



Office of the Clerk of the  
House of Representatives  
Te Tari o te Manahautū o te Whare Māngai

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17 February 2021

Mr Ken O'Dowd MP  
Committee Chair  
Standing Committee on Petitions  
House of Representatives  
Parliament of Australia

Dear Mr O'Dowd

## **Inquiry into aspects of the House of Representatives petitioning system relating to security and accessibility**

Thank you for your invitation to make a submission on the inquiry, and for providing the committee's terms of reference.

### **Background—e-petitions in New Zealand's Parliament**

1. An e-petitions system was introduced in New Zealand on a trial basis in April 2018, and became a permanent feature of the House's rules following recommendations of the Standing Orders Committee in July 2020.
  2. The Standing Orders provide for paper petitions and electronic petitions, and also hybrid petitions, which are in both paper and electronic form.
  3. Electronic petitions are administered through a web-based system that is accessed only through the Parliament website.
  4. A person who wishes to start an e-petition submits a proposal with the intended request, and can include a supporting reason for the petition.
  5. The proposal is moderated by the staff of the Petitions Committee, and is accepted if the petition meets the requirements listed in the Standing Orders. This often involves contact with the petitioner to discuss how the petition can be adjusted so it complies.
  6. After being accepted, an e-petition is opened for electronic signatures. The petitioner decides the closing date, which can be up to one year after the e-petition opens.
  7. After closing for signatures, an e-petition must be presented within the next six months. Presentation involves the sponsoring of a petition by a member of Parliament.
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8. After a petition is presented, it is referred to the Petitions Committee, which can consider the petition itself, allocate the petition to another select committee, or refer the petition to a Minister for response.
9. The Petitions Committee was established in the current term of Parliament, again following recommendations made by the Standing Orders Committee in July 2020.
10. Petitions can be debated by arrangement through the Business Committee. Previously this has been rare, but is intended to become a more frequent occurrence. It is likely that any decisions to hold such a debate would involve the Petitions Committee.
11. So far, more than 1200 e-petitions have been created and submitted for moderation. Generally only about one quarter of e-petitions end up being presented to the House.

### **Rules about acceptance of petitioner and signatures**

12. Any person can petition the New Zealand Parliament—there is no restriction based on criteria such as a petitioner’s age or residential status.
13. A petitioner must provide their name and contact details. Staff contact the petitioner during moderation of the petition.
14. Any person can be a signatory, with no age or residence requirement. A signatory must provide a first name and last name, and must supply an email address.

### **No threshold for signatures**

15. The House’s rules do not refer to any threshold for the number of signatures received. A petition can be presented even if it has the signature of the petitioner only. There is no procedural difference whether a petition has one signature or thousands, but the number of signatures can be a relevant factor when members and committees are making their political judgements about how to consider petitions.

### **E-petitions system requirements**

16. A person starting an e-petition is required to provide their name and contact details, including a first name, last name, email address and phone number. They must click on a check-box to agree to the use of information as noted in the privacy statement. When the e-petition has been submitted, the person must verify their email. And during the moderation process, the person must be contactable through the contact details provided.
17. The requirement for a signatory to provide an email address is to enable the system to check that a person with that email address has not previously signed the petition. Other than this, the email address is not used for verification purposes.
18. The requirements for e-petitions are analogous to signing a paper petition, where a signatory is required simply to write their first and last name and provide a signature.
19. We consider that these relatively light verification requirements for signatories are appropriate, given that there is no threshold, and the number of signatures has no procedural effect. On the other hand, the volume of signatures is a matter of political significance, and so some requirements are needed to reduce the prospect of the numbers being inflated through large-scale fake or repeated signatures.

## Comparison with non-parliamentary petitions requiring strict verification

20. This contrasts with the collection of signatures on petitions calling for citizens-initiated referendums (CIRs), which are undertaken under a non-parliamentary process that is administered by the Clerk of the House under the Citizens Initiated Referenda Act 1993. In that case, where there is a statutory threshold for signatures to trigger a specific outcome (support of 10 percent of electors results in the holding of a referendum), verification is much more robust.
21. Signatures for CIR petitions are collected only on paper forms, can be received only from named, registered electors, and are sampled and matched against the electoral roll.
22. I emphasise that CIR petitions are not parliamentary petitions—they are a separate statutory mechanism that is included here for comparison.

## Specific terms of reference

23. Addressing the above information to the issues raised in the terms of reference for the inquiry:
    24. **Impact of fraudulent activity**—During a data clean-up exercise, some possible fraudulent signatures were identified, but no widespread or co-ordinated attempts at fraud were evident.
    25. **Security of the e-petitions system**—The system is designed with security in mind, though it does not contain much personal information about signatories.
    26. **Impact of security features on accessibility**—Last year an external accessibility audit was carried out, which noted accessibility issues with Google reCAPTCHA, a security tool designed to filter out bots by asking users to perform certain actions (eg, “tick all boxes with a car in them”). The audit highlighted that this type of security feature, which was used for e-petitions and elsewhere on the Parliament website, is known to cause accessibility issues. As a result of the audit, this security tool has been replaced with a newer version that does not require any user input.
    27. **Other issues relating to the accessibility of e-petitions**—The relatively light requirements for signatures on parliamentary petitions (name and email address) minimise the impact on accessibility. Paper petitions have been retained as an option for gathering signatures from people who do not have access to the internet or lack an email address. The acceptance of hybrid petitions means that signatures can be accepted in both formats on the same petition.
    28. **Self-declaration of citizenship and residency**—This is not needed, as any person can start or sign a parliamentary petition, regardless of residency. Having said this, analytics can identify when there is a high proportion of overseas signatures, which could be relevant for members when considering a petition.
    29. **Use of official records for verification purposes**—Such verification is not used for parliamentary petitions (in contrast, as noted above, to CIR petitions, whose signatories must be on the electoral roll).
    30. **Introduction of an age limit**—No age limit applies to a person starting or signing a parliamentary petition.
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31. **Other related matters—**

- **Petitions about controversial issues—**One issue that came up in 2019, and again this week,<sup>1</sup> is that when Parliament hosts petitions on its website, rather than simply receiving them, it runs the risk of being seen as providing a platform for (or even endorsing) those petitions. This risk is heightened for petitions that are otherwise in order but nonetheless highly charged. For example, a petition (such as the example cited in the above footnote) that relates to race issues could be perceived by many members of the public as a form of hate speech that is being lent the prestige and visibility of a parliamentary platform. Offended members of the public have tended not to be satisfied with the official explanation that, in hosting petitions for signatures, Parliament in no way endorses views expressed in them.
- **Signatures gathered through other petition platforms—**We frequently have contact from people and NGOs who wish to draw the House's attention to signatures gathered through non-parliamentary petition platforms. Such signatures are not themselves admissible in support of parliamentary petitions, as they were not collected through the Parliament website and in compliance with the House's requirements. On the other hand, a long-standing work-around has developed, where a member presents a parliamentary petition that notes the number of signatures gathered on an issue through the use of another petition-hosting platform.

Please feel free to contact me if you would like further information.

Yours sincerely

David Wilson  
Clerk of the House of Representatives

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<sup>1</sup> <https://www.stuff.co.nz/national/politics/112264808/democracy-freedom-and-friction-how-does-a-petition-work>