

Inquiry into the future of petitioning in the House

Submission by Queensland Advocacy Incorporated

Petitions Committee

11 October 2018

“A genuine leader is not a searcher for consensus but a molder of consensus.”

Martin Luther King, Jr.

“Almost always, the creative dedicated minority has made the world better.”

Martin Luther King, Jr.

“A riot is the language of the unheard.”

Martin Luther King, Jr.

“History will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people.”

Martin Luther King, J

“Our lives begin to end the day we become silent about things that matter.”

Martin Luther King, Jr.

About Queensland Advocacy Incorporated

Queensland Advocacy Incorporated (QAI) is an independent, community-based systems and individual advocacy organisation and a community legal service for people with disability. Our mission is to promote, protect and defend, through systems and individual advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland.

QAI has an exemplary track record of effective systems advocacy, with thirty years' experience advocating for systems change, through campaigns directed to attitudinal, law and policy reform and by supporting the development of a range of advocacy initiatives in this state. We have provided, for almost a decade, highly in-demand individual advocacy through our three individual advocacy services – the Human Rights Legal Service, the Mental Health Legal Service, the Justice Support Program and, more recently, the NDIS Appeals Support Program.

QAI deems that all humans are equally important, unique and of intrinsic value and that all people should be seen and valued, first and foremost, as a whole person. Further, QAI believes that all communities should embrace difference and diversity, rather than aspiring to an ideal of uniformity of appearance and behaviour. Central to this, and consistent with our core values and beliefs, QAI will not perpetuate use of language that stereotypes or makes projections based on a particular feature or attribute of a person or detracts from the worth and status of a person with disability. We consider that the use of appropriate language and discourse is fundamental to protecting the rights and dignity, and elevating the status, of people with disability.

QAI's recommendations

QAI makes the following submissions:

QAI submits that the efficacy of petitioning, and the Committee's work, could be enhanced by:

1. Creating a mandatory requirement that petitions identified by the Committee as:
 - (a) meeting the requirements of Standing Orders for form, content and presentation of petitions; and
 - (b) being of sufficient importance, having regard to their subject matters and the breadth and volume of community support the petition has attracted –
be:
 - (i) referred to the Parliamentary committee with jurisdiction over the subject matter addressed in the petition; and
 - (ii) trigger the initiation of an inquiry by that Parliamentary Committee, with reporting requirements on conclusion of the inquiry.
2. Investing in educative work within the community on the value of petitioning.

Terms of Reference

The terms of reference for this inquiry require the Committee to inquire into and report on:

1. The role and operations of the Standing Committee on Petitions; and
2. Petitioning the House of Representatives, including a review of Standing Orders and other relevant practice and procedures.

In conducting this inquiry, the Committee will give consideration to the petitions processes and procedures of other jurisdictions.

The role and operations of the Committee

QAI notes that the role of the Committee, since its establishment in 2008,¹ has been to receive and respond to petitions, as well as to report to the House on matters relating to petitions and the petitions system. The Committee's powers include holding roundtable discussions and public hearings on petitions presented to Parliament. The Committee's role does not include making recommendations on, or implementing actions requested in, petitions. However, if a petition is deemed to have met relevant Standing Order requirements by the Committee, it is presented to the House and referred to the relevant Government Minister for response.

QAI considers the establishment of the Committee a significant achievement and strongly supports the work of the Committee, including the progressive broadening of the Committee's powers to include receiving e-petitions.

The importance of petitioning

The value of petitioning as systems advocacy

Petitioning has a long history in civilised society, with the right to petition Parliament dating back to the 13th Century in the United Kingdom.² The inclusion of the right to petition in the English

¹ The Committee was established under Standing Order 220 by the House of Representatives of the Parliament of Australia.

² https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_11_-_Petitions

Bill of Rights 1689 is testament to the perception of its importance.³ The right to petition Parliament has come to be considered a fundamental right of the citizen.⁴

As the inaugural chair of the Petitions Committee noted:⁵

Petitions provide a measure of a community's strength of feeling on an issue, which in turn is communicated to members of parliament...

Petitioning has the potential to provide a link between parliament and citizen; informs policy development and executive scrutiny; and affects policy change.⁶

While it is recognised that there are a number of mechanisms available to an aggrieved person to seek redress, including making a complaint to a government body such as the Ombudsman, appealing a decision-maker to a tribunal or court and seeking media coverage of an issue, petitioning is the only means by which a direct link between the public and the House is established.⁷ As Palmieri explains:⁸

[P]etitions can foster a sense of unity and purpose within a community which is then publicly demonstrated when the petition is presented to the House. In this sense, a petition provides a measure of a community's strength of feeling on an issue, and in turn, provides Members of Parliament with a sounding board for the concerns expressed by the voting public.

Petitioning can have significant value as a form of systems advocacy and in giving a voice to people in Parliament. Dr Croeser notes:⁹

A lot of the people who might sign something online, it's not like they would otherwise have been dedicating a bunch of time to protesting on the streets or lobbying or other forms of advocacy. It might be something that they do in passing where they wouldn't have done anything else. They are also a form of awareness raising, so when somebody signs a petition often that also means they have become aware of an issue that they wouldn't have known about otherwise.

Petitioning is not only important as a democratic process, but can also achieve significant law, policy and practice reform. The Parliament's Powers, Practice and Procedure Infosheet provides examples of significant petitions that have been presented to the House.¹⁰

A 2015 article in the Sydney Morning Herald also showcased the power of petitions to effect social change,¹¹ achieving significant, wide-spread positive reform in areas including victims of crime compensation, immigration detention, domestic violence prevention, disability funding and emergency services training.

3 <https://www.aspg.org.au/wp-content/uploads/2017/07/Paper-Williams-George.pdf>

4 https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_11_-_Petitions

5 About The House. June 2008.

6 Richard Hough (2012) Do Legislative Petitions Systems Enhance the Relationship between Parliament and Citizen?, *The Journal of Legislative Studies*, 18:3-4, 479-495, DOI: 10.1080/13572334.2012.706057.

7 Sonia Palmieri (2008) "Petition Effectiveness: Improving Citizens' Direct Access to Parliament". *Australasian Parliamentary Review* 23(1): 121-135.

8 Sonia Palmieri (2008) "Petition Effectiveness: Improving Citizens' Direct Access to Parliament". *Australasian Parliamentary Review* 23(1): 121-135.

9 <http://www.abc.net.au/news/2016-12-15/are-online-petitions-ever-effective/8124388>

10 https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_11_-_Petitions

11 <https://www.smh.com.au/national/people-power-14-online-petitions-that-changed-australia-in-2015-20151222-gltgyb.html>

Recent Western Australian research has shown that members of parliament value petitions as an important source of information, providing a mechanism to gauge the depth of feeling on an issue in their electorate and that, in turn, petitions sometimes influenced their decision-making.¹²

Proposed improvements to improve the impact of petitioning and the efficacy of the Committee's work

QAI submits that the efficacy of petitioning, and the Committee's work, could be enhanced by:

1. Creating a mandatory requirement that petitions identified by the Committee as:
 - (a) meeting the requirements of Standing Orders for form, content and presentation of petitions; and
 - (b) being of sufficient importance, having regard to their subject matters and the breadth and volume of community support the petition has attracted –
be:
 - (i) referred to the Parliamentary committee with jurisdiction over the subject matter addressed in the petition; and
 - (ii) trigger the initiation of an inquiry by that Parliamentary Committee, with reporting requirements on conclusion of the inquiry.
2. Investing in educative work within the community on the value of petitioning.

Action to be taken by the Committee on receipt of a petition

The potential of petitions can only be achieved where both from the requirement that the issues voiced in the petition are properly heard, and also that they are adequately responded to are met.

In the Parliamentary media release announcing this inquiry, Chair of the Petitions Committee, Lucy Wicks MP, focused on the need for petitioning to be accessible and relevant to all Australians.¹³

With over 600 petitions approved so far during this Parliament, it is clear that people want their voices heard by Parliament and government. The Committee is listening to these voices and wants to ensure they continue to be heard into the future", the Chair said.

It has been noted that the biggest criticism of petitions has been the lack of follow-up to them. It is recognised that even the procedural guide for the House of Representatives suggests that the importance of petitions has diminished over time.¹⁴

As Palmieri notes:¹⁵

Of the 2589 petitions presented to the House of Representatives since 1999, only three have received a ministerial response. No general purpose standing committee has produced a report generated from a referred petition — repeated recommendations from the Procedure Committee to have petitions stand referred to such committees have not

12 Niamh Corbett (2010) Parliamentary Petitions: An Information Studies Perspective. Libri, 60(4), pp. 281-297. Retrieved 9 Oct. 2018, from doi:10.1515/libr.2010.024

13 Australian Parliament. Media Release: Have your say on petitioning the Parliament. 22 August 2018.

14 About the House. June 2008.

15 Sonia Palmieri (2008) "Petition Effectiveness: Improving Citizens' Direct Access to Parliament". *Australasian Parliamentary Review* 23(1): 121-135.

met with Government support. Since 2001, petitions have been presented and discussed during certain periods of private members' business.

Only 3.3% of petitions presented to the House since then, however, have been presented in this manner. It would seem therefore, that while petitions have great democratic appeal, they have been far more effective in strengthening community views on an issue than in actually having that issue heard and considered by the House of Representatives. In fact, one individual will have a much greater chance of receiving a written response to his or her letter than a group of petitioners who have collectively expressed a grievance by signing a petition.

Similarly, Williams notes:¹⁶

For the past thirty years, the number of petitions lodged in the federal Parliament has been in decline. In 1986, 5,528 petitions were presented in the House of Representatives. By 2015, that number had fallen to 105. This reflects a widely held perception that petitions are not particularly effective, or worse, 'a waste of time and paper'.

In our submission in relation to the Constitution of Queensland and Other Legislation Amendment Bill 2016, we proposed that Parliamentary committees should be empowered to, on their own initiative, consider any petition received by the House, the subject matter of which falls within the jurisdiction of the committee. We submit that a similar broadening of the Committees powers would be appropriate here.

Alternatively, we submit that the policy should be amended to be mandatory in its referral clauses. Clauses 208 and 209 of Chapter 15 of the House of Representatives Standing Orders covers action by the House on receipt of a petition:

208 Action by the House

- a) *Discussion on the subject matter of a petition shall only be allowed at the time of presentation as provided for under standing order 207(b).*
- b) *Each petition presented shall be received by the House, unless a motion that it not be received is moved immediately and agreed to.*
- c) *The only other motion relating to a petition that may be moved is a motion on notice that the petition be referred to a particular committee.*
- d) *The terms of petitions shall be printed in Hansard.*
- e) *The Standing Committee on Petitions shall respond to petitions on behalf of the House and report to the House.*

209 Petition may be referred to a Minister for response

- a) *After a petition is presented to the House, the Standing Committee on Petitions may refer a copy of the petition to the Minister responsible for the administration of the matter raised in the petition.*
- b) *The Minister shall be expected to respond to a referred petition within 90 days of presentation by lodging a written response with the Committee.*
- c) *The Chair of the Petitions Committee shall announce any ministerial responses to petitions. After the announcement, ministerial responses shall be printed in Hansard and published on the House's website.*

¹⁶ <https://www.aspg.org.au/wp-content/uploads/2017/07/Paper-Williams-George.pdf>

We note that, under the new petitioning procedures introduced in 2008, a significant majority of petitions presented to the House have been referred to the relevant Minister and received responses. This is encouraging and should become standard practice.

QAI considers that more information should be provided to those who have signed petitions. The provision of responses to petitioners about how their letter (especially those that submit an individual response in conjunction with the form letter) is escalated within Parliament is important for petitioners to understand the value of their contact and the Governmental response.

E-petitions

QAI considers that e-petitions, introduced initially by way of trial in Queensland in 2002, and formally introduced in Queensland in 2016 at the commencement of the 45th Parliament, have been an excellent innovation. The key aim of their introduction was engaging a greater number of Australians in the petitions process.¹⁷

The indications are that not only are more people engaged, people remain engaged, with the majority of petitioners returning to check on the ministerial response to their e-petition.¹⁸

A key recommendation of the recent report into e-petitions was that the Committee recommends that the Department of the House of Representatives develop a campaign to promote petitioning in the House, with an emphasis on e-petitioning.

Recent research shows that, although Australians are supportive of e-petitioning as a form of engagement with politics, current interaction levels are low and widespread mobilisation is unlikely to occur in the near future.¹⁹

While few parliaments accept e-petitions, online petition is also being used as a means of engaging with governments and elected members.²⁰ In 2014, 3.4 million, or 1 in 7 Australians, signed or stated an online petition on change.org.²¹ Change.org founder Nathan Elvery has noted that some of the petitions that attracted the greatest number of signatures garnered widespread media attention and led to major policy changes at a national level, stating:²²

People in positions of power are recognising that technology is how people are engaging with politics now and are starting to lean into that change rather than turning a blind eye to it.

Conclusion

QAI thanks the Committee for initiating this consultation. We warmly congratulate the government for being part of the international movement towards improving and innovating the petitioning process.²³

17 House of Representatives Standing Committee on Petitions. *Making Voices Heard: Inquiry into the e-petitioning system of the House of Representatives Petitions Committee*. May 2018.

18 Sonia Palmieri (2008) "Petition Effectiveness: Improving Citizens' Direct Access to Parliament". *Australasian Parliamentary Review* 23(1): 121-135.

19 Rachel Gibson, Wainer Lusoli & Stephen Ward (2008) The Australian public and politics on-line: Reinforcing or reinventing representation?, *Australian Journal of Political Science*, 43:1, 111-131, DOI: 10.1080/10361140701842607

20 M Henderson & F Hogarth (2007) "Online Petitions to Queensland Parliament". *Encyclopedia of Digital Government*.

M. Henderson (M & P Henderson & Associates Pty Ltd, Australia) and F. Hogarth (Queensland Government, Australia)

21 <https://www.smh.com.au/national/people-power-14-online-petitions-that-changed-australia-in-2015-20151222-gltgyb.html>

22 <https://www.smh.com.au/national/people-power-14-online-petitions-that-changed-australia-in-2015-20151222-gltgyb.html>

23 Sonia Palmieri (2008) "Petition Effectiveness: Improving Citizens' Direct Access to Parliament". *Australasian Parliamentary Review* 23(1): 121-135, 128-9.