 calendar months.

On occasion, the Committee will receive petitions that relate to a Bill that has been or is currently before the Legislative Council for debate. These petitions may provide reasons why the Bill should be opposed or supported. In these situations, the Committee has tended to the view that the petitioners' concerns have been brought to the attention of Members by tabling the petition in the Legislative Council and no further action is taken. However, this current administrative practice may not always prevail as the Committee is able to examine any petition, including one related to a Bill, consistent with the standing orders and the Committee's terms of reference, if it so desires.

The Committee's website at www.parliament.wa.gov.au/env is a central source of information about petitions tabled in the Legislative Council. It contains copies of public documents including the terms of each petition, submissions, government responses and transcripts of evidence. In addition to the Committee's own webpage the Parliament website contains general information about petitioning the Legislative Council, the requirements for a petition to conform to the standing orders, how a petition is presented, the process that occurs following tabling and a pro forma petition layout to assist those drafting a petition. This information is available at:
http://www.parliament.wa.gov.au/WebCMS/webcms.nsf/content/legislative-council-legislative-council-guide-to-petitions

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Standing Orders 101 and 102 – Legislative Council of Western Australia

101. Form and Contents of Petitions

(1) A petition shall –

(a) be addressed to the President and Members of the Council;

(b) state the action or remedy sought from the Council, which must be repeated at the top of every page of the petition;

(c) be legible and unamended whether by insertion or deletion or inter-lineation;

(d) be couched in reasonable language;

(e) be in the English language, or be accompanied by a certified English translation;

(f) contain the name, address, and original signature or mark of the petitioners;

(g) be signed by the person or persons promoting the petition, who must reside in Western Australia or, if a corporation, have its registered office in Western Australia; and

(h) if from a corporation, be made under its common seal or, if the corporation does not have a common seal, a copy of the corporation's articles of incorporation must be attached to the petition.

(2) A petition shall not –

(a) have any documents attached to it;

(b) be presented by a Member who has signed the petition as a petitioner;

(c) reflect upon a vote of the Council in the same calendar year;

(d) seek a direct grant of public money from the Council;

(e) contain statements adverse to, or make allegations of improper, corrupt or illegal conduct against, a person whether by name or office; or

(f) contain or disclose a matter in breach of a secrecy provision of, or order imposed or made under the authority of, a written law.

(3) The Member presenting the petition shall sign the petition at the top of the front page of the petition.

(4) The total number of petitioners shall be stated at the top of the front page of the petition.

(5) The petition must be certified to conform with the Standing Orders by the Clerk before it may be presented to the Council.

102. Procedure for Lodgement and Presentation of Petitions

(1) A petition shall be lodged with the Clerk at least one hour prior to the sitting of the Council at which a Member proposes to present the petition, in order that the Clerk may certify that the petition conforms with the Standing Orders.

(2) A petition may be presented at the time nominated for presentation of petitions, or by leave at a later stage of proceedings when no question is before the Council.

(3) The Member presenting the petition shall –

(a) read the address of the petition;

(b) read the text of the petition or a summary of that text; and

(c) advise the number of signatories to the petition.

(4) No debate of the subject matter is allowed upon presentation of a petition, except for the purposes of a motion moved under (5).

(5) The Council may order that a petition not be received.

(6) Every petition presented shall stand referred to the *Environment and Public Affairs Committee*.

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Extract Schedule 1 – Environment and Public Affairs Committee

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

2. Environment and Public Affairs Committee

2.1 An *Environment and Public Affairs Committee* is established.

2.2 The Committee consists of 5 Members.

2.3 The functions of the Committee are to inquire into and report on –

(a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;

(b) any Bill referred by the Council; and

(c) petitions.

2.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.

2.5 The Committee may refer a petition to another Committee where the subject matter of the petition is within the competence of that Committee.

2.6 In this order "environment" has the meaning assigned to it under section 3 (1) and (2) of the *Environmental Protection Act 1986*.