



THE HONOURABLE KEVIN RUDD AC

26th Prime Minister of Australia

Submission to the House of Representatives Standing Committee on Petitions

Thank you for the opportunity to make a written submission to this Inquiry into aspects of the House of Representatives petitioning system relating to security and accessibility. The inquiry is a welcome response to the series of technological failures that afflicted last year's petition EN1938 for a Royal Commission to ensure the strength and diversity of Australian news media.

That petition was an overall success, conveying to parliament the depth of public sentiment about media diversity and encouraging senators to launch an inquiry. Despite a Parliament House computer system that was repeatedly proven woefully unfit for purpose, it became the most subscribed e-petition ever received by the House of Representatives.

I will address each of your terms of reference below.

1. The impact of security features on accessibility

Within hours of publicly launching the petition on 10 October 2020, my office was inundated with complaints from Australians who were unable to sign the petition because the website crashed. Australians were so enthusiastic to sign the petition that the e-petition system couldn't keep up.

Australians who tried to input their data received cryptic error messages such as "www.aph.gov.au says An error has occurred", "This site can't be reached: www.aph.gov.au took too long to respond" and "Recaptcha thinks you're a robot. Please try again. If the message continues to appear, please contact the site administrator". My own wife, Thérèse, was unable to sign the petition until days later, when the system no longer considered her a potential security risk.

My office pressed the Committee Secretariat and Department of Parliamentary Services to urgently fix the problem, but it took about 48 hours for more capacity to be added to the website. At midday on 13 October, they advised us the e-petition page had received about 1,063,730 views over the previous few days.

Even after DPS supposedly fixed the problem, we continued to receive intermittent complaints from people who reported running into error messages while trying to sign the petition.

Other potential signatories reported not receiving their confirmation email. Unclear about whether or not they had signed, they decided not to try again because they did not want to compromise the petition by mistakenly signing twice.

It beggars belief that the Coalition Government, having decided to create an e-petition system to encourage mass participation in democracy, would create a system that is so confusing and under-resourced that it would be unable to handle large numbers of Australians seeking to make their voices heard.

It remains unknown how many thousands of Australians attempted to sign the petition and gave up, or walked away from their computers mistakenly believing their signature had been recorded. To answer that question, I suggest the Committee obtain from the DPS two sets of data:

- The number of unique IP addresses that attempted to sign the petition but were unsuccessful.
- The number of signatories who successfully completed every step of the process except for clicking their confirmation email.

Your inquiry has an important task ahead of it. You must ensure the e-petition system's many technical failings, which prevented countless thousands of Australians from exercising their right to be heard by their parliament, are never again repeated.

2. The impact of fraudulent activity

There are two kinds of fraudulent signatures that can affect the e-petition system:

- “astroturfing” fraud – false signatures designed to increase the perceived support for a petition; and
- malicious fraud – false signatures designed to discredit the e-petition system by sowing doubt about its integrity.

In the case of EN1938, there has been no suggestion of any “astroturfing” fraud. There was, however, some evidence of malicious fraud at the fringes.

On 23 October 2020, Murdoch's Sky News aired a segment¹ holding up the Twitter post of a right-wing blogger, known as Evrav, who reported signing the petition under a false name. This, the segment argued, was evidence that the “taxpayer-funded House of Representatives” was engaged in a “farcical” process.

¹ <https://tinyurl.com/cap6rdm>

This segment reportedly inspired another right-wing activist, known as the Turncoat, to commission a Bangladeshi cyberattack on the House of Representatives website to add 1000 false names to the petition².

That cyberattack was then fed back into the media by the Murdoch media, falsely claiming it was perpetrated by “Rudd’s Bangladeshi bots” and hailing the Turncoat as a “whistle-blower”.

3. The security of the e-petitions system

Any act of fraud is an offence against the parliament that should be met with a strong response. It is in everyone’s interest to dissuade repeated or “copycat” offending. Perpetrators should expect that lying to the parliament will be met with serious consequences.

However, in deciding future security measures, the Committee should be careful to ensure its response is balanced and proportionate. In the 800-year history of these petitions, it’s unlikely that there has ever been a system that is impervious to false signatures. And given the existing barriers to participation outlined elsewhere in this submission, it would be a bad outcome for the Committee to undermine genuine engagement with petitions in the name of stamping out a problem at the fringes.

Therefore, I encourage the Committee to resolve to make the petitions system both more useable and more secure.

4. Other issues relating to the accessibility of e-petitions

Another issue encountered during the life of petition EN1938 was the emergence of four parallel petitions that garnered 812 signatures. These were:

- EN2152 – murdoch royal comisson (13)
- EN2061 – Murdoch Royal Commission (175)
- EN1968 – Royal Commission to ensure a strong, diverse Australian news media (108)
- EN1980 – MurdochRoyal Commission (516)

It appears that the principal petitioners in each case may have believed they were signing onto the main petition, EN1938, but accidentally created a new one instead. This speaks to the general confusion around the e-petitions system that should be addressed by the Committee in consultation with experts in interaction design.

² <https://tinyurl.com/cdpcnu57>

5. Self-declaration of citizenship and residency

The Committee should continue to accept signatures from both Australian citizens and non-citizen Australian residents. Australian citizens should not lose their right to petition their parliament the moment they pass through customs, nor should non-citizen residents be stripped of one of the few avenues they have to express themselves to government.

Petitioners should be required to declare that they are a citizen or resident, and anyone found to have made a false declaration should be held to account.

6. The use of official records for verification purposes

The committee should consider carefully the desirability of proceeding down such a path, and whether there is a risk of limiting genuine engagement with the petitions system.

Depending on the process involved, Australians may not wish to submit themselves to an intrusive or onerous process in order to merely add their name to a petition – something which has no legal force and, for countless decades prior, they had been able to do with a few strokes of a pen.

I am also concerned about Australians from disadvantaged backgrounds, including Indigenous Australians, who may not have the right form of identification. Younger Australians and non-citizens may not have driver's licences and electoral enrolment details.

7. Introduction of an age limit

Parliament often restricts the liberty of younger Australians where their actions could have damaging consequences to themselves or others. For this reason, we impose age tests to drive a car, drink alcohol or smoke tobacco. These are actions with potentially harmful consequences. Similarly, voting rights are withheld until Australians' 18th birthday because parliament considers that children lack the political maturity to be involved in deciding who should govern them.

Voting is an action with a direct consequence. Petitioning parliament is not. It is merely giving young people an avenue to express their opinions to the politicians who spend their tax dollars, fund their schools and write their laws. Because younger Australians are restricted from voting, their ability to petition parliament is even more precious. It should not be taken away.

8. Other related matters

There are those in positions of power and influence who would rather hobble the parliamentary petitions system than let Australians unite to make their voices heard in the corridors of power.

In this category, I include the Murdoch media which is so frightened by the notion of being asked questions by a royal commissioner that they have pushed the nuclear button and sought to discredit the entire concept of parliamentary petitions.

When the petition showed it was gaining traction, they claimed the “taxpayer-funded House of Representatives” was letting the petition to be littered with fraudulent names. When their overheated coverage inspired a right-wing activist to commission a foreign cyberattack on the Australian Parliament House website, they hailed him as a “whistle-blower”. When reporting on that cyberattack, they misrepresented what transpired by claiming it was perpetrated by “Rudd’s Bangladeshi bots” and burying the reality in the fine print. And, finally, they alleged that the House of Representatives was supplying me with the email addresses of signatories so that I could “bombard them with hard-left propaganda” – an allegation that was only withdrawn as part of a confidential settlement to avoid defamation proceedings³.



Taken together, these facts demonstrate a systematic and deliberate delegitimization campaign targeting the e-petitions system. This campaign may or may not constitute a contempt of parliament – that is a matter for you to consider – but the committee should certainly make known its displeasure with this falsehood-laden campaign of misinformation by censoring the Murdoch media in its report.

And this committee should certainly resist any calls by the Murdoch media to kneecap the e-petitions system by putting a million tiny hurdles in front of potential petitioners. I therefore urge you to tread carefully in formulating your recommendations.

³ <https://www.youtube.com/watch?v=i0oXOZIXIOk>