



Luke Beck
Associate Professor
Faculty of Law

17 February 2021

Submission to the House of Representatives Standing Committee on Petitions – Inquiry into aspects of the House of Representatives petitioning system relating to security and accessibility

Dear Committee

Thank you for your two invitations to make a submission to this inquiry.

I am an Associate Professor of Constitutional Law at Monash University.

I understand that the Committee is concerned principally with e-petitions, mostly as a result of allegations about a particular e-petition started by former Prime Minister Kevin Rudd. I am not aware that any convincing evidence has ever been put forward to substantiate those allegations and note that the allegations may have been politically motivated.

Fraudulent activity is possible with a paper petition just as fraudulent activity is possible with an e-petition. Issues relating to self-declaration of citizenship and residency arise in respect of both paper petitions and e-petitions.

The Committee should not recommend any measure that would weaken or prevent access to, and participation in, the petitioning system unless (i) there is actual evidence about fraudulent or other problematic activity and (ii) the recommended measure is proportionate to addressing that actual mischief.

While the matter would not be able to come before the courts, measures that reduce the ability of Australians to communicate with their elected representatives or with a House of Parliament that are not proportionate to a legitimate purpose would be unconstitutional for contravening the implied freedom of political communication.

It would be a shame if the ability of citizens to petition the House of Representatives was weakened simply because some MPs disagreed with or were embarrassed by a particular petition.

I trust this submission is of assistance.

Yours sincerely

Luke Beck

Faculty of Law
15 Ancora Imparo Way
Monash University
Clayton VIC 3800
E: luke.beck@monash.edu