



HOUSE OF ASSEMBLY

*Parliament House,
Hobart,*

14 September 2017

Committee Secretary
Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Secretary,

Thank you for the opportunity to provide a submission to the inquiry of the Committee on e-petitions.

By way of background, the former Joint Select Committee on the Working Arrangements of the (Tasmanian) Parliament inquired into the feasibility of introducing an electronic petitioning process similar to that which was then operating in the Parliament of Queensland. The report of the Committee¹ was brought up on 27 May 2004. Such report contained a recommendation that an e-petition process be introduced on a trial basis with proposed rules.

The principal difference between an e-petition and the traditional 'hard' version is that the sponsorship of a Member is required prior to the posting of the petition on the web site the process of posting of the petition to the website also ensures that the e-petition is in order.

On 26 August 2004, the House resolved to adopt the recommended rules as Sessional Orders. Such Sessional Orders became Standing Orders (Annexure 'A') by resolution of the House on 26 February 2009.

No issues of a procedural or administrative nature have arisen since the introduction of these Standing Orders.

In respect of the Committee's Terms of Reference, I provide the following observations.

The extent to which the e-petitions system has met the expectations of Parliamentarians and members of the public

Since the introduction of e-petitions, no survey has been conducted here to provide any evidence, one way or another, as to the view of Members regarding the performance of the system. Other than by providing a contemporary alternative process, the report of the abovementioned Joint Select Committee Report, does not identify any other motivations, if any, for the introduction of the system, nor any 'performance indicators' upon which the system was ever to be assessed.

¹ <http://www.parliament.tas.gov.au/ctee/Joint/Reports/workingarrange-report12.pdf>

The suite of SOs dealing with petitions, including those pertaining to e-petitions, provide access by citizens to arguably the most ancient form of Parliamentary procedure, the public petitioning of the Parliament to request an alteration of the general law or the reconsideration of an administrative decision, or for the redress of local or personal grievances.

Notwithstanding this important tradition, I do think that it is safe to say that the form itself is declining as a means of direct communication by citizens with Parliament, dare I say as a result of other means of communication such as 'social' media. Since the introduction of e-petitions in 2004 there have been less than 300 petitions presented to the House of Assembly in total, 71 of which have been e-petitions.

My personal view is that the ability to petition the House is an important form of the House that should be maintained and I am certainly confident in saying that any suggestion petitioning should be dispensed with would be met with considerable political resistance.

Notwithstanding the relatively small number of e-petitions received, the feedback has been overwhelmingly positive from those signatories who have completed the feedback form. The principal advantages which have been expressed are: the system's simple process; and the ability to forward a link to others whom a signatory may consider would be interested in joining the e-petition.

Future enhancements of the e-petitions system

I am satisfied that the system the House of Assembly has in place works effectively and is of benefit to the House for the reasons I have outlined. There are no plans to modify the system and I have not received any suggestions to do so.

The one related area which is worthy of review is public education of the existence of the system and their access to it. This of course requires consideration of resourcing and competing demands and in our jurisdiction, our Education Office references the process to visiting groups.

Other related matters

An issue that occasionally arises is the attempt by a Member to present a purported 'e-petition' generated on other activist websites, such as GetUp! On such occasions, the Member is advised that as the petition does not comply with the relevant Standing Orders, it is not able to be presented as a petition. This also occasionally occurs with traditional paper petitions, usually where advice hasn't been sought prior to the preparation of the petition.

Our practice is that in these circumstances where a 'petition' is ruled out of order, the relevant Member may seek leave to table the document as a paper (usually during the adjournment debate). In the event leave is granted, the document is tabled and of course becomes part of the record of the House and the Member may of course speak to the particular subject. This practice to some extent, recognises the often considerable work that is undertaken by citizens to organise and collect signatures and provides some comfort that the matter has been drawn to the attention of the House.

Thank you again for the opportunity to write to you, I hope this information is of some use and I wish the Committee well with the inquiry.

Yours sincerely,

Shane Donnelly
CLERK OF THE HOUSE

ANNEXURE 'A'

64 Electronic petition ('E-petition').

- (1) An E-petition is a petition:
 - (a) in the correct form, stating a grievance and containing a request for action by the House;
 - (b) sponsored by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period");
 - (c) persons may elect to indicate their support of ("join the petition") by electronically providing their name, address (including postcode) and signifying their intention to join the petition.
- (2) 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 Parliament's Internet Website.
- (3) The Member sponsoring the 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.
- (4) Once published on the Parliament's Internet Website an E-petition cannot be altered.
- (5) Only one E-petition dealing with substantially the same grievance and requesting substantially the same action by the House shall be published on the Parliament's Internet Website at the same time.
- (6) 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 House by the Member who sponsored the E-petition.
- (7) An E-petition published on the Parliament's Internet Website, but not presented to the House prior to the dissolution of the Parliament, may be presented to the subsequent Parliament to become a petition of the subsequent Parliament.
- (8) An E-petition cannot be sponsored after the dissolution of the Parliament and until the new Parliament has been summoned and Members sworn.

Amendment history

Adopted: 26 February 2009²

Amended: 17 August 2017³

Interpretation & Practice

The Joint Select Committee on the Working Arrangements of the Parliament inquired into the feasibility of introducing an electronic petitioning process similar to that which was then operating in the Parliament of Queensland. The report of the Committee⁴ was brought up on 27 May 2004. Such report contained a recommendation that an E-petition process be introduced on a trial basis with proposed rules.

The principal difference between an E-petition and the traditional hard version is that the sponsorship of a Member is required prior to the posting of the petition on the web site the process of posting of the petition to the website also ensures that the E-petition is in order.

On 26 August 2004, the House resolved to adopt the recommended rules as Sessional Orders. Such Sessional Orders became Standing Orders by resolution of the House on 26 February 2009.

² 2009 SO No. 73B.

³ Renumbered in 2017 (formerly SO 79).

⁴ Working Arrangements of the Parliament, Joint Select Committee on: Report No. 12 – E-Petitions (Paper No. 2)

No issues of a procedural or administrative nature have arisen since the introduction of this Standing Order.

There have been two precedents for the presentation of an E-petition prior to the prescribed closing date.

On 16 April 2013 the 'signed' version (as at that date) of two E-petitions⁵, which had not yet closed, were presented to the House. The 'balance' of one of these E-petitions⁶ was presented on 30 April 2013 following its closure on the web.

Both such E-petitions related to the issue of abortion on demand which was the subject of the Reproductive Health (Access to Terminations) Bill (No. 24 of 2013) the Second reading of which took place on 16 April 2013.

65 General Rules for E-Petitions.

- (1) 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.
- (2) A person cannot sign or join the same e-petition more than once.

Amendment history

Adopted: 26 February 2009⁷

Amended: 17 August 2017⁸

Interpretation & Practice

The software which is used to administer this suite of SOs requires a petitioner to follow the following steps in order to 'join' the petition:-

1. *Do you wish to sign this E-Petition?*
2. *(Having responded to (1) in the affirmative) Do you accept the 'Conditions of Use'?*
3. *(Having responded to (2) in the affirmative) A unique User Number is allocated*
4. *A form is then required to be completed which requires details of: User Number; Title; Name; Address; Email address; and confirmation that details are true and correct.*

66 Duties and powers of the Clerk and Speaker regarding E-petitions.

- (1) The Clerk may decline to publish an e-petition on the Parliament's Internet Website not in conformity with these Orders and advise the sponsoring Member accordingly.
- (2) The Clerk or a Member may seek a ruling from the Speaker about the conformity of any petition with these Orders.
- (3) The Clerk is authorised to create and maintain an appropriate Internet 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 Orders.
- (4) 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 House.

⁵ V&P No. 136, 16 April 2013.

⁶ V&P No. 139, 30 April 2013.

⁷ 2009 SO No. 73C.

⁸ Renumbered in 2017 (formerly SO 80).

Amendment history

Adopted: 26 February 2009⁹

Amended: 17 August 2017¹⁰

Interpretation & Practice

This SO authorises the Clerk to appropriately manage the administration of the software and data associated with the e-petition procedure.

67 Application of Standing Orders to E-Petitions.

The Standing Orders and Rules for Petitions apply to E-petitions in-so-far-as they can be applied.

Amendment history

Adopted: 26 February 2009¹¹

Amended: 17 August 2017¹²

Interpretation & Practice

This SO is literally interpreted and practiced.

⁹ 2009 SO No. 73D.

¹⁰ Renumbered in 2017 (formerly SO 81).

¹¹ 2009 SO No. 73E.

¹² Renumbered in 2017 (formerly SO 82).