

PETITIONING THE HOUSE OF REPRESENTATIVES



Office of the Clerk of the House of Representatives

2005

About this booklet

This booklet is designed to assist those who are preparing a petition for presentation to the House of Representatives. It sets out how to prepare a petition within the procedures set out in the Standing Orders of the House of Representatives (rules of procedure) to ensure the petition is accepted.

The booklet also explains the process of having the petition presented and what happens to the petition after presentation.

Contents

	Page
Introduction to petitions	5
What is a petition?	5
Who can petition?	5
Should you petition?	5
Terms used in this booklet	6
How to prepare a petition	8
Wording the request of the petition	8
Preparing the cover sheet of the petition	8
Preparing signature sheets and collection of signatures	9
Petitions that are not in order	9
Presenting a petition	11
The role of members of Parliament	11
The role of the Clerk of the House	11
When a petition is presented to the House	11
What happens to your petition	12
Consideration by select committee	12
Report on a petition to the House	12
Referral of the report to the Government	13
What happens to a petition at the end of a term of Parliament?	13
Further information	13
Appendices	14
1 Cover sheet – suggested format (OC 1)	14
2 Signature sheets – suggested format (OC 2)	15
3 Flowchart of petitions process	16

Introduction to petitions

What is a petition?

A signed request for the House to take action

A petition is a document addressed exclusively to the House of Representatives, signed by one person or many people, that requests the House to take a clearly defined action on a matter of public policy or law, or to redress a local or private grievance.

Who can petition?

Any person can sign a petition

Anyone of any age may petition the House of Representatives, including corporations and unincorporated bodies having sufficient identity as organisations.

Should you petition?

You may petition the House when other remedies have been exhausted

Petitioning the House should be your last course of action. Where no other remedies are available, or where other statutory remedies have been exhausted, you may petition the House.

Terms used in this booklet

Principal petitioner	<p>The individual or person representing an organisation responsible for the petition. The principal petitioner is usually the person who has initiated or organised the petition, and who is sought by a select committee to provide further information on the petition.</p> <p>Make sure this person is clearly identified on the petition. This booklet assumes you are the principal petitioner.</p>
Request	<p>The brief statement outlining the action the petitioner wishes the House of Representatives to take.</p>
Cover sheet	<p>The part of the petition identifying the principal petitioner, the sponsoring member of Parliament, and containing the text of the request (form OC 1).</p>
Signature sheets	<p>The sheets showing to whom the petition is addressed (which is the House of Representatives), the request of the petition, and providing space for the signatures to be collected (form OC 2).</p>
Legal remedies	<p>The statutory means of redressing a grievance that are available to a petitioner, including investigation by the Ombudsmen.</p>
Sponsoring member of Parliament	<p>The member of Parliament who agrees to present the petition for you and, in that capacity, signs the cover sheet.</p>
Office of the Clerk	<p>The secretariat of the House of Representatives. It is the institution responsible for checking petitions against the provisions of Standing Orders (rules of the House of Representatives), and assisting select committee members in dealing with petitions.</p>

Ombudsmen

The Office of the Ombudsmen can investigate and review decisions, recommendations or acts relating to matters of administration in Government departments, related organisations and local authorities. You can obtain advice on whether a matter is within the jurisdiction of the Ombudsmen from www.ombudsmen.govt.nz, the offices of the Ombudsmen situated in Wellington, Auckland and Christchurch, or by writing to the Office of the Ombudsmen, P O Box 10-152, The Terrace, Wellington.

How to prepare a petition

Wording the request of the petition

Reviewing available legal remedies

Check all avenues for redress, including, where appropriate, approaching the Ombudsmen. A petition cannot be accepted if you have not exhausted your legal remedies and the matter should be dealt with by the courts or a tribunal. This restriction applies when you have a statutory right of appeal or have legal action pending.

Wording the request

Requests must:

- be in English or Māori
- use respectful and moderate language
- ask the House of Representatives to take a defined action
- not contain irrelevant statements.

Checking the request

Contact the Office of the Clerk to ensure no petition with a similar request has already been finally considered during the current term of Parliament. (Contact: ☎ (04) 471 9999, postal address Office of the Clerk of the House of Representatives, Parliament House, Wellington, email Petitions@clerk.parliament.govt.nz)

Preparing the cover sheet of the petition

Signing the cover sheet

Sign the cover sheet (see form OC 1) and provide your address to be used for correspondence related to the petition.

If the petition is from a corporation or unincorporated body, a duly authorised officer of the body must sign the front page of the petition on behalf of the body.

If the body is incorporated outside New Zealand, an authorised attorney may sign the front page of the petition.

Writing the request Write legibly or type in the request of the petition on the cover sheet.

Preparing signature sheets and collection of signatures

Preparing signature sheets Ensure each signature sheet (see form OC 2) is addressed to the House of Representatives by writing or typing the words 'To the House of Representatives' on the top of each signature sheet. Under that line, write the request of the petition, as it appears on the cover sheet. You may specify a name and address where the signed sheets are to be posted.

Rules for signatures on pages When collecting signatures on pages:

- signatories do not have to include their addresses
- unless incapacitated, a person must sign a petition personally (a person signing on behalf of a person incapacitated must state this fact beside the signature)
- signatures must be original (not photocopied, faxed, scanned, pasted or otherwise transferred onto sheets of the petition).

Petitions that are not in order

Some circumstances where petitions not accepted Set out below are circumstances where your petition will not be accepted by the House or dealt with by a select committee.

Must be addressed to the House Your petition must be addressed directly to the House. Petitions addressed to the Governor-General, a Minister of the Crown, or any other body or person are not parliamentary petitions and will not be accepted.

Matters within the Ombudsmen's jurisdiction If the matter can be investigated by the Ombudsmen, you must first apply to the Office of the Ombudsmen.

Legal remedies to be exhausted first A petition cannot be accepted if you have not exhausted your legal remedies and the matter

should be dealt with by the courts or a tribunal.
This restriction applies when you have a statutory
right of appeal or have legal action pending.

*Must differ from
earlier petitions
finally considered by
the House*

If a petition is on the same subject matter as an
earlier petition that has already been finally
considered during the term of the current
Parliament, it will not be accepted. Such a
petition may be accepted only if substantial and
material new evidence has become available since
the consideration of the earlier petition.

Presenting a petition

The role of members of Parliament

MPs present petitions to the House

When your petition is ready, ask your local member of Parliament to arrange for it to be presented.

A member of Parliament presents a petition by delivering it to the Clerk.

Presenting a petition does not mean a member agrees with its intent.

A member is not obliged to present a petition.

The member presenting the petition must sign the cover sheet (see form OC 1).

The role of the Clerk of the House

Petitions are checked by the Clerk

When petitions are delivered by members to the Clerk, they are checked. If your petition complies with the rules and conventions of the House, it is presented. If your petition does not comply, it will be returned to the member.

When a petition is presented to the House

Petitions are allocated to a committee and announced in the House

When a petition is presented it is allocated to the appropriate select committee.

The announcement of petitions presented is usually the first item of business after 2 pm on each sitting day of the House. The Clerk of the House reads the name of the principal petitioner and a brief summary of each petition request. There is no debate.

What happens to your petition

Consideration by select committee

Committees may seek submissions

Once your petition has been allocated to a select committee, that committee can choose how to deal with it. It may decide to seek further information (a submission) from you. You may be asked to provide information regarding the specific nature of the petition. Your submission should be in writing. A committee may also request submissions from Government departments and other interested parties.

Committees may hear oral submissions

Select committees may also hear oral evidence. If you wish to be heard, state this clearly when making a written submission. You will be responsible for paying for your own travel and any other costs associated with presenting a submission.

Guidance available on making a submission

Copies of the booklet *Making a Submission to a Parliamentary Select Committee* are available free of charge from the Office of the Clerk or at www.parliament.nz.

Queries to clerk of committee

Address any enquiries about a select committee's consideration of a particular petition to the clerk of the committee.

Report on a petition to the House

Committee may make recommendations

A select committee has a variety of options available when reporting on a petition to the House. These include:

- a report with recommendations
- a report with no recommendations at all
- if a petition was considered with another item of business, the committee may acknowledge that and include the petition in its report on that item.

	If the committee makes no recommendation, no further action will be taken on your petition.
<i>You will be notified when your petition is reported</i>	The clerk of the committee will notify you of the outcome of a committee’s deliberation once the report on your petition is made to the House.
	Referral of the report to the Government
<i>Government action on petitions reported</i>	Every select committee report that contains recommendations to the Government is referred to the Government. The Government must report on what action, if any, it has taken to implement the recommendations. That report must be made within 90 days of the select committee’s report being presented. The Government’s report on a petition is presented to the House as a parliamentary paper. It is printed and available on the parliamentary website.
	What happens to a petition at the end of a term of Parliament?
<i>Petitions lapse</i>	At the end of every term of Parliament, all business before the House, including select committee business, lapses. If your petition is before a select committee, it will lapse too. The newly elected Parliament may decide to reinstate your petition. If it lapses and is not reinstated, you may present another petition on the matter.
	Further information
<i>Further information available</i>	Appendix 3 summarises the petition process in diagram form. If you would like further information on procedures, consult the Petitions Officer in the Office of the Clerk of the House of Representatives, ☎ (04) 471 9999.
<i>Publications on the website</i>	The Office of the Clerk publishes a range of material about Parliament. This can be found on the website at www.parliament.nz .

Appendix 1
(Form OC 1)

Cover sheet – suggested format

To the House of Representatives		
<i>The petition of</i> _____		
(NAME)		(PLEASE PRINT CLEARLY)
<hr/>		
(ADDRESS)	(PLEASE PRINT CLEARLY)	(SIGNATURE)
and _____ others		
(INSERT NUMBER)		
Respectfully requests:		
<i>That</i>		

Appendix 2

(Form OC 2)

Signature sheets – suggested format

<p>To the House of Representatives</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(SUMMARY OF REQUEST)</p> <p>_____</p> <p>_____</p>	
<p><i>This form should accompany form OC1 or a similar sheet, addressed to the House of Representatives with the name and address of the person to whom communication concerning the petition should be addressed.</i></p>	

Appendix 3

