

GUIDELINES FOR
SUBMITTING PETITIONS
TO THE **LEGISLATIVE ASSEMBLY**

2018



Office of Parliamentary Counsel
Legislative Assembly of Alberta

GUIDELINES FOR SUBMITTING PETITIONS

to the Legislative Assembly

Petitions to the Legislative Assembly are a means by which members of the public may bring certain issues to the notice of the Assembly and request the Assembly to do or refrain from doing something.

- By convention, petitions may only be presented to the House by private Members (i.e. MLAs who are not Cabinet Ministers).
- When a Member presents a petition, this does not necessarily mean that the Member holds the same view that is expressed in the petition. Rather, the Member is simply fulfilling his or her role as an elected representative in bringing forward in the Assembly certain views expressed by constituents.
- Members are not, however, obliged to present a petition in the Assembly.

There are a number of rules governing the form and content of petitions to be presented in the Assembly.

- Before being presented in the Assembly, petitions must be reviewed by Parliamentary Counsel to ensure they are in proper form. This must occur no later than one sitting day prior to the day the petition is to be presented in the House.
- Petitions that are not in proper form will be returned to the Member. Signatures on a petition must be original. Petition pages with photocopied signatures and petitions in electronic format are not in order.
- The Member must endorse his or her name on the front page of the petition. This does not mean that the Member supports the remedy requested in the petition, it only indicates that the petition is being submitted through that Member, who has taken all reasonable care to ensure the petition's authenticity, and that the signatures are genuine.
- The petition is presented in the Assembly by the Member at the appropriate time in the Daily Routine.

- The Member confines his or her remarks to a brief description of the remedy sought, the number of signatures attached and the geographic area represented by those signing the petition.

Often Members are unsure of the rules for presenting petitions on behalf of their constituents. The following, compiled from the Standing Orders of the Legislative Assembly, House of Commons Procedure and Practice [3rd edition, Bosc and Gagnon, 2017], Beauchesne's (6th edition), and the practice in the Alberta Assembly, gives a brief summary of how to draw up and eventually present a petition.

1. The petition must be addressed to the Legislative Assembly. It cannot be addressed to the Government, a particular caucus, a political party or to any individual Member (e.g. the Premier or a Minister) or group of Members in the Assembly. The distinction between the Legislative Assembly and the "Government" is very important in writing a petition. Ideally, a petition should be addressed to "The Legislative Assembly of Alberta, in Legislature Assembled".

The prayer of the petition (i.e. what the petition requests) must be clearly stated on the head of each and every page containing signatures. Signatures appearing on a blank page will cause that page to be severed from the petition. If both sides of a page are to contain signatures, both sides must display the prayer of the petition. All persons signing the petition must be residents of Alberta.

In order for a petition to be in proper form, each page of the petition must also include a notice which states that the name and address of every person who signs the petition may be made available to the public. Omission of the notice on any page containing signatures will cause that page to be severed from the petition. If both sides of a page are to contain signatures, both sides must display the notice.

2. Petitions to the Legislative Assembly should not be confused with other types of petitions, such as those prepared pursuant to the Municipal Government Act.

3. Petitions cannot be addressed to specific individuals, nor should they criticize specific individuals in or out of the Assembly. All other proprieties demanding moderate and temperate language should be observed.
4. The petition must ask for a remedy within the power of the Legislative Assembly. This is distinct from “Government” or “Cabinet”. For example, the Assembly can be asked to pass a Bill, but cannot be asked to “make a law” – only the Legislative Assembly together with the Lieutenant Governor can do that. The Assembly can, for example, be asked to change its own procedures, to give favourable consideration to a Bill or to sit at certain times. However, these are not the most common types of requests.

If a petition wants to touch upon matters that are the responsibility of the Alberta Government (as opposed to the Assembly), then the petition can only ask the Assembly to “urge” the Government to implement certain policies (e.g. a petition can “urge” the Government to introduce a Bill). While it is not within the Assembly’s power to perform the functions of the Government, it can urge the Government to govern in a certain way. The same principle applies to other levels of government. Matters that are the responsibility of the federal Parliament or government are not properly subjects for petitions to the Legislative Assembly. Similarly, certain matters that are the responsibility of a municipality may be out of order unless a direct connection can be established with the provincial administration. Normally, petitions concerning matters under the administration of other levels of government should be addressed to the level responsible. However, if the Assembly only “urges” other governments to adopt specific policies, this may be permissible. Much depends on the nature of the petition and the remedies requested.
5. No petition may be presented which asks for any direct expenditure or direct charge on the public revenue. Petitions directly requesting increased funding for any program or for the creation of new programs are out of order. However, a petition urging the Government to consider increasing funding for a program or asking for relief from a burdensome situation which would require funds to alleviate it would not be out of order. The appropriation of public funds is done upon the initiative of the Crown with the consent of the Assembly. A petition calling for a reduction of expenditure would be in order, as would a petition asking that certain existing programs increase their efficiency or change their focus. Much depends on the actual wording of the petition.
6. Petitions must not contain debate or argument. They should avoid untrue, misleading or contentious statements to “set up” the remedy being requested. Members of the public who wish to make speeches in their petitions, or who wish to “set up” the context of their petition could see their petition ruled out of order. The Member presenting the petition in the Assembly is not entitled to state the preamble, only the remedy sought, the number of signatures and the geographic area or sector represented by the signatures.
7. Original copies of all pages must be submitted. Photocopied petitions will be returned to the Member. Electronic petitions will also be ruled out of order.
8. Once presented to the Assembly, petitions cannot be returned because they then belong to the Assembly.
9. The presenting of a petition does not mean that the Assembly has made any decision on the relief requested. Neither the Assembly nor the Government are compelled to take any action on a petition.

If you have any questions, please contact

Office of Parliamentary Counsel

3rd Floor, 9820 - 107 Street NW

Edmonton, Alberta T5K 1E7

Telephone: 780.422.4837

Fax: 780.427.0744

e-mail: parliamentary.counsel@assembly.ab.ca

SAMPLE PETITION to the Legislative Assembly

To the Legislative Assembly of Alberta, in Legislature Assembled:

We, the undersigned residents of Alberta, petition the Legislative Assembly to

(For example, “pass legislation that will _____”, or “urge the Government of Alberta to introduce legislation to _____”, or “urge the Government of Alberta to inform the federal Government that _____”.)

Name	Address	Signature

Please note: The name and address of the persons who sign this petition may be made available to the public if the petition is in proper form to be presented in the Legislative Assembly.