



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON PETITIONS

Reference: Electronic petitioning

WEDNESDAY, 26 NOVEMBER 2008

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON PETITIONS

Wednesday, 26 November 2008

Members: Mrs Irwin (*Chair*), Mr Broadbent (*Deputy Chair*), Mr Adams, Ms George, Mr Hawke, Mrs Hull, Mr Neumann, Mr Simpkins, Mr Craig Thomson and Ms Vamvakinou

Members in attendance: Mr Adams, Mr Broadbent, Mr Chester, Mrs Irwin,

Terms of reference for the inquiry:

To inquire into and report on:

The introduction of an electronic petitioning system for the House of Representatives, with particular reference to:

- a) the different models of electronic petitioning that could be introduced, and their effectiveness in facilitating electronic petitioning of the House of Representatives;
- b) changes required to the practices and procedures of the House in implementation of an e-petitions system;
- c) the role of Members in e-petitioning;
- d) privacy and security concerns;
- e) the financial and resource implications of an e-petitions system; and
- f) the experience of other relevant jurisdictions, both in Australia and overseas.

WITNESSES

HARRIS, Mr Ian, Clerk, Department of the House of Representatives 1

**McCLELLAND, Ms Robyn, Clerk Assistant (Table), Department of the House of
Representatives..... 1**

Committee met at 11.27 am**HARRIS, Mr Ian, Clerk, Department of the House of Representatives****McCLELLAND, Ms Robyn, Clerk Assistant (Table), Department of the House of Representatives**

CHAIR (Mrs Irwin)—Good morning. I now declare open the second public hearing of the Petitions Committee inquiry into electronic petitioning. When the Petitions Committee was established earlier this year, the issue of electronic petitioning was not addressed. The intention was that the committee would in due course look into this matter and make recommendations to the House on whether it should accept electronic petitions. I welcome our witnesses. Although the committee does not require you to speak under oath, you should understand that this meeting is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. I invite you to make an opening statement before we proceed to questions.

Mr Harris—Thank you, Madam Chair, I will just make a brief one. I thank the committee for giving us the opportunity to supplement our written submission. I would like to start by complimenting the committee on the work that it is doing. I think it is a great committee and it is doing a wonderful job. When there was a suggestion that arrangements might be changed earlier on, somebody said, ‘Oh, the Clerk might feel upset about not being able to read petitions out any longer.’ Can I assure you that I was personally quite delighted because I had often thought that petitions were too important and it centred too much attention on the person of the Clerk when the petitions obviously deserved a higher profile. The only benefit, I suppose, was that members were often leaving the chamber and there was general hubbub and they might as well not be listening to the Clerk as not listening to somebody else, but the subject of the Clerk’s announcement, petitions, was too important.

I welcome this particular inquiry because I think it demonstrates an awareness of the need to keep the parliament and its forms relevant to the people that we serve. I include myself in the parliament there but I mean particularly the members of parliament. Investigating this is linking one of the most ancient forms of parliamentary procedure with modern technology, so I think it is a wonderful exploration. No matter what the committee’s ultimate decision is, I think the fact that it is asking the question is very commendable. Robyn, would you like to make a general statement?

Ms McClelland—Thank you, no.

CHAIR—Thank you very much for that, Ian. As you know, this is a new committee. We had our first public hearing down in Victoria and it went very well. We have all stated to people we have been speaking to that we are virtually taking the parliament on the road. This is the people’s parliament and we feel that, through the petitions committee, the people of Australia will be able to have their voices heard. It is early days, but it is a great change that I feel that the parliament has made. We are very lucky that we have had advice from Anthony Albanese, the Leader of the House. As you would be aware, the tabling of petitions is done every Monday evening when parliament sits at 8.30 pm. That was only extended until December of this year but it is now

being extended until 2010. It will be referred on to the Procedures Committee to see if it continues in the next parliament. That is great. It is fantastic.

I want to thank you very much for your submission. It is an excellent submission. I read it last night. I got out the House of Commons procedure committee's report on e-petitions. I had the pleasure of meeting some of the members of the UK parliament and also members of the Scottish Parliament when I was over in the UK. I think you are favouring the UK model more—tell me if I am incorrect—after reading your submission. Also from your submission, I think you are a little bit more concerned about the cost factor regarding e-petitions.

Mr Harris—Yes.

CHAIR—I am just going to put a question to you to see how you feel. What would you think of the option of using the same host as we have in the Queensland and Tasmanian parliaments, which share a service provided by the University of Queensland. This would mean that the parliament would not have to pay the full set-up cost and it would be a basic system and would not allow such things as email responses or checking to verify signatures. That would be a start. Feedback could be given on the Australian parliament's website.

Mr Harris—I think that is an excellent suggestion. You are correct; I think we are inclined towards the UK model but, as I recall, they set aside something like £500,000 for set-up at and £750,000 in ongoing costs.

CHAIR—Correct, they did.

Mr Harris—Those are significant figures, of course. The House of Representatives for a long time, 15 years, has had the tradition of absorbing new functions and trying to do them without additional expenditure to the public purse. I think we have just about reached the limit of where we can go to that extent. For example, if a new committee is set up, we resource it by saving money elsewhere and through the dedicated efforts of staff. But I think if we went to a significant new thing then we would have to seek additional funding from government. If the committee were to recommend the process, I would probably like to see the best form available eventually adopted.

One thing I really like about the concept of electronic petitions is that when you get hard-copy petitions you have a suspicion that they might have been down at the shopping centre on a Saturday morning and people passing by just came and put their names on. As a younger and less enlightened person, I might have even done that myself. But with an e-petition at least you know people have gone out of their way. There is a positive action on the part of the person to join their sentiments to that petition. So I think it is a great way of increasing the interaction between the public and the parliament. People actually do have to take a little bit of an initiative to go and subscribe to the petition. In a way, the Queensland model would be in the form of a sessional order type approach, to try and see. Robyn, would you care to comment?

Ms McClelland—I am not directly acquainted with the Queensland model. I think it would obviously be important to have a considered look at that model.

CHAIR—That is what we intend to do.

Ms McClelland—I believe that there is a requirement for the involvement of a sponsoring member when the petitioner registers, or whatever they do, on the site. It would not necessarily have to apply like that, I would imagine, in the sense that as long as there were some way of covering that requirement in terms of the technology—I presume that it is a technological requirement—the Queensland model could be an option, but that aspect would need to be considered. But the main advantage clearly would be that you would have a viable model at quite low cost. That would have a lot of advantages.

CHAIR—If you could guide me somewhat here, could we approach the site provider, while this inquiry is going on, to get an estimate of the annual cost of operation? How much would it cost if we were looking at this from a federal perspective? Can we do that?

Mr Harris—I think it is legitimate. I think it would be included in their annual reporting requirements anyway. We could seek to obtain an unofficial figure.

CHAIR—That is the next question I was going to ask: would we be able to get an estimate of the cost of doing the same for our parliament?

Mr Harris—I think that might be a good idea, and that would give you a basis on which to have discussions in Queensland. I think that should be a publicly available figure. Certainly, if we were doing it, the cost of the exercise would be publicly available. I feel confident that Queensland would have the same approach.

Mr ADAMS—I would observe, from my experience of being a member with a website, that, with resources, you get out what you put in. Running a website can be time consuming and costly, but the more resources there are, the better it is—and it would be the same with an e-petition process. In our committee report it really does come down to building a model for what we propose—and we certainly need some costings. But these things do cost. You really need someone to be doing the work.

Mr CHESTER—Regarding the application process in an e-petition, I am not sure how you would go about the application process for a person to initiate a petition. Obviously, in the current situation a resident can prepare a petition, get people to sign it, and away they go. Would we have an officer of the parliament ensuring that the petitions were not frivolous or illegal or something like that? How would we imagine that would work?

CHAIR—That is something that we are going to be looking at through our inquiry. A communication I have just received from the committee secretary tells me that we, as a committee, could be the sponsor, rather than a specific member.

Mr BROADBENT—Ms McClelland, regarding the presentation to the Queensland committee, the clerk just mentioned that it could be a member, or an officer, of the parliament. I would suggest that, under our standing orders, I cannot be a signatory to a petition that comes before this committee, nor can I be a principal petitioner. How is it then that a member of parliament might be able to be the first portal for an e-petition if, as is quite often the case, that member of parliament might be offended by the contents of a petition? That person would not be disposed to pass the petition on.

Mr Harris—I may not have expressed myself clearly. I meant that the petitions committee or an individual member could be the access point, as with hard copy petitions. It has been an old philosophical issue about whether a member who receives a hard copy petition from the citizens is morally obliged to present the petition or not. I think members make their own decisions in various ways. I do not think that would be any the less. We would suggest the same standing orders for hard copy petitions apply so far as they are applicable to the electronic form.

Mr BROADBENT—Has anybody investigated to this point where the standing orders may need to be changed to accommodate e-petitions?

Mr Harris—I think they were briefly outlined in page 5 of our submission. It said the department could assist in drafting the revised standing orders. Given a confidential suggestion as to the way in which the committee might like to go, we could then work on draft revised standing orders or sessional orders for the committee's consideration.

Mr BROADBENT—I do not want to move away from the subject of e-petitioning of which we are talking now but can I stay with presentation and process for a moment. Clearly, although unlike a presentation by a member to the House of a hard copy petition where the member holds a petition and lays it on the table for the consideration of the House, it is then passed on to the Clerk and the petitions committee, this e-petition process under the Clerk would still have to be strictly according to the process of the limited discussion on the background of the petition held. It would be this is the number of petitioners, this is the issue; this is the number of petitioners, this is the issue. There should be no change in the presentation by this committee in that process of the background explanation. It should be deferring to the House and, certainly in the presentation, not an opportunity for advocacy of any given petition. Therefore, I am making sure that I am putting on the *Hansard* the importance of the accord that was strictly adhered to. That is, under the clerk system that we came from to the committee system we have today, there should not be a position where any member be they the chair or member in presenting petitions at any time is an advocate for the petition but is rather part of the process of the new arrangements in the parliament. Have you any comment on that?

Mr Harris—Basically I would agree with those sentiments. Now if a member presents a petition in the House or in the Main Committee it is simply to a fairly agreed form of presentation and, if the member does it, certification by the Clerk that the petition is in accordance with the standing orders. There would be nothing out of order in a member in the adjournment debate using the right to present a petition and then go on to say, 'I subscribe to the sentiments in that petition.' It is just so long as it is not joined to the actual petition itself. There are other ways to support petitions.

Mr ADAMS—Or oppose them.

Ms McClelland—I believe Queensland uses the word 'sponsor'. I would not see that as being the appropriate terminology under the Commonwealth petitioning framework. The role of the member in our framework is to present a petition. I would see in the identification of a member with an electronic petition that it should be as a presenter. That should be the implication of identifying a member. It should only be as a presenter.

There needs to be also a separate check that the petition complies with the standing orders, and that is where our submission would see the petitions committee—through its secretariat, we would suggest, because of the need for timeliness—doing that check. That process needs to happen, as well as the presentation aspect. In relation to the Queensland model, in our submission we put that one aspect is that the signatures are not checked in that model. I think, Madam Chair, you referred to this. That is something to bear in mind. Obviously, if you develop your own model you would be able to build in, I believe, some sort of security process to do some sort of duplicate signature check.

CHAIR—That was actually a question I was going to ask. With regard to our paper petitions, which used to be tabled under the ‘old system’, as I call it, were those signatures thoroughly checked? Let’s be honest.

Mr Harris—That is true. Can I say, in 1972 I was the Petitions Officer and I saw a number of Mickey Mouses and Donald Ducks signing their names to hard-copy petitions, and we did not put a line through those; we always took them with a grain of salt. Now, I read on the French parliament’s website, it’s amazing how many petitions Gerard Depardieu subscribes to. I have my doubts about some of those. So I think all forms are subject to other names being joined in. I think the big thing about an electronic petition is that sometimes you have to be careful because you leave a trail. Maybe there is less chance for fraudulent adding. Or, perhaps, it is still there but possibly you can trace something back if you think there has been a serious—

CHAIR—Some people are virtually saying that once a petition is sent in electronically you know that it has come from their computer, and they have their own email address. But others I have spoken to have said: ‘What happens if there is one computer within the home and one email address but mum, dad and even the children want to put their names to the signature? Will that be counted?’ I think that is something that, as a committee, we have to look at as well.

Mr ADAMS—That is one concern: the integrity of the signatures and therefore the petitions themselves. But GetUp!, as a major group that organises petitions to push particular political issues—quite legitimately—gave us evidence that they would like a third-party process so that they can gather the signatures and put them to the parliament. The issue there, I think, is that a petition is a member of the public making a petition to the parliament; therefore, having a third party is probably not really doing justice to what a petition traditionally is. I would value your comments on that.

I think you are probably doing the best you can on the integrity of petitions. We have not explored whether signatures could be checked through the electoral office—against the electoral roll or something like that. We did not do that with hard copy either, I think. I would value your comments on that too.

Ms McClelland—GetUp! have suggested that there should be some sorts of controls operating over third parties. I think they talked about potentially some guidelines or an accreditation process for third parties. I guess my reaction to that would be, in terms of guidelines: how would those guidelines be enforced? In terms of accreditation, I think accreditation would raise a lot of issues about how one would undertake a process of accreditation. My reaction, I guess, is that I would not see the department being in such a role.

I think that one thing that one could contemplate with a third party would be requiring a certification by a principal petitioner or an organisation that, for example, the text of the petition has been available to the signatories and that controls are in place to, for example, prevent duplicate signatures. I think that would be as far as you could go, so you could have a certification. In terms of whether or not it would be desirable to have the option available to third parties to actually provide petitions, in the submission we say we have no in-principle objection to that. I think that is from the perspective of encouraging petitioning to the parliament. Obviously, potentially there would be a downside to saying that organisations do not have the option of being able to provide electronic petitions, but I think that you would certainly want some sorts of controls in addition to just accepting them. I think the certification process is really the only one that could possibly be a reasonable one for the parliament to apply.

Mr ADAMS—As to the historical aspect of petitioning, it has been a person individually petitioning the parliament or, in the past, another authority. It has generally been an individual doing the petitioning. When you bring in a third party does that change what we traditionally do?

Ms McClelland—I think you could probably argue it both ways. In a sense having the text available is simply having the text available with the option for people to join up to that text. Arguably, it is similar to having a paper text available and having the option for individuals to commit to it by joining up to it by signing it. On the other hand, you could see it very much as organised campaigning by a separate organisation.

Mr Harris—I will supplement the comments that Robyn has made. I think one of the great things this committee has done is open up more of the interface between the public and the parliament. The *About the House* television program last week really highlighted that in a wonderful way. I think it might have to be a careful consideration about whether you want to allow a third group to interpose between this committee, or other members of the parliament, and the public. Mr Adams is right: the first start, as to the heritage of the petitions process, was, I think, an individual petitioning the House of Commons for certain action to happen—and that sometimes developed into a bill. That is similar to the majority of the ones that we get. But we have got a provision in our standing orders saying that a petition from a corporation must contain the corporation's common seal. That has been there for as long as I can remember, so I think we have always envisaged that entities, other than individuals, might do it and that you need special steps like having the corporation's common seal on the petition. But by and large it is the individual process that we should be preserving.

CHAIR—Do you want to follow up any points from there, Russell?

Mr BROADBENT—No, I think I have made my point on the stringent convention that needs to be adhered to in the process of the committee.

CHAIR—I want to say a few words about the Scottish Parliament and what they are doing over there. We have got a video conference with the Scottish Parliament this evening. We are looking forward to that, and I know that our colleagues over there are looking forward to it. Mr Adams, do you have a question?

Mr ADAMS—Yes, thank you, Madam Chair. The Scottish Parliament allows noncitizens of Scotland or of the UK to petition the parliament. I am not totally opposed to that as long as one

understood that the people who were petitioning were not citizens. They might have legitimacy. They might be refugees; they might be immigrants who are not fully fledged members of the citizenry of the country. Do you have a view on that?

Mr Harris—I think it is a legitimate practice that we more or less do encompass now. We do receive petitions from residents of Australia, as opposed to citizens of Australia. I think we think that in that instance they might be people who are not in fact citizens. Foreign citizens from abroad pose a difficult question. I think we have had one instance, back in 1970, 1971 or something like that, where some United States citizens might have had a petition received by leave. But generally we say that Australian citizens abroad but not non-Australian citizens can petition the parliament. But who is to say that practice should continue?

The only thing is that the parliament has to have the power to act on whatever the petitioning is about. If noncitizens are petitioning the committee or the parliament on the basis of something that the parliament cannot act on, for example internal affairs in that country, it becomes difficult. But basically I would say that, provided people appropriately describe themselves, it should be okay.

CHAIR—I visited the Scottish Parliament recently after the Procedure Committee, I think, was there in 2006. The Scottish Parliament's submission to this inquiry put a recommendation forward regarding the formation of the Petitions Committee and e-petitioning. I found it of interest—and I just want to know your feelings on this—that it has been suggested that the House host an online petitioning system where there be online discussions about a particular petition. So you would have your principal petition there and you would allow people then to sign on to that petition but also to make a comment on the topic—virtually like a chat room. This is what they are doing in Scotland and they think that it is working quite well, but then again sometimes they have gone into meltdown too when they have a lot of people hitting the site. I wonder what your feelings are on that.

Ms McClelland—My immediate reaction would be that I think e-petitioning is quite a big step for the parliament and I probably would prefer to take it slowly rather than—

CHAIR—I have to agree with you, but I just wanted to see what your feelings were. When I saw how it was operating over there I thought, 'No, we've just got to take it one step at a time.'

Mr Harris—Yes, which does not stop the vision being set, maybe, for a future thing, but I think we also have to keep in mind that sometimes our members prefer to see things evolve rather than go straight to a revolution. We tried something similar once with an economics committee discussion with the Governor of the Reserve Bank where people were offered the opportunity to email questions to the secretariat to be asked of the governor. Further down the track with general committee inquiry I think that would be a great way to let people play more of a part in the process with a sponsoring member asking the question. Similarly, to have discussion going on about the concepts of a petition, I guess it would be a great sounding board for the parliament and members. But, like Robyn, I agree that probably it is best to walk before you sprint.

CHAIR—I think you are very right. As there are no further questions, I thank you very much for appearing before the committee and for your submission to the inquiry. We may have some

further questions that we might just give to the secretariat, especially after our videoconference this evening with the Scottish Parliament. Thank you very much.

Mr Harris—A pleasure, Madam Chair, and can I say that I have noted that we have said that we will get some indicative costs from the Australian jurisdictions that do things so that that is in the possession of the committee, possibly not before the conference tonight but in the very near future.

CHAIR—Oh, no, don't worry about it for tonight.

Mr Harris—We will lodge the request, but we may not get the answer before this evening.

CHAIR—Thank you. I thank the secretariat staff once again and Hansard. What would we do without Hansard! Thank you.

Resolved (on motion by **Mr Adams**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 11.59 am