

INQUIRY INTO E-PETITIONS

Organisation: ACT Legislative Assembly
Name: Ms Joy Burch
Date received: 8 June 2017



Speaker

The Honourable John Ajaka MLC
President
Legislative Council
Parliament of New South Wales
Macquarie St
Sydney NSW 2000

Dear Mr President

Inquiry into e-petitions

I am pleased to provide a response to your letter of 13 April 2017 seeking information on e-petitions. In 2011 and 2012 the Standing Committee on Administration and Procedure Committee expressed interest in the Assembly developing the capacity to accept e-petitions. Up until that point the only form of petition permitted was in a paper form and conforming with standing orders.

When the issue was canvassed among other jurisdictions, the Committee was particularly attracted to the e-petition system that had been developed by the Queensland Parliament as its petitioning procedure was similar to that of the ACT Legislative Assembly. The Queensland Parliament very generously provided its model to the ACT for a token licence fee. The cost of redesigning the software provided by Queensland was considerably more than anticipated ending at around \$50 000.

Like its "paper" equivalent, petitions to the parliament must be lodged via a Member. However, a key difference with the e-petitions model is the involvement of a Member from the outset. Anyone wishing to create an e-petition must first seek the sponsorship of a Member to do so. The advantage of this is that the terms of an e-petition can be drafted so that issues such as whether the petition falls within the competence of the Assembly can be resolved before going online.

Once a Member has agreed to sponsor an e-petition, its terms are vetted by the Clerk. (The Clerk's Office is available to provide advice at all stages of the process). If the e-petition is in order, the Clerk will arrange for it to be placed on the Parliament's website. The petition remains on the website for an agreed period, from 1 week to 6 months.

The name and contact details of the petition's organiser (called Principal Petitioner) are detailed on the e-petition. Responsibility for promoting and disseminating the e-petition rests with the petition's organisers. To assist, a link is provided on the e-petition for it to be emailed to potential petitioners.

Petitioners "sign" an e-petition by filling in a simple online form with their name and address details, and their email address. Unlike those of the Principal Petitioner, these details are not viewable on the website, rather, just a cumulative total of the number of signatories to the e-petition.

At the conclusion of the agreed period, the Clerk's Office runs off a hard copy of the e-petition (complete with the names and addresses of all petitioners) and arranges for it to be presented to the Assembly. Like with paper petitions, the e-petition is forwarded to the appropriate Minister for a response.

To date, since the introduction of e-petitions there have been a total of 53 petitions lodged, 14 of them were electronic and 39 were paper petitions.

I have attached a series of downloads from the Assembly website <https://epetitions.act.gov.au/> which provide more detail on the Assembly's e-petition mechanism



Joy Burch MLA
Speaker
June 2017



ACT LEGISLATIVE ASSEMBLY

About e-Petitions

Under standing orders an e-Petition is described as a petition:

- i. in the correct form, stating a grievance and containing a request for action by the Assembly;
- ii. sponsored by a Member and lodged with the Clerk for publication on the Assembly's website for a nominated period ("posted period"); and
- ii. in which persons elect to indicate their support ("join the petition") by electronically providing their name, address (including postcode), email address and signifying their intention to join the petition.

A Member of the Legislative Assembly sponsoring an e-Petition must provide the Clerk with the details of the petition in the correct form, the posted period and a signed acknowledgment that they are prepared to sponsor the e-Petition. Once published on the Assembly's website an e-Petition cannot be altered.

Only one e-Petition dealing with substantially the same grievance and requesting substantially the same action by the Assembly shall be published on the Assembly's website at the same time.

The posted period for an e-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Assembly's website. Once the posted period for an e-Petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Assembly.

An e-Petition published on the Assembly's website, but not presented to the Assembly prior to the expiration of an Assembly, may be presented to the subsequent Assembly to become a petition of the subsequent Assembly.

An e-Petition cannot be sponsored after the expiration of an Assembly and until the new Assembly has met and Members sworn.

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e-Petition request form

This form may be used when seeking to obtain sponsorship from a Member of the ACT Legislative Assembly of a proposed e-Petition for posting on the ACT Legislative Assembly website.

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

Name of Member of the Legislative Assembly sponsoring e-Petition*: (to be completed by Principal Petitioner)

Principal Petitioner's Details: (to be completed by Principal Petitioner)

Name

Address

Postcode

Telephone (office hours)

Email

Proposed e-Petition Details: (to be completed by Principal Petitioner)

Subject

The following residents of the ACT draws to the attention of the Assembly (state the text of grievance):

Your petitioners, therefore, request the Assembly to (state the text of the action required):

Number of words (word limit of 500 in total for grievance and action required)

Closing date (posting period minimum one week/maximum six months from date of posting)

Signature

Date: / /

Note: The Member of the Legislative Assembly will contact you to advise of the outcome of your request. If the MLA agrees to sponsor the e-Petition, you may be required to attend their office to sign another e-Petition request form if there are any required changes to the e-Petition.

* The contact details for MLAs are available from the ACT Legislative Assembly website at <http://www.parliament.act.gov.au/members/current> or on (02) 6205 0439.



e-Petition request form

Member of the Legislative Assembly details: (to be completed by the MLA – the completed form is then to be forwarded to the Office of the Clerk of the Assembly)

Name

Electorate

I agree to sponsor the petition overleaf

Signature

Date:

/ /



e-Petitions information and guidelines

e-Petitions

Petitioning is one of the traditional methods by which members of the public can make a formal request to the Legislative Assembly. Until November 2012, petitions were only possible in paper form.

The Legislative Assembly for the ACT has introduced online petitioning. Petitions submitted in electronic format are referred to as "e-Petitions".

Information on e-Petitions is available on the ACT Legislative Assembly website at www.parliament.act.gov.au. You can locate e-Petitions, and if you wish, join a current e-Petition, through this website. When a Minister responds to an e-Petition you will also be able to read the response on the website.

e-Petitions and paper petitions

e-Petitions do not replace the paper petition process.

If you wish to start a petition you can choose to circulate either a paper petition or an e-Petition. As the "Principal Petitioner", you will also have the option of running both processes in order to reach the widest audience.

Who is eligible to join an e-Petition?

Most people are eligible to initiate or join an e-Petition. People who can petition the ACT Legislative Assembly, are ACT residents and/or citizens as set out in the Assembly's standing orders.

The Principal Petitioner will identify who might have an interest in, and want to support, the petition.

How are e-Petitions started?

Step One: Approach a Member of the Legislative Assembly (MLA) to sponsor your petition

The key difference between the paper-based and electronic process for petitions relates to how the process is started. In the case of e-Petitions, you must seek the sponsorship of an MLA as the first step. (Paper petitions are usually circulated for signatures prior to locating a sponsoring MLA.)

Only an MLA can lodge the petition with the Clerk for announcement in the Assembly.

You may approach any MLA to sponsor an e-Petition, however you should approach only one MLA at a time.

Information on how to contact MLAs is available through the Assembly's website at www.parliament.act.gov.au or you can contact the Assembly for this information on 6205 0439.

Step Two: Complete an e-Petition request form

An e-Petition request form is included with this brochure and is also available on the Assembly's website. You may choose to use this form when seeking an MLA to support your proposed e-Petition. The form records:

- the precise wording of the e-Petition;
- the eligibility criteria for persons wishing to join, eg ACT residents;
- the period the e-Petition will be on the website;
- the sponsoring MLA's details; and
- the Principal Petitioner's details.

It is not compulsory to use this form to request an MLA to support a proposed e-Petition. However, an e-petition request form must be filled out once an MLA agrees to sponsor the e-Petition, which both the MLA and you are required to sign.

The MLA may request changes before agreeing to sponsor an e-Petition. If you originally used the e-Petition request form to seek the MLA's support, you would need to fill out and sign a revised version of this form that reflects the MLA's changes.

Step Three: The MLA then provides the signed e-Petition request form to the Clerk of the Assembly

The Clerk will check that it meets the requirements set out in the Standing Orders. If these requirements are satisfied, the e-Petition is posted on the website until the specified closing date.

How long can an e-Petition be posted on the website?

All current e-Petitions are accessible from the website. An e-Petition can be posted on the website for a minimum period of one week and a maximum period of six months.

The Principal Petitioner, together with the sponsoring MLA, decide the length of time the e-Petition will remain open for people to join.

Who will promote an e-Petition?

As with paper petitions, the Principal Petitioner is responsible for raising awareness in the community about the availability of the specific e-Petition. (The name and address of the Principal Petitioner will be provided on the website.)

The ACT Legislative Assembly's role is only to facilitate the e-Petitions process.

What happens after the e-Petition is closed?

Once the posting period for an e-Petition has closed, the e-Petition will be made available in hard copy format for presenting in the Assembly. The Clerk of the Legislative Assembly will announce the terms of the petition in the sponsoring MLA's name at the first available opportunity.

Will Ministers respond to e-Petitions in the Assembly?

The Minister to whom the petition is sent must present a response to the Assembly. These responses are also recorded in the *Minutes of Proceedings* and *Hansard*.

In the case of e-Petitions, when a Minister presents a response to the Assembly, the response will also be posted on the website at www.parliament.act.gov.au.

Conditions of use

If you wish to join an e-Petition, you will need to accept the e-Petition's conditions of use, which outline:

- the eligibility requirements;
- the requirement that a person may only join an e-Petition once; and
- the prohibition of the use of false names.

A breach of the conditions of use might amount to contempt of Parliament. Actions that are considered to be in contempt of Parliament include:

- presenting a forged or falsified document to the Assembly or a committee;
- submitting a petition containing false, scandalous or groundless allegations; or
- inducing a person to sign a petition by fraud and misleading the Assembly.

The Assembly may take action against you if it finds you in contempt.

Once you accept the conditions of use, you will be provided with a random identification number. You will be required to record this number when joining an e-Petition, along with your name, address (including postcode) and email address.

What about privacy?

Only the name and address of the Principal Petitioner will be made public on the web site.

The personal details of people who join e-Petitions will not be published in any form on the website. The website will only show a tally of the number of signatures collected.

A Privacy Statement on the website details how your personal information will be protected.

Rules concerning petitions

Petitions to be lodged with Clerk and to bear certificate

83. Every petition shall be lodged with the Clerk by 5 pm on the day previous to the meeting of the Assembly at which it is proposed that it be presented; when presented the petition must bear a certificate signed by the Clerk or the Deputy Clerk that it conforms with the standing orders.

Petitions which do not conform with the standing orders

83A. Petitions which do not conform with the standing orders may be lodged with the Clerk and may be presented by a Minister in accordance with standing order 74. The Minister may indicate the subject matter of the paper and the number of signatories.

Time for presenting certain petitions

84. A petition referring to a motion or an order of the day may be presented when such motion or order of the day is called on. A petition presented in this manner must contain certification from the Clerk or Deputy Clerk that it is in order.

To be addressed to the Assembly, legible, and free of sponsorship

85. Every petition shall be addressed to the Assembly, shall refer to a matter within the power of the Assembly, shall request action by the Assembly, and shall be fairly written, typewritten, printed or reproduced by mechanical process, without interlineation or erasure.

To be from residents/citizens of the Australian Capital Territory

86. Petitions must only contain signatures of residents/citizens of the Australian Capital Territory.

To be in English or accompanied by translation

87. Every petition shall be in the English language or be accompanied by a translation certified to be correct. A person certifying a translation to be correct shall affix his or her name and address to the translation.

To be signed on the same sheet

88. Every petition shall contain the signature and address of at least one person on the sheet on which the petition is inscribed.

To be signed by persons themselves

89. Each signature must be made by the person signing in his or her own handwriting; provided that persons unable to write shall affix their marks in the presence of a witness, who shall, as such, also affix his or her signature and address, and the address of the petitioner.

Signatures not to be transferred

90. Every signature must be written on a page bearing the terms of the petition, or the action asked for by the petition. Signatures must not be copied, pasted or transferred on to the petition or placed on a blank page on the reverse of a sheet containing the terms of the petition.

To be received only as from persons signing

91. All petitions shall be received only as the petitions of the parties signing the same.

From corporations

92. A petition from a corporation must be made under its common seal; otherwise it will be received as the petition of the individuals who signed it.

Documents not to be attached

93. Letters, affidavits, or other documents, may not be attached to a petition.

Must be respectful and within ministerial responsibility

94. Every petition shall be respectful, decorous and temperate in its language, and shall not contain irrelevant statements. If, in the opinion of the Speaker, the subject matter is not within the ministerial responsibility of the Territory or is critical of a character or conduct of a person, contains unbecoming expressions, is not respectful, decorous or temperate in its language or offends any standing order other than those relating to petitions, the paper shall be returned to the Member who lodged it.

Must be lodged by a Member

95. Petitions for presentation to the Assembly can be lodged with the Clerk only by Members, but Members cannot lodge petitions from themselves. Petitions shall be free from any indication that a Member may have initiated the petition.

Members to sign and indicate number of petitioners

96. Every Member lodging a petition with the Clerk for presentation to the Assembly shall sign the beginning of that petition and indicate the number of eligible petitioners.

Standing orders to be observed

97. Every Member lodging a petition shall take care that the petition conforms to these standing orders.

Clerk to announce particulars of petitions lodged

98. The Clerk shall make an announcement as to the petitions lodged for presentation to the Assembly, indicating in the case of each petition the Member who lodged it, the identity and number of the eligible petitioners and the subject matter of the petition, and any Ministerial responses to petitions previously presented. No discussion upon the subject matter of a petition shall be allowed at the time of presentation.

Question on presentation

99. Upon the presentation of a petition to the Assembly, or on the next sitting day, a Member may move without notice that a particular petition be referred to a committee.

Referred to Ministers – Minister's response

100. A copy of every petition lodged with the Clerk and received by the Assembly shall be referred by the Clerk to the Minister responsible for the administration of the matter which is the subject of the petition. A Minister must respond to that petition within 3 months of the tabling of the petition by lodging a response with the Clerk for presentation to the Assembly, such response being announced at the end of the petitions announcement.

Electronic petitions ("e-petitions")

100A. (a) An e-petition is a petition:

- (i) in the correct form, stating a grievance and containing a request for action by the Assembly;
- (ii) sponsored by a Member and lodged with the Clerk for publication on the Assembly's website for a nominated period ("posted period"); and

- (iii) in which persons elect to indicate their support ("join the petition") by electronically providing their name, address (including postcode), email address and signifying their intention to join the petition.
- (b) The posted period for an e-petition is to be a minimum of one week and a maximum of six months from the date of publication on the Assembly's website.
- (c) A Member sponsoring an e-petition must provide the Clerk with the details of the petition in the correct form, the posted period and a signed acknowledgment that they are prepared to sponsor the e-petition.
- (d) Once published on the Assembly's website an e-petition cannot be altered.
- (e) Only one e-petition dealing with substantially the same grievance and requesting substantially the same action by the Assembly shall be published on the Assembly's website at the same time.
- (f) Once the posted period for an e-petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Assembly.
- (g) An e-petition published on the Assembly's website, but not presented to the Assembly prior to the expiration of an Assembly, may be presented to the subsequent Assembly to become a petition of the subsequent Assembly.
- (h) An e-petition cannot be sponsored after the expiration of an Assembly and until the new Assembly has met and Members sworn.
- (i) Persons must join an e-petition by filling out their correct details and personally agreeing to join the e-petition, and by no-one else, except in case of incapacity from sickness.
- (j) A person cannot sign or join the same e-petition more than once.

Duties and powers of the Clerk and Speaker regarding e-petitions

- 100B. (a) The Clerk may decline to publish an e-petition on the Assembly's website not in conformity with these standing orders and advise the sponsoring Member accordingly.
- (b) The Clerk or a Member may seek a ruling from the Speaker about the conformity of any petition with these standing orders.

- (c) The Clerk is authorised to create and maintain an appropriate website on which to publish electronic petitions, responses to petitions and explanatory information and do all things necessary in order to give effect to these standing orders.
- (d) The Clerk must dispose of all electronic personal data related to the posting and joining of an e-petition within six months after an electronic petition is printed and presented to the Assembly.

Application of standing orders to e-petitions

100C. The standing orders relating to petitions apply to e-petitions in-so-far-as they can be applied.

The Legislative Assembly can be contacted on:

Phone	(02) 62053116 (General Inquiries) (02) 62050173 (Clerk's Office)
Facsimile	(02) 62053109
Email	LApetitions@parliament.act.gov.au
Website	www.parliament.act.gov.au



ACT LEGISLATIVE ASSEMBLY

e-Petitions conditions of use

The e-Petitions process is governed by the standing orders of the Legislative Assembly. These orders enable the Legislative Assembly of the ACT to accept electronic petitioning ("e-Petitions").

By electing to join an e-Petition, the petitioner acknowledges that they meet the conditions detailed below.

1. The petitioner is a resident/citizen of the Australian Capital Territory.
2. The petitioner has not already joined the e-Petition
3. The petitioner must provide their correct name, address (including postcode) and email address.
4. If a petitioner is unable to join an e-Petition due to incapacity from sickness, they are able to have another join on their behalf.

Information on the collection and storage of personal information is available in our [Privacy Statement](#).

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ACT LEGISLATIVE ASSEMBLY

Rules concerning petitions

The Legislative Assembly's standing orders provide the following general rules for petitions:

Petitions to be lodged with Clerk and to bear certificate

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Petitions which do not conform with the standing orders

83A. Petitions which do not conform with the standing orders may be lodged with the Clerk and may be presented by a Minister in accordance with standing order 74. The Minister may indicate the subject matter of the paper and the number of signatories.

Time for presenting certain petitions

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To be addressed to the Assembly, legible, and free of sponsorship

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Members to sign and indicate number of petitioners

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Standing orders to be observed

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Clerk to announce particulars of petitions lodged

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Question on presentation

99. Upon the presentation of a petition to the Assembly, or on the next sitting day, a Member may move without notice that a particular petition be referred to a committee.

Referred to Ministers – Minister's response

100. A copy of every petition lodged with the Clerk and received by the Assembly shall be referred by the Clerk to the Minister responsible for the administration of the matter which is the subject of the petition. A Minister must respond to that petition within 3 months of the tabling of the petition by lodging a response with the Clerk for presentation to the Assembly, such response being announced at the end of the petitions announcement.

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- a. An e-petition is a petition:
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 - b. The posted period for an e-petition is to be a minimum of one week and a maximum of six months from the date of publication on the Assembly's website.
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 - e. Only one e-petition dealing with substantially the same grievance and requesting substantially the same action by the Assembly shall be published on the Assembly's website at the same time.
 - f. Once the posted period for an e-petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Assembly.
 - g. An e-petition published on the Assembly's website, but not presented to the Assembly prior to the expiration of an Assembly, may be presented to the subsequent Assembly to become a petition of the subsequent Assembly.
 - h. An e-petition cannot be sponsored after the expiration of an Assembly and until the new Assembly has met and Members sworn.
 - i. Persons must join an e-petition by filling out their correct details and personally agreeing to join the e-petition, and by no-one else, except in case of incapacity from sickness.
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Duties and powers of the Clerk and Speaker regarding e-petitions

- 100B.
- a. The Clerk may decline to publish an e-petition on the Assembly's website not in conformity with these standing orders and advise the sponsoring Member accordingly.
 - b. The Clerk or a Member may seek a ruling from the Speaker about the conformity of any petition with these standing orders.
 - c. The Clerk is authorised to create and maintain an appropriate website on which to publish electronic petitions, responses to petitions and explanatory information and do all things necessary in order to give effect to these standing orders.
 - d. The Clerk must dispose of all electronic personal data related to the posting and joining of an e-petition within six months after an electronic petition is printed and presented to the Assembly. (d) Once published on the Assembly's website an e-petition cannot be altered.

Application of standing orders to e-petitions

100C. The standing orders relating to petitions apply to e-petitions in-so-far-as they can be applied.

The Legislative Assembly can be contacted on:

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Facsimile (02) 62053109

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e-Petitions Privacy Statement

Your Privacy

This privacy statement sets out how the privacy of personal information collected within the e-Petitions section on the Legislative Assembly for the Australian Capital Territory website is administered.

Information collected

Visitors

This site does not store personal information in cookies.

When you visit the e-Petitions website our web server makes a record of your visit and records the following information for statistical purposes only:

- Your server address
- Top level domain name (eg. .com, .net, .gov, .au, etc)
- The type of browser and operating system you used
- Date and time of your visit
- The previous site visited
- Which pages are accessed
- The time spent on individual pages and on the site overall
- Which files were downloaded

No attempt will be made to identify individual users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency (eg Australian Federal Police) exercises a warrant to inspect our web server's log files.

Users

The e-Petitions process in the Legislative Assembly is governed by the standing orders which have been approved by the Assembly. In the case of all petitioners, their name, address (including postcode) and email address is required. This information is required as a means of verifying the person and their eligibility to join the e-Petition. (A person is eligible to petition to the Legislative Assembly if they are a resident/citizen of the ACT. See Conditions of Use)

Feedback

A petitioner also has the option of sending a message to a nominated email address on the website. This message will be monitored by staff for system trouble-shooting, maintenance and evaluation processes. Any email correspondence sent will be treated as a public record and will be retained as required by law or the rules and practices of the Legislative Assembly. This information is stored in a secured area and will not be used for any other purpose nor disclosed without the petitioner's consent.

Access to personal information

Any personal information you chose to provide will only be used for the purpose for which it was provided.

The standing orders require the name, address (including postcode) and email address of all petitioners, however the Principle Petitioner's details will be published on the e-Petition. The personal details of persons who join an e-Petition will not be viewable in any form on the website.

A petitioner's name, address and email address will not be added to a mailing list by the Legislative Assembly. Access to the electronic information is restricted to certain officers of the Legislative Assembly. However, the information from paper petitions (including tabled e-Petitions) can be viewed with the Speaker's permission. The personal information within paper petitions includes the name and address of the persons who have joined e Petitions.

Principal petitioners may be contacted to provide feedback on the e-Petitions process.

Security

The Internet is an insecure medium and users should be aware that there are inherent risks in transmitting information across the Internet. Information submitted unencrypted via email or web forms may be at risk of being intercepted, read or modified.

Note

This site contains links to other sites. The Legislative Assembly for the ACT is not responsible for the privacy practices or the content of such web sites.

Legislative Assembly can be contacted on:

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