

Factsheet

43. Petitions

Petitions are documents used by citizens to directly lobby representative bodies such as Parliaments and local governments about matters of public concern, including environmental issues. This fact sheet provides an overview of the rules and guidelines that apply to the preparation and presentation of petitions. Following these rules should ensure that petitions cannot be dismissed on a technicality.

Who receives petitions?

Petitions may be presented to either House of the Western Australian Parliament (Legislative Assembly and Legislative Council), either House of the Commonwealth Parliament (House of Representatives and Senate) or your local government. You should present your submission to whichever body has power to consider and act upon the matter that concerns you.

What rules do I need to comply with?

There are different rules for the preparation of petitions for each of the Houses of Parliament and for local councils. This fact sheet first deals with the general rules applying to all petitions, then deals with rules that are particular to a given body. The application of these rules is demonstrated in the sample petitions in the appendices to this fact sheet.

General rules for petitions

The first general rule is that the petition must be targeted appropriately. The three tiers of government (Commonwealth, State and local government) each have different responsibilities. Petitions should be directed to the body that has the power to act upon the petition.

Some other “do’s” are that the petition must:

- be polite;
- be legible, being either clearly written, typed or printed and correctly addressed;
- state the reasons for the petition and request some action or remedy;
- contain the request for a remedy at the top of each page of the submission;
- be in English or be accompanied by a certified translation;
- contain at least one signature;
- contain the names and addresses of the petitioners and their signatures; and
- be an original document.

The requirement that a petition document be original means that if you want to present the same petition to two different bodies you must prepare two petitions, rather than simply photocopying the petition. In any case, photocopying will not be sufficient as there will be different rules relating to the form of the petition for each body.

Some “don’ts” are that the petition must **not**:

- have any crossing out or erased passages in the reasons for the petition or the request for action;
- contain signatures copied or pasted onto the petition;
- have other documents attached to the petition;
- contain irrelevant statements; or
- be defamatory (see [Fact Sheet 42: Defamation and safe speech](#)).

Important disclaimer:

This Fact Sheet is for general information purposes. Important legal details have been omitted to provide a brief overview of this area of the law. If you require legal advice relating to your specific circumstances you should contact the Environmental Defender's Office WA (Inc) or your solicitor. The EDO takes no responsibility for any loss or damage resulting from any error in this Fact Sheet.

Special rules for petitions to local governments

There are no rules in the *Local Government Act 1995* with regard to petitions. The guidelines here are taken from the Western Australian Local Government Association model local laws. We recommend that you check with your local government about whether it has particular requirements.

Petitions to Local Governments must:

- be made by electors of the district;
- show the date each elector signed the petition; and
- state the person to whom, and the address at which, the Council's response to the petition can be sent.

There are forms prescribed by the *Local Government Act* and the *Local Government (Constitution) Regulations 1998* for petitions that:

- propose to change the method of filling the office of Mayor or President;
- propose to create a new district or alter the boundaries of the local government; or
- request a poll on a particular amalgamation of local governments.

The forms for these petitions can be found in Schedule 1 of the *Local Government (Constitution) Regulations*. These petitions must be signed by 250 people or 10% of the affected electors of the district, whichever is fewer.

Special rules for petitions to the Western Australian Parliament

Petitions to either House of the Western Australian Parliament must not ask for a grant of money.

Petitions to the Legislative Assembly must not be lodged by a Member who has signed the petition.

Petitions to the Legislative Council must:

- be drafted by, or at the direction of, the person promoting it; and
- contain the principal petitioner's signature and the total number of signatures collected on the first sheet of the petition.

Petitions to the Legislative Council must also contain a "prayer" at the end. This is a particular phrase included on the petition after the request for the Legislative Council to act. In the sample petition below this is, "And your petitioners as in duty bound, will ever pray."

Petitions to the Legislative Council must not attempt to bypass the courts or a tribunal. This means that petitioners cannot approach the Legislative Council to pre-empt or avoid the decision of a court or tribunal.

The Legislative Council will not accept petitions that refer to a debate being held in either House during the same session of Parliament.

Sample petition for local government

PETITION BY THE ELECTORS OF THE [NAME OF LOCAL GOVERNMENT]

To the [Mayor or President] and Councillors of the [name of local government]:

We, the undersigned, all being electors of the [name of the local government], do humbly pray that [insert a concise statement of the relief being sought].

The names and addresses of your petitioners are as follows:

Full name	Address	Signature	Date
_____	_____	_____	_____
_____	_____	_____	_____

Sample petition for Legislative Council

PETITION

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia respectfully [request/oppose/support] [state the facts or circumstances leading to the petition].

Your petitioners, therefore respectfully request that the Legislative Council will [detail the action the Legislative Council should, or should not, take].

And your petitioners as in duty bound, will ever pray.

Name	Address	Signature
_____	_____	_____
_____	_____	_____

Sample petition for Legislative Assembly

PETITION

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned say [state the facts or circumstances leading to the petition].

Now we ask the Legislative Assembly [detail the action the Legislative Assembly should, or should not, take].

Name	Address	Signature
_____	_____	_____
_____	_____	_____

Special rules for petitions to the Commonwealth Parliament

The Senate will generally not accept petitions that refer to a debate being held in the same session of Parliament.

Petitions to either House of the Commonwealth Parliament must not be lodged by a Member who signed the petition.

Petitions to the House of Representatives may show an address of a particular Member of Parliament as the person who will be presenting the petition, but they must not otherwise suggest the support or sponsorship of that or any other Member of Parliament.

Sample petition for the Senate

PETITION		
To the Honourable the President and Members of the Senate in Parliament assembled.		
The petition of the undersigned shows [state the facts or circumstances leading to the petition].		
Your petitioners request/ask that the Senate should [detail the action the Senate should, or should not, take].		
Name	Signature	Address
_____	_____	_____
_____	_____	_____

Sample petition for the House of Representatives

PETITION		
To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament.		
The petition certain [identify (in general terms) who the petitioners are, eg "citizens of Australia", or "residents of the State of" or "electors of the Division of"] draws to the attention of the House or points out to the House [state the facts or circumstances leading to the petition].		
Your petitioners therefore request/ask the House to [detail the action the House of Representatives should, or should not, take].		
Name	Signature	Address
_____	_____	_____
_____	_____	_____



How should a petition be signed?

Signatories must sign for themselves except in cases of sickness and incapacity. Those who cannot sign their own name may make their mark. The signature and address of a witness should accompany this mark. Petitions of corporations may be made under their common seal.

Can I use an internet petition?

The Australian Senate is the only House of Parliament that will accept petitions distributed and signed electronically on the Internet. A hard copy of the 'electronic signatures' is presented along with a letter from the presenting Senator certifying that Standing Orders were followed. In particular, each petitioner must have seen and understood the wording of the petition before they 'signed'. An electronic signature consists of a person's name and email address. They do not have to provide their street address.



To whom do I give my petition?

Your responsibility is to give the petition to a member of the appropriate House of Parliament or local government council. That member is then responsible for bringing the petition to the attention of the body of which she or he is a member.

You can give the petition to any member of the relevant body – it does not have to be your local representative or the member responsible for the petition's subject matter.

There is no direct obligation on any member to present a petition given to them. However, most regard it as their duty to do so, regardless of their personal opinion on the subject matter of the petition.



What happens after I present my petition?

Upon receiving the petition it will be checked to ensure that it complies with the rules already mentioned. If it does, the petition will be brought to the attention of Parliament or the local council, as appropriate, and processing can start.

Different bodies are subject to different requirements to act upon petitions they receive.

Local government

There are no specific directions as to dealings with petitions. Petitions presented at Council meetings should be noted in the minutes for that meeting and be used by the Council to assess public opinion on the subject matter of the petition. Petitions received as part of the public submission period, typically for a planning decision, will be dealt with by Council staff in their report on submissions.

Western Australian Parliament

In the Legislative Assembly the petition is read out and noted in Hansard. There is no requirement for the Legislative Assembly to take action with respect to the petition. No debate on the subject matter of the petition is allowed, but the petition may, by motion, be referred to a committee.

In the Legislative Council the petition is immediately included in the Notice Paper for the next sitting and is referred to the Environment and Public Affairs Committee for consideration and report (usually upon the advice of the appropriate Minister). The principal petitioner will be advised of the outcome of the report.

Commonwealth Parliament

In the House of Representatives, petitions are announced in Parliament by a clerk and recorded in Hansard. A copy of every petition is given to the Minister responsible for the administration of the matter that is the subject of the petition. The Minister may lodge a response that is announced in Parliament. Petitions may also be referred to a committee by motion.

In the Senate, a summary of the petition is circulated to Senators and the full text is printed in Hansard. Petitions are also brought to the attention of the appropriate Parliamentary committee, which may act upon them.



What can I do if my petition is ignored?

Petitions, and the procedures following their submission, are unenforceable by the courts. Their potential for influence is solely political. A representative body that does not act in response to a petition does so solely on pain of losing votes the next election.

Contacts and further information

House of Representatives and Senate (Federal Parliament)

Tel: (02) 6277 7111

Legislative Assembly (WA Parliament)

Tel: (08) 9222 7215

Legislative Council (WA Parliament)

Tel: (08) 9222 7384

Western Australian Local Government Association, West Perth

Tel: (08) 9321 5055

The Environmental Defender's Office WA (Inc)

The Environmental Defender's Office WA (EDO) is a community legal centre specialising in public interest environmental law.

The objects of the EDO include:

- ◆ to provide community groups and individuals with legal advice and representation to help protect the environment;
- ◆ to promote law reform that improves environmental protection; and
- ◆ to provide community education about environmental law.

The EDO is a non-profit, non-government organisation. The EDO receives its principal funding from the Federal Attorney-General's Department. However, these funds are limited and donations from the public provide a vital source of funds for many of our activities. Donations over \$2 are fully tax deductible. The EDO also welcomes people with a commitment to the environment to join as members.

If you require legal advice on an environmental issue or wish to find out more about the EDO, please contact us at the following address:

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Second Floor, Kings New Office Tower
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Fact Sheets produced with the assistance of:

