The Parliament of the Commonwealth of Australia

Electronic petitioning to the House of Representatives

House of Representatives
Standing Committee on Petitions

October 2009
Canberra

Contents

Foreword

This inquiry into the introduction of an electronic petitioning system for the House of Representatives has been more than a technical challenge involving the ways and means of introducing e-petitioning. The potential to engage a greater number of Australians in the working of their Parliament has been behind every consideration made by the Committee. The belief that the petitions process can be a sounding board for the Australian people, giving individuals and groups direct access to their Parliament has been foremost in the minds of committee members throughout this inquiry.

On behalf of the Committee I would like to thank the Deputy Chair, Mr Russell Broadbent MP, for his enthusiastic support for the work of the Committee. Together with all Committee members, this inquiry has been conducted in a genuine spirit of bi-partisanship and a commitment to deliver the best outcome in the development of our parliamentary democracy.

The Committee has been fortunate to have dedicated and professional staff and I would thank the Committee secretaries Ms Catherine Cornish and Ms Joanne Towner. The inquiry secretaries Ms Julia Morris and Dr Brian Lloyd have ensured that the committee has had access to the most up to date information and developments in the field. Together with Ms Naomi Swann, the Committee staff have made my task so much easier.

I would like to thank the individuals and organisations who have presented their ideas to the Committee. While the Committee shares the view that it is essential to engage many more people in the process of public policy making, our conclusions are admittedly influenced by our own experiences and our belief in the integrity of the institution of the Australian Parliament.

A special thank you goes to the Queensland Parliament and the Scottish Parliament. Their experience with electronic petitioning has provided invaluable insight into the potential and pitfalls its operation. A highlight of this inquiry for

me has been the opportunity to discuss this issue with the Scottish Parliament's Public Petitions Committee. The system evolving in Scotland shows us the scope for petitioning in giving the people a more direct role in their Parliament.

I would commend the report to the House of Representatives and to the people of Australia.

Julia Irwin MP
Chair

Membership of the Committee

Chair	Mrs Julia Irwin MP
Deputy Chair	Mr Russell Broadbent MP
Members	Hon Dick Adams MP
	Mr Darren Chester MP
	Ms Jennie George MP
	Mr Alex Hawke MP
	Mr Shayne Neumann MP (to 17/6/09)
	Mr Luke Simpkins MP
	Mr Craig Thomson MP
	Ms Maria Vamvakinou MP

Committee Secretariat

Secretary	Ms Catherine Cornish (from 10/03/09)
	Ms Joanne Towner (to 10/03/09)
Inquiry Secretary	Dr Brian Lloyd (from 12/06/09)
	Ms Julia Morris (to 12/06/09)
Administrative Officer	Ms Naomi Swann

Terms of reference

To examine and report on the introduction of an electronic petitioning system for the House of Representatives, with particular reference to:

a) the different models of electronic petitioning that could be introduced, and their effectiveness in facilitating electronic petitioning of the House of Representatives;

b) changes required to the practices and procedures of the House in implementation of an e-petitions system;

c) the role of Members in e-petitioning;

d) privacy and security concerns;

e) the financial and resource implications of an e-petitions system; and

f) the experience of other relevant jurisdictions, both in Australia and overseas.

List of recommendations

Recommendation 1

The Committee recommends that the House:

(a)   establish an electronic petitions website and system under the administration of the House; and

(b)   make necessary arrangements with the Queensland Parliament to enable the use of software supporting that Parliament's electronic petitions system.

Recommendation 2

The Committee recommends that, at present, no discussion forum be provided but that in the 43rd Parliament, the Committee review this recommendation and report to the House.

Recommendation 3

The Committee recommends that the Standing Orders of the House be amended to make specific provision to accept electronic petitions. Accordingly, standing orders:

(a)   204 (b), (e) and (f), relating to the form of petitions;

(b)   205 (a) and (b), relating to signatures; and

(c)   206 (a), relating to lodging a petition for presentation;

be amended to take account of the electronic format.

Recommendation 4

The Committee recommends that duplicate electronic petitions be treated as instances of the same petitions, as is the case for paper petitions, such that duplicates are not displayed on the House of Representatives electronic petitions website.

Recommendation 5

The Committee recommends that signatories to petitions be required to provide an address and postcode in addition to name and signature and that, as for paper petitions, neither addresses nor postcodes of signatories, or the principal petitioner, be published by the Committee.

Recommendation 6

The Committee recommends that electronic petitions be printed prior to presentation so that a hard copy is presented to the House.

Recommendation 7

The Committee recommends that electronic petitions be forwarded to the Committee for review and certification before being posted on the Committee's electronic petitions website.

Recommendation 8

The Committee recommends that the personal particulars of petitioners included on original petitions be available for inspection in the Table Office, as printouts only, as is currently the case for paper petitions.

Recommendation 9

The Committee recommends that:

(a)   electronic copies or lists of petitioners' personal details derived from electronic petitions be deleted six months after the close of the petition; and

(b)   petitions be posted on the Committee's website for the life of the Parliament and then removed.

Recommendation 10

The Committee recommends that the electronic petitions system use verification methods currently employed in the Queensland Parliament's electronic petitions system, and that improved methods of verification be adopted as they become available.

Executive summary

The 2007 report of the House of Representatives Standing Committee on Procedure, *Making a difference*, led to a number of changes to petitions to the House of Representatives, including the creation of the Petitions Committee. The report also suggested that the House change its practices so that it could accept electronic petitions. The present report inquires into this issue.

In this inquiry the Petitions Committee considered whether the House should accept electronic petitions and, if so, how that should be implemented. To answer these questions, the Committee considered the models employed and the experience of other parliaments which had taken this path (Chapters 2 and 6). To a certain extent, the Committee also inquired into models and experience of organisations outside of parliament that were involved in electronic petitioning (Chapter 2).

In each case the Committee explored the implications of these models if they were applied in the House of Representatives, particularly with regard to: changes that would be necessary to House practice and procedure (Chapter 3); concerns over security and privacy (Chapter 4); and the implications of costs and financial constraints (Chapter 5).

After considering the models and experience of these other parliaments, the Committee has recommended that the House adopt electronic petitioning (Recommendation 1). The Committee saw particular relevance in the experience of the Queensland and Scottish parliaments (Chapter 6). These two parliaments employ models of electronic petitioning which are different in many respects. Indeed, they appear to represent contrasting directions: one emphasising continuity with existing parliamentary practice, the other public engagement.

The first of these two approaches, which the Committee recommends to the House, offers the lowest barrier to entry for introducing electronic petitioning to the House of Representatives. This model entails the House implementing an electronic petitions system and website, under its own administration, where electronic petitions can be submitted, signed, and published once they are closed

(Recommendations 1, 2, 6, 8, 9 and 10). Relatively modest costs and changes to the procedure of the House would be involved if these recommendations were to be adopted.

However the Committee also finds much to recommend in the second approach, in which electronic petitions are seen as a significant contributor to an enhancement of the parliament's engagement with its public. For this reason the Committee has recommended that an electronic petitioning system, if adopted by the House, should be designed to allow further expansion of facilities in the future so that the House, and its constituents, can receive the full benefit of contemporary modes of communication.

1

Introduction

Petitions

1.1   In 2007 the House of Representatives Standing Committee on Procedure issued a report, *Making a difference,* on petitioning the House. It noted that petitioning Parliament (rather than Government) was a practice dating back to the 13th century in Britain, and the present form of petitioning under the Westminster system dated from the 17th century. However, the status of petitions within the House of Representatives had declined.[1]

1.2   In response to this decline the report made a number of recommendations to reform and strengthen the petitions process in the House of Representatives. One recommendation led to the creation of the Standing Committee on Petitions, and other changes to the management of the petitions to the House which the Petitions Committee administers.[2]

Electronic petitions

1.3   A further recommendation was that the House undertake such changes as would allow it to accept electronic petitions, in addition to paper petitions. The present report considers whether this objective should be pursued and, if so, the ways this might be achieved based on the models and

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1   House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, pp.1, 3.

2   House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, pp.15-19, and see below under sub-heading 'Current arrangements'.

proposals presented to the Petitions Committee over the course of the inquiry.

1.4   Electronic petitions to parliaments can be created by:

- sending petitions to potential petitioners by email for signature, which are then aggregated;

- exposing petitions for signature on third party sites, such as that maintained by GetUP,[3] resulting in petitions 'created elsewhere' that can be submitted to a chamber, such as the Australian Senate; or

- posting petitions for signature on a dedicated parliamentary electronic petitions website, as in the Queensland and Scottish parliaments.

1.5   As is discussed in the body of the report, a major argument in favour of electronic petitioning to the House is that it will help arrest a decline in political engagement noted by a number of contributors to the inquiry.

1.6   Models of electronic petitioning were described to the Committee which emphasised this objective to different degrees. This raised the question of the extent to which an electronic petitioning system for the House of Representatives would be designed simply to ensure that the House kept pace with contemporary methods of communication. Alternatively, there could be a more ambitious intention to use electronic petitioning as a means to expand the public's engagement with the House.

1.7   While contributors informed the Committee of models and research which shed light on this question, the inquiry has also raised issues beyond the scope of this report. For this reason, and others that will become apparent, the Committee has in its recommendations outlined a model in which the House adopts an initial system with low barriers to entry, but keeps options open for expansion, which could bring a greater emphasis on questions of public engagement.

The inquiry

1.8   The House of Representatives Standing Committee on Petitions was created with the change of Standing Orders announced in the House on 12 February 2008, and Members were appointed to the Committee on 19 February.[4]

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3   *GetUP – Action for Australia*, viewed 28 September 2009, <http://www.getup.org.au/>.
4   VP 2008/17-19, 94.

1.9   On 4 June 2008 the Standing Committee on Petitions resolved to conduct an inquiry into an electronic petitioning system for the House of Representatives.

1.10   Terms of Reference for the inquiry were to examine and report on the introduction of an electronic petitioning system for the House of Representatives, with particular reference to:

> a) the different models of electronic petitioning that could be introduced, and their effectiveness in facilitating electronic petitioning of the House of Representatives;
>
> b) changes required to the practices and procedures of the House in implementation of an e-petitions system;
>
> c) the role of Members in e-petitioning;
>
> d) privacy and security concerns;
>
> e) the financial and resource implications of an e-petitions system; and
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> f) the experience of other relevant jurisdictions, both in Australia and overseas.

1.11   The Committee received 15 submissions and one supplementary submission to the inquiry. Five public hearings were held in Canberra: on 12 November 2008; two on 26 November 2008; on 24 June 2009; and a final hearing on 12 August 2009.

1.12   During the inquiry, the Committee considered a number of existing models of electronic petitioning, including those presently operating in the Australian Senate; Queensland Parliament; and the Scottish Parliament. The Committee also considered proposals made by the Department of the House of Representatives, and from GetUP, a third-party organisation with an interest in enhancing public engagement with the political process.

1.13   This report addresses each of the Terms of Reference in separate chapters, with the exception of the third (Term (c)), on the role of Members, which is considered with other aspects of changes to the House's practices and procedures (Term (b)) in Chapter 3.

Current arrangements

House of Representatives

1.14   There is currently no mechanism through which the House of
        Representatives may accept electronic petitions. Its present petitioning
        system centres on hard-copy petitions received and processed by the
        Standing Committee on Petitions. These petitions, subject to being found
        in order, are then presented in the House, and referred to Ministers
        responsible for relevant portfolio areas.

1.15   The Committee meets to determine whether petitions it has received are in
        order, with reference to Standing Orders. These require that:

    ■ petitions must be addressed to the House;

    ■ the House must be capable of performing the action requested;

    ■ the text of the petition be no more than 250 words;

    ■ the petition employs moderate language;

    ■ the petition either be written in English, or if in another language a
      certified translation must be provided;

    ■ the petition text, or at minimum the request, must appear at top of each
      page carrying signatures, in identical wording to that employed on the
      first page of the petition;

    ■ the name and address of the principal petitioner must appear on the
      first page;

    ■ the principal petitioner must not be a Member of Parliament;

    ■ Members cannot sign petitions; and

    ■ the name and signature of each petitioner be provided on original hard-
      copy (not a photocopy, facsimile or similar).[5]

1.16   Petitions considered to meet these criteria (that is, to be 'in order') are
        presented in the House, either by the Chair of the Committee, currently on
        Monday evenings of sitting weeks, or by other Members who have
        forwarded petitions to the Committee and have indicated that they wish
        to present them.

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5   House of Representatives, *Standing and Sessional Orders as at 1 December 2008*, Standing Orders
     204-5.

1.17   Subsequent to the deliberations of the Committee, and following presentation of the petition in Parliament, petitions are referred to Ministers in the area of portfolio responsibility. It is expected that Ministerial responses to such referrals are completed within 90 days of a petition being presented in Parliament.[6]

1.18   This is considered by the Committee an important element in the petitions process, in that it contributes to higher levels of accountability by government, both to Parliament and to the public at large.

The Senate

1.19   The Senate currently accepts electronic petitions. The Clerk of the House of Representatives, Mr Ian Harris AO, advised that Senate Standing Orders 'make no special reference to electronic or online petitions, but they are taken to apply to all petitions whether written on paper or in cyberspace'.[7]

1.20   Within these arrangements Senators have a key role in attesting to the validity of petitions and presenting them to the Senate: 'petitions that are posted and signed electronically are accepted if the Senator certifies that they have been duly posted with the text available to the signatories'.[8]

1.21   Electronic petitions are integrated into the business of the Senate by being printed and submitted as hard-copy documents: 'in presenting an electronic petition, the Senator lodges a paper document containing the text of the petition and a list of the signatures submitted'.[9]

1.22   This form of electronic petitioning conforms to what the Clerk termed a 'minimal model', in which electronic petitions are accepted, but there is no specific web-presence provided to host and manage electronic petitions. Printing of electronic petitions prior to presentation allows the same procedures to be followed as for paper petitions.[10]

6   House of Representatives, *Standing and Sessional Orders as at 1 December 2008*, Standing Order 209 (b).

7   Clerk of the House of Representatives, Submission no.13, p.5.

8   Clerk of the House of Representatives, Submission no.13, p.5.

9   Clerk of the House of Representatives, Submission no.13, p.5.

10   Clerk of the House of Representatives, Submission no.13, p.2.

Electronic petitions and cultural change

1.23   A majority of contributors told the Committee that broader changes to communications practice had made it necessary for parliaments to accept electronic petitions.

1.24   The Clerk of the Queensland Parliament, Mr Neil Laurie, took this view, telling the Committee that if Parliament 'wants to maintain its relevance, it has to adapt its procedures' to these new conditions. Accepting electronic petitions was simply a recognition of contemporary 'realities': a way in which parliaments could adapt to 'modern society'.[11]

1.25   GetUP also asserted a larger cultural change 'regarding the relative worth of letters, emails, paper petitions and e-petitions'. This had resulted in 'cultural change in all of our perceptions about the way that people communicate'.[12]

1.26   The consequence of these changes was that 'the current arrangements for petitioning to the House—which exclude online petitions—are out of step with community expectations and behaviour'.[13] Only by 'allowing electronic petitioning' would the House be able to bring 'itself into line with contemporary community behaviour and expectations'.[14]

1.27   Another view was put by the Hon Wilson Tuckey MP, who argued against the House accepting electronic petitions on the grounds that doubts over validation of signatures would damage the credibility of petitions to the House.[15] Validation of signatures in electronic petitions is considered in Chapters 3 and 4 of this report.

Key distinctions

1.28   Over the course of the inquiry key distinctions emerged between the models considered by the Committee. These raised questions as to:

- whether the House would adopt a 'minimal model' in which the House accepted electronic petitions 'created elsewhere' (as in current Senate

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11   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.3.
12   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.7.
13   GetUP, Submission no.7, p.1.
14   GetUP, Submission no.7, pp.2-3.
15   The Hon Wilson Tuckey MP, Submission no.1.

practice) or would create a specific web presence for electronic petitions under the administration of the House of Representatives; and

- whether the House of Representatives would accept electronic petitions as a necessary reform of parliamentary practice to keep in step with contemporary communications, or adopt a more expansive approach in which electronic petitions were employed as part of an effort to significantly increase public engagement with Parliament.

'Minimal' or 'web presence' model

1.29   The Clerk of the House of Representatives advised the Committee of distinctions between 'minimal' and 'web presence' models.

1.30   In the first, parliaments accept 'hard copies of petitions created elsewhere', along with hard-copy petitions, consistent with Senate practice.[16] In the second, parliaments provide for 'the creation and submission of electronic petitions by developing and hosting a web-based system for this purpose'.[17]

1.31   The Clerk stated that the approach employed in the Australian Senate, which corresponded to the 'minimal model', had resulted in 'a limited number of electronic petitions' being presented to the Senate 'despite its acceptance of electronic petitions … for several years'.[18]

1.32   Consequently, of the two options, the use of a web-based system seemed 'more likely to facilitate electronic petitioning'. Moreover,

> a parliamentary website would be readily accessible to potential petitioners and the host Parliament could be seen to be giving priority to and promoting electronic petitioning.[19]

1.33   A survey of the experience of various parliaments supported this view:

> The Queensland and Scottish parliaments have implemented electronic petitioning based on the first model. There has been a clear take up of electronic petitioning in these jurisdictions and the volume of electronic petitions has been manageable.[20]

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16   Clerk of the House of Representatives, Submission no.13, p.2.

17   Clerk of the House of Representatives, Submission no.13, p.2. The Clerk also informed the Committee of a third possible model, that is, 'for a "dual" or "hybrid" model to operate, with both options available', but that the department was 'not aware if such a model [was] operating in practice'.

18   Clerk of the House of Representatives, Submission no.13, p.3.

19   Clerk of the House of Representatives, Submission no.13, p.2.

20   Clerk of the House of Representatives, Submission no.13, p.3.

1.34   Consequently, the Clerk told the Committee, the second of these models
        was likely to offer best value to the House of Representatives. While a
        'minimal model' was 'a low risk and low cost approach [which could be]
        readily implemented', the alternative approach was 'more likely to
        facilitate electronic petitioning'.

1.35   The Clerk noted that if this option were adopted there would be 'costs …
        and risks which would need to be carefully managed'.[21] The financial and
        resource implications of electronic petitioning are further considered in
        chapter 6 of this report.

1.36   The Clerk also noted a 'dual option' (the House hosting an electronic
        petitions website and accepting electronic petitions created elsewhere),
        which 'would allow existing sources of electronic petitions to continue
        using their own sites to host petitions'. This 'would be similar in
        complexity to implementing the parliamentary web-site model'.[22] Further
        consideration is given to this option in Chapter 3 of the report.[23]

Necessary reform or expansion of engagement

1.37   As observed, a number of contributors to the inquiry took the view that
        changes in contemporary communications made it necessary for the
        House of Representatives to accept electronic petitions. Without this the
        House would be out-of-step with the modes of communication employed
        in the wider community.

1.38   Another point of view was that electronic petitions represented an
        opportunity for a desirable and significantly greater level of change. This
        view identifies:

        ■   a tendency for disengagement from the democratic and political
            process; and

        ■   a role for electronic petitions in reversing this trend, engaging the wider
            community in the political process.

1.39   These elements are discussed below.

Disengagement

1.40   Dr Paul Williams informed the Committee that the 'technological and
        cultural changes' which had changed patterns of communication had also

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21   Clerk of the House of Representatives, Submission no.13, p.3.
22   Clerk of the House of Representatives, Submission no.13, p.3.
23   See Chapter 3 under sub-heading 'The role of third parties'.

'witnessed increases in civil disengagement'. As a result, citizens often reported that they felt 'separated from the democratic process'.[24]

1.41 There was a perception that 'Australians do not get "value for money" from their Parliament'. In consequence, 'Australian democracy, for a growing section of the community' was 'seen to exist to serve others, but not them'.[25]

1.42 This trend was evidenced in 'a measurable decline in voter participation that, ultimately, has become a form of voter self-disenfranchisement'. Dr Williams termed this 'the universal nemesis of democratic participation', and stated that:

> At Northern Territory elections for the Legislative Assembly, for example, voter turnouts - despite compulsory enrolment and voting - are regularly as low as 80 per cent. Similarly, the 13 October 2007 Brisbane Central by-election, forced by the retirement of Queensland Premier Peter Beattie, saw an even lower turnout - despite enormous pre-election media coverage - of below 68 per cent.[26]

1.43 Surveys of voters, Dr Williams advised the Committee, provided greater insight into this phenomenon, and even greater cause for concern:

> Alarmingly, an Australian Electoral Commission survey in 2004 found more than half of all youth voters would not vote if enrolment were not compulsory, with two-thirds of respondents describing voting - and, by extension, other forms of political participation - as "boring".[27]

1.44 Similar assessments of the state of political engagement in the community were given by members of the Scottish Public Petitions Committee, GetUP, and Oxfam.[28]

Electronic petitioning and engagement

1.45 An important, more optimistic, aspect of this view is that contemporary forms of communication are capable of addressing these problems. A

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24 Dr P Williams, Submission no.10, p.5.
25 Dr P Williams, Submission no.10, p.5.
26 Dr P Williams, Submission no.10, pp.5-6.
27 Dr P Williams, Submission no.10, p.6.
28 Mr F McAveety, *Transcript of Evidence*, 26 November 2008, pp.10, 12; GetUP, Submission No.7, p.3; Oxfam Australia, Submission No.8, pp.2-3.

contribution to a House of Commons inquiry into electronic petitioning expressed such a view:

> An e-petitions system could provide more than transparency; it would create an opportunity for interaction. It could enable petitioners and signatories to receive emailed responses to their petitions. These might simply be information about the progress of the petition or other associated parliamentary proceedings. They might also include messages from the petitioner's constituency Member of Parliament. We were reminded that the internet is "a conversation medium; it is not a broadcast medium or a post office. The opportunity to start a meaningful dialogue with people is very powerful." [29]

1.46   Other contributors to the House of Commons inquiry also expressed strong views in favour of a wider emphasis on engagement in arrangements to accept electronic petitions.[30]

1.47   A number of contributors to the present inquiry expressed similar views on the potential of electronic communications to increase the level of engagement between Parliament and the wider constituency. These are considered below, particularly in those sections which deal with the model of electronic petitions employed by the Scottish Parliament, and GetUP's proposal for electronic petitioning in the House of Representatives.

Committee comment

1.48   In the Committee's view, these two distinctions provide a useful way to compare the different approaches considered in this report.

1.49   In theory, should the House of Representatives decide to adopt electronic petitioning, options are either a 'minimal model' (consistent with Senate

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29   Mr Tom Loosemore, House of Commons Procedure Committee 2008, *E-Petitions, First Report from the Procedure Committee*, Session 2007-08, HC 136, House of Commons, viewed 15 July 2009, <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmproced/136/136.pdf>, p.17.

30   See Mr Richard Allan, House of Commons Procedure Committee 2008, *E-Petitions, First Report from the Procedure Committee*, Session 2007-08, HC 136, House of Commons, viewed 15 July 2009, <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmproced/136/136.pdf>, p.16.

practice) or one in which it develops and hosts 'a web-based system for the creation and submission of electronic petitions'.

1.50 In practice no contributors to the inquiry argued in favour of the minimal model: while this approach would involve the smallest degree of change, it may not deliver some of the benefits claimed for the 'web presence' model.

1.51 In view of this, the second distinction—regarding the emphasis on engagement—is a more significant distinction in the context of the inquiry. All of the proposals considered can be described in terms of the emphasis they accord to either maintaining the continuity and integrity of the parliamentary process or expanding public engagement with the House of Representatives by means of electronic petitions.

1.52 In each case those who argue in favour of these models value both of these imperatives, but make different decisions, judgements and trade-offs in formulating their proposal. These arguments provided the Committee with an opportunity to consider a range of models under which the House of Representatives could, in the future, accept electronic petitions.

1.53 A key underlying question concerns the degree of change entailed if the House of Representatives moves to accept electronic petitions. The Committee considers that the more significant choice, then, is between adoption of a web-based system which entails comparatively smaller changes to parliamentary practices and procedures, or one that seeks significantly to address wider questions of political engagement, and therefore contemplates greater change to the business of the House.

2

Models of electronic petitioning

Introduction

2.1   Contributors to the inquiry described models for electronic petitioning for
        the consideration of the Committee. Models were described by
        representatives of the Queensland and Scottish parliaments. Proposals for
        ways in which the House of Representatives might accept electronic
        petitions were made by the Department of the House of Representatives
        and GetUP. This chapter provides a brief account of each of these models,
        which are further considered in later chapters.

Queensland Parliament

2.2   The Queensland Parliament first accepted electronic petitions in 2002 and
        formalised arrangements in 2003.[1] Electronic petitions are hosted on a
        website under the direct control of Parliament.

2.3   The Clerk of the Legislative Assembly told the Committee that the website
        and its underlying system were developed by in-house technical staff
        specifically for this application.[2] The Speaker of the Queensland
        Parliament told the Committee that the website allows 'citizens [to] locate

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1   House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the
     House of Representatives*, 2007, p.34.
2   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.5.

e-petitions, find out information about the status of, or join a current e-petition',[3] or to initiate an electronic petition as principal petitioner.[4]

2.4   Standing Orders and Rules provide that electronic petitions may be posted to receive signatures between 'a minimum of one week and a maximum of six months from the date of publication on the Parliament's Internet Website'.[5] In practice, the Clerk of the Legislative Assembly told the Committee, the petition's principal petitioner and sponsoring Member negotiate a period within this range.[6] Other practical elements of the administration of electronic petitions include security arrangements so that:

- people joining an electronic petition must enter a machine-generated verification number, displayed as a non-machine-readable image, before signing an electronic petition;

- ISP address checking is employed on the electronic petitions system to guard against machine-generated, duplicate and fraudulent signatures, as is manual inspection; and

- Parliament holds the personal details of signatories to electronic petitions in confidence: they are destroyed six months after the closing of the petition to which they are attached. [7]

2.5   The Clerk told the Committee that the day-to-day administration of the electronic petitions workflow is managed from his office.[8]

2.6   Procedural arrangements in the Queensland Parliament which support electronic petitions include:

- a requirement that 'a Member of Parliament must first sponsor an e-petition before it can be posted on the website to collect signatures'. This contrasts with 'traditional paper' petitions which only require action by a Member once signatures are collected: that is, to present the petition to Parliament; and[9]

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3   The Hon Mike Reynolds MP, Submission no.12, p.1.

4   The Hon Mike Reynolds MP, Submission no.12, p.1.

5   Legislative Assembly of Queensland, *Standing Rules and Orders of the Legislative Assembly*, Chapter 21, p.24, Standing Order 119 (5).

6   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.2.

7   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, pp.4-5; Legislative Assembly of Queensland, *Standing Rules and Orders of the Legislative Assembly*, Standing Order 123 (6).

8   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.5.

9   The Hon Mike Reynolds MP, Submission no.12, p.2.

- electronic petitions in the Queensland Parliament being printed before being accepted into the business of the House.[10] Once presented, petitions are referred to Ministers responsible for relevant portfolio areas.[11]

2.7   The Clerk told the Committee that these arrangements had been designed with an emphasis on continuity of practice: that is, to 'make sure that the e-petitions process ran as similar as possible to the paper petitions process'.[12]

Scottish Parliament

2.8   During the course of the inquiry, the Chair of the Committee visited the Scottish Parliament to observe arrangements for electronic petitioning, and her report was taken as a submission.

2.9   The Public Petitions Committee (PPC) of the Scottish Parliament had launched its electronic petitions system in 2004.[13] At the time of the visit, in September 2008, the PPC was receiving approximately 250 petitions each year, of which 'two thirds' were electronic petitions.[14] The PPC is able to accept petitions on 'matters that fall within the competence of the Scottish Parliament', also known as 'devolved matters'.[15]

2.10   Web hosting facilities for electronic petitions at the Scottish Parliament were distinctive in that they allowed 'comments on the issue to be added as well as signatures'. Moreover, petitions displayed on the website also included 'a link to the website of the principal petitioner' with a 'disclaimer that the views expressed are those of the petitioners and not of the Parliament'.[16]

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10   Clerk of the House of Representatives, Submission no.13, p.6; Ms A Mackinnon, *Transcript of Evidence*, 12 August 2009, p.2.

11   Legislative Assembly of Queensland, *Standing Rules and Orders of the Legislative Assembly*, Standing Order no.125.

12   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.2.

13   *Public petitions committee launches electronic petitions system*, viewed 8 September 2009, <http://www.scottish.parliament.uk/nmCentre/news/news-comm-04/cpp04-001.htm>.

14   Mrs J Irwin MP, Submission no.14, p.1.

15   Public Petitions Committee, *How to submit a public petition*, viewed 7 October 2009, <http://www.scottish.parliament.uk/vli/publicInfo/documents/Howtosubmitapublicpetitio n.pdf>, p.2.

16   Mrs J Irwin MP, Submission no.14, p.1.

2.11   As the Committee was advised by the PPC, a further distinctive element of electronic petitioning to the Scottish Parliament was that signatures were accepted from signatories in countries other than Scotland, without further qualification or restriction.[17]

Distinctive arrangements

2.12   The capacity to accept electronic petitions is not the only distinctive feature of the petitions process in the Scottish Parliament. Electronic petitions are also managed within a framework of administrative arrangements that is itself distinctive.

2.13   The PPC receives petitions—electronic and hard-copy—and determines whether they are 'admissible'.[18] In this the PPC plays a similar role to that of this Committee.

2.14   The PPC also engages in a significant level of follow-up of petitions. It advised the Committee that its role was 'to ensure appropriate action is taken in respect of each admissible petition for which the Scottish Parliament has devolved responsibilities':

> We take responsibility for the initial consideration of the petition, perhaps through hearing oral evidence from the petitioner, conduct background research and seek comments from appropriate bodies on the petition.[19]

2.15   The PPC then continues its involvement with the petition until it is considered to have reached a point of resolution:

> The standing orders dictate that in closing a petition the committee must give a reason for doing so. Essentially, from the outset I would argue you are trying to get that petition to the point of closure. Petitioners might not accept that but, ultimately, that is what you want to happen, because it may be that when you close it you have actually achieved everything that they want. It is a matter of how you can get to that point as quickly as you possibly can. As clerks, each time the committee considers a petition and decides to write to bodies X, Y or Z, we get the responses back, give them to the petitioner, get their comments on them, and then

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17   Public Petitions Committee (PPC), Submission no.2, p.3; Mr F Cochrane, *Transcript of Evidence*, 26 November 2008, p.2.

18   PPC, *Public Petitions*, viewed 8 September 2009, <http://www.scottish.parliament.uk/s3/committees/petitions/index.htm>.

19   PPC, Submission no.2, p.2.

> we try filter down through the issues to see what issues are
> actually outstanding.[20]

2.16   Other elements of the management of petitions in the Scottish Parliament
         include the capacity of the PPC:

- to refer petitions to other committees, and to respondents other than
  Ministers;[21]

- to take on inquiries when petitions are received which lie in the
  purview of other committees, but they are unable to do so due to
  workload constraints;[22]

- to initiate debates in the chamber on selected petitions (in competition
  with other parliamentary committees);[23]

- to initiate conferences under the auspices of Parliament on concerns
  raised in petitions;[24] and

- to maintain a focus on public engagement, particularly for youth.[25]

2.17   In the Committee's view, these arrangements, taken together, give the
         petitions process a wider scope of action, and potentially a higher profile
         in Parliament. In general, through its powers and administrative
         arrangements, albeit on a more restricted range of issues, through its use
         of a broader range of online tools, and the routine acceptance of signatures
         from countries other than Scotland, the PPC appears to cast a wider net,
         and places a greater emphasis on engagement, than is observed in other
         parliaments.

GetUP

2.18   GetUP is distinctive amongst the major contributors to the inquiry in that
         it is not directly associated with any house of parliament. GetUP describes
         itself as 'an independent, grass-roots community advocacy organisation'

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20   Mr F Cochrane, *Transcript of Evidence*, 26 November 2008, p.9.

21   *Transcript of Evidence*, 16 September 2009, p.6.

22   Mr R Harper, *Transcript of Evidence*, 26 November 2008, p.4.

23   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.3.

24   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.4.

25   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.11; *Transcript of Evidence*, 16
     September 2009, pp. 2-5.

which aims to give 'everyday Australians opportunities to get involved and hold politicians accountable on important issues'.[26]

2.19   GetUP told the Committee that in its view the best electronic petitioning process for the House of Representatives was a hybrid model, in which the House would host a website for electronic petitions and also accept electronic petitions created elsewhere: that is, on third-party petitioning websites such as that operated by GetUP itself.[27]

2.20   This, GetUP noted, was 'probably one of the key differences between our submission and other submissions', and was also different from 'most of the precedents that we found in parliaments around the world and around Australia'.[28]

2.21   GetUP told the Committee that concerns over privacy were significant in its recommendation of a hybrid model. Accepting electronic petitions which were 'created elsewhere' would provide an alternative for people who did not want 'to give their details across' to Parliament, who would otherwise be deterred by these concerns:

> A lot of members of the community have concerns about giving details, not just their email address and their physical address but their ISP information as well as their political opinions. That is a barrier to some people in taking action on issues.[29]

2.22   Strong concerns over privacy also had implications for consideration of the ways electronic petitions should be managed on a House of Representatives electronic petitions website. GetUP told the Committee that it would recommend that for such petitions there would be 'very strict and stringent privacy procedures and requirements', to 'alleviate that concern' that the personal details of petitioners could be forwarded to government agencies.[30]

2.23   GetUP considered that in view of the strong concerns about privacy which, it suggested, existed in the wider community, the hybrid model was most likely to 'encourage engagement'. Such an arrangement would not result in 'conflict or contradiction in having these arrangements running simultaneously': rather they would together 'add up to the best solution for open and accessible parliamentary government'.[31]

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26   *About GetUp!,* viewed 13 October 2009, <http://www.getup.org.au/about/>.

27   GetUP, Submission no.7, p.6.

28   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.2

29   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.2

30   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.2

31   GetUP, Submission no.7, p.6.

2.24   It was also 'the most accessible and convenient for citizens and community groups'.[32] A hybrid model, GetUP told the Committee, would offer benefits to two distinct categories involved in the petitions process:

- individuals and smaller groups, for whom access to a Parliament-hosted system under the auspices of the House of Representatives would be important; and

- larger third-party organisations, and petitioners represented by them, for whom the ability to submit petitions created elsewhere would be important.

Individuals and smaller groups

2.25   GetUP told the Committee that the existence of a web presence for petitions hosted by the House of Representatives would in particular benefit 'individuals and groups without a strong web presence, who want to draw attention to their concerns'.[33] For these petitioners, the House of Representatives 'should have available a parliamentary petitions site that handles petition in a transparent and informative way'.[34] Benefits particularly applied for petitioners for whom resources were limited:

> Setting up a petition on government sites is both time- and cost-effective, and reduces the administrative and logistical problems with paper petitioning. Also, a centralised site helps groups and individuals who do not themselves have a strong online presence draw attention to their cause. Parliamentary hosting of online petitioning therefore addresses issues with the petitioning process that especially affect smaller community groups or individuals.[35]

2.26   Moreover, GetUP told the Committee that such a facility, if it were adopted, would enhance transparency:

> If parliament-hosted online petitioning services are well-designed and implemented, they can also provide transparency on the petitions process.[36]

2.27   GetUP informed the Committee that this applied in other jurisdictions, Scotland and Queensland, where parliaments:

32   GetUP, Submission no.7, p.6.
33   GetUP, Submission no.7, p.6.
34   GetUP, Submission no.7, p.6.
35   GetUP, Submission no.7, p.4.
36   GetUP, Submission no.7, p.4.

provide clear information on what petitions have been presented, how to sign a petition, see what stage in the process the petition is at, and what responses or actions have been recommended or taken.[37]

2.28   GetUP told the Committee that in its view any 'moves to develop parliamentary hosting for online petitions' in the House of Representatives 'should take on board the guarantees of transparency embodied in these models'.[38]

Third-party organisations

2.29   As noted, if the House of Representatives were to accept electronic petitions created elsewhere, this would leave a wider scope of action for third-parties within the petitioning process.

2.30   GetUP stated that 'campaigning organisations and individuals who are able to mobilise petitioners using their own website should also be provided for in any electronic petitioning system'.[39] It was important that electronic petitions to the House of Representatives not only be initiated on a website hosted by Parliament because 'for some issues, and for some citizens, a petitioning process that allows hosting at arms length from government is more likely to build awareness around particular issues'.[40]

2.31   GetUP informed the Committee that 'individuals and groups outside governments will often be better placed to communicate and mobilise people around specific issues than government':

> Groups campaigning on particular issues will benefit from being able to direct members or supporters to their own websites, and directing administering their own efforts at bringing about change.[41]

2.32   Third-parties such as GetUP were in a distinctive position, better able to achieve impartiality due to their distance from government, GetUP asserted. This hinged on 'the role that third party organisations play within the political spectrum':

> There is an expertise, a legitimacy and a viability for organisations working outside the system to design and implement effective

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37   GetUP, Submission no.7, p.4.
38   GetUP, Submission no.7, p.4.
39   GetUP, Submission no.7, p.6.
40   GetUP, Submission no.7, p.5.
41   GetUP, Submission no.7, p.5.

> campaigns. We do not see it as the role of the parliament to be
> encouraging action in a particular direction but we feel that
> petitions are designed with this campaigning element in mind and
> are often best done from without rather than from within.[42]

2.33   Moreover, GetUP told the Committee, the involvement of third-parties supported 'the major principle underlying petitioning': that is, 'that citizens and community groups should be able to directly communicate with the house'.[43] Third-parties were in a position to 'to build up that level of trust outside of the system and complement the in-house work done on petitions'.[44]

2.34   As a result, GetUP stated that in its view the 'petitioning process should be as open and accessible as possible', and this entailed the adoption of a hybrid model, unless there were 'serious concerns about non-governmental hosting'.[45] Further consideration is given to this matter in Chapter 3.

The House of Representatives

2.35   The Department of the House of Representatives proposed a model for the acceptance of electronic petitions into the business of the House. It supported 'the introduction of electronic petitioning for the House', using a model that was 'web-site based'.[46] The anticipated advantages of this approach were that:

- it would strengthen the traditional role of petitions within the parliamentary process;

- with the site under its administration the House could exercise control over the "authentication or validity" of signatures; it could provide a means to reduce out-of-order petitions; and

- it could enhance the image of Parliament.[47]

2.36   This approach was also more likely to increase the number of petitions to the House, as it had in Queensland, compared with the Senate's 'minimal

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42   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.3.
43   GetUP, Submission no.7, p.5.
44   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.3.
45   GetUP, Submission no.7, p.5.
46   Clerk of the House of Representatives, Submission no.13, p.10.
47   Clerk of the House of Representatives, Submission no.13, p.4.

model', which had seen no particular increase in petitions presented in that chamber.[48]

2.37   There were also risks in such an approach. These included:

- the potential costs of implementation;

- risks to the reputation of the House if expectations were raised and not met;

- increased risk of data security breaches; and

- risks to reputation if electronic systems were slow or unreliable.[49]

2.38   In the Department's view electronic petitions should be accommodated 'as much as possible within the framework of the House's existing petitioning system'.[50] As for current practice, electronic petitions should be submitted to the Petitions Committee for consideration, and presented either by the Chair or by Members who nominate to do so.[51] Electronic petitions should either be printed and integrated into the House Votes and Proceedings or, if a suitable arrangement could be conceived, received in electronic form.[52]

2.39   Risks from implementation could be reduced if electronic petitioning were introduced in such a way as to make it less likely that it would be used 'for partisan purposes' and, if care were taken to 'manage public expectations of the outcomes of petitioning'. [53] A further way to reduce risk was that an electronic petitions system should be introduced 'on a trial basis, perhaps for two years' before further action.[54]

2.40   Further implications of the Department's model are considered in Chapters 3 to 7.

Committee comment

2.41   This chapter has provided an overview of the principal models and proposals presented to the Committee. As noted, a key question which

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48   Clerk of the House of Representatives, Submission no.13, p.3.
49   Clerk of the House of Representatives, Submission no.13, p.4.
50   Clerk of the House of Representatives, Submission no.13, p.10.
51   Clerk of the House of Representatives, Submission no.13, p.7.
52   Clerk of the House of Representatives, Submission no.13, p.7.
53   Clerk of the House of Representatives, Submission no.13, p.10.
54   Clerk of the House of Representatives, Submission no.13, p.10.

emerged was the extent of change to which the House of Representatives should aspire in implementing electronic petitions:

- should the level of change be only sufficient to allow the House to accept electronic expressions of grievances traditionally accepted in the form of paper petitions; or

- should the House aspire to a greater level of change, in which electronic petitions are used to address, significantly, questions of public engagement with Parliament?

2.42   A further overarching question is the extent to which, if the House decides in favour of accepting electronic petitions, it should, in a technical sense:

- implement a 'bare-bones' electronic petitioning system; or

- provide a higher level of interactivity, such as the discussion forums provided under the Scottish petitioning system.

2.43   The Committee's consideration of these matters also raises a number of more specific questions, including those regarding the practice and procedure of the House:

- the extent to which Members should be required to lodge and otherwise support electronic petitions, as in the Queensland Parliament, or whether, as now for paper petitions, the House's Petitions Committee should continue to responsible for lodging petitions;[55] and

- whether electronic petitions that are presented to the House are to be integrated into the archive record of the business of the House in electronic form or as paper print-outs.

2.44   Other matters were raised concerning the immediate administration of electronic petitions:

- when electronic petitions should be opened and closed;[56]

- whether electronic petitions may be signed by anyone, or whether qualifications should apply on the basis of citizenship, residency, or geographical status;

- the extent to which third-party organisations should be involved in electronic petitioning under the House's administration;

- what are appropriate measures to check the validity of signatures, to protect the security of the system, and petitioner's privacy; and

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55   See *Making a difference*, paragraphs 2.61-2.66.
56   See Clerk of the House of Representatives, Submission no.13, pp.7-8.

- the budgetary implications of models and proposals.

2.45　The Committee notes that this list includes questions on narrower technical issues, and on broader matters on petitions and how they should be managed. These questions, and their practical implications, will be considered in the following chapters.

3

Changes required to the practices and procedures of the House

Introduction

3.1 The previous chapter described models and proposal for electronic petitioning in the House of Representatives and identified options for implementation. The degree of change to practice and procedure in the House, as a result of allowing electronic petitions, depends on choices made between these options.

Overall scope of change

3.2 Two existing approaches could serve as models for the scope of change undertaken if the House of Representatives were to adopt electronic petitioning.

3.3 The first approach, adopted by the Queensland Parliament represents a modest level of change, in which a website-based system is implemented under the administration of Parliament, but many other aspects of the management of petitions are consistent with earlier arrangements.

3.4 In this model, both electronic and hard-copy petitions require the 'sponsorship' of a Member in order that the petition be presented to Parliament, albeit with the difference that for electronic petitions this must be arranged before the petition is posted to accept signatures. Similarly,

electronic petitions are printed so that they may be integrated into the record of the business of Parliament.

3.5   The second approach is represented by arrangements in the Scottish Parliament. This would represent a higher level of change if it were implemented in the House. In the Scottish Parliament electronic petitions form part of a deliberate attempt to expand the scope and accessibility of petitions, in general. For electronic petitions, this includes the provision of discussion forums, and extensive use of email facilities to maintain contact with petitioners and provide updates on the progress of petitions.

3.6   This drive to expand the engagement function of petitions goes beyond the realm of electronic petitions as such. As noted above, the Public Petitions Committee (PPC) also:

   ■ engages in a high degree of follow-up on petitions after referral to government;

   ■ refers petitions to other parliamentary committees for inquiry;

   ■ inquires into petitions where other committees are not available to launch an inquiry; and

   ■ initiates conferences and roundtables, under the auspices of Parliament, which focus on matters raised in petitions.

3.7   This comprises a more active model of the role of petitions in Parliament. There are several distinctive features. First, the PPC has the 'power to legislate', as do other committees in the Scottish Parliament, for which there is no counterpart in the House of Representatives.[1]

3.8   Another distinctive feature is that Members of the Scottish Parliament (MSPs) do not present petitions to Parliament: that is the sole province of the PPC. This forms a contrast with the Queensland Parliament, where a petition must attract the support of a Member before the petition can be lodged with Parliament and presented. It also differs from current arrangements in the House of Representatives, where all petitions are considered by the Petitions Committee, but may be presented either by the Chair of the Committee, or by other Members if they so nominate. These two models, Queensland and Scotland, would clearly have very different outcomes if they were applied in the House of Representatives.

3.9   If the House were to pattern its electronic petitioning arrangements on the Queensland Parliament, most elements of its current arrangements for petitions could stay the same. There would be a new website for electronic

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1   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.8.

petitions, but petitions could still be printed and integrated into the record of the business of the House, with only minor changes to Standing Orders.[2]

3.10   In the Queensland Parliament the requirement that Members be involved in lodging petitions, for electronic petitions, entails that Members 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'.[3]

3.11   In the Committee's view, requiring Members to support petitions is one way to protect the integrity of petitions, since it associates petitions with Members, who then must exercise some level of care in relation to a petition in order to preserve their reputation. However, this requirement need not be carried over to the House of Representatives, as it is not essential to the model because there are other ways to guarantee the integrity of petitions. In this case the Petitions Committee should itself serve as the scrutineer and guarantor of the formal integrity of electronic petitions, as it does currently for petitions in hard-copy.

3.12   This would also be consistent with the report of the Standing Committee on Procedure, which recommended against imposing a requirement that petitions requirement the support of Members, arguing that this was

> key to enhancing the effectiveness of petitions as a direct means of communication between the public and the House and focussing Members' involvement on the representation of petitioners' grievances in the House.[4]

3.13   If the House of Representatives were, on the other hand, to follow the lead of the Scottish Parliament, this would entail more change, and a more active role for the Petitions Committee in promoting public engagement (particularly for youth); referring petitions to other committees; conducting more extensive inquiries into particular petitions; and increasing the degree of follow-up on concerns raised in petitions.

3.14   These measures would also entail the Committee exercising a greater degree of discretion over which petitions should receive attention in the petitions process overall. Currently the Petitions Committee exercises

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2   Clerk of the House of Representatives, Submission no.13, p.8.

3   Legislative Assembly of Queensland, *Standing Rules and Orders of the Legislative Assembly*, Standing Order no.119(6).

4   House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, p.39.

judgement on petitions in a formal sense, subject to Standing Orders, which is a distinctly different role.

3.15   If the Scottish model were adopted across the board, this would entail the use of a wider set of electronic tools to promote discussion and communication.

Committee comment

3.16   In the Committee's view, there is no reason why the House should adopt any parliament's model in its entirety. Rather, the House must adopt those elements of other models as befit its circumstances and which, together, provide a consistent, reliable framework for the management of electronic petitions.

3.17   A key question, in the Committee's view, is whether the House needs to adopt a version of the 'more expansive' model adopted in Scotland in order to maintain levels of engagement, or whether the more moderate level of change represented by the application of the Queensland model would provide a sufficient measure to bridge the gap between Parliament and the people.

3.18   A subsidiary question hinges on whether the adoption of a greater range of electronic facilities—such as discussion forums—somehow presupposes the more prominent and 'engaged' role currently played by the PPC in the Scottish Parliament. It could be that these facilities would have considerably less value in engaging the community without a committee operating along these lines. Other potential aspects of additional website facilities, such as risk to security and reputation, and cost, are considered below and in Chapters 5 and 6.

3.19   Central to the implications of these models for the practices and procedures of the House is the intended role of the Committee: the scope of action it envisages for itself, and the weight and scope accorded it by the House. The provision of discussion forums—or not—may not have a direct bearing on the business of the House. But the prominence and powers of the Committee would affect the House, if they were developed in line with those of the PPC, so that the Committee chose which petitions would receive greater scrutiny.

3.20   The capacity to discriminate between petitions alone would represent a considerable change in the Committee's role. Currently, the Committee receives and considers petitions and conveys them to the House. Importantly, it also asks Ministers to respond. A greater deliberative function would see it change it from being a conduit to the House into an

entity capable of promoting particular concerns as it sees fit. Such a role would also bring risks—of a perceived loss of impartiality and consequent politicisation—which will be considered in the final chapter.

Website scope and interactivity

3.21   It is uncertain how House practices and procedures may be affected by levels of interactivity on an electronic petitions website administered by the House. If it is assumed that discussion forums are simply a facility offered to petitioners, to discuss and develop their ideas, rather than as an input to the House, then there may be few direct consequences for practice and procedure.

3.22   There are, however, other kinds of consequences that could be anticipated: for example, that of loss of reputation if offensive content were posted on a social-networking component of a site administered by the House.

3.23   Witnesses to the inquiry also noted that even a bare-bones electronic petitioning website administered by the House would represent a considerable departure from the House's present (administrative) practice. The House of Representatives website, and that of Parliament in general, currently exhibits a low level of interactivity compared with other websites.[5]

3.24   There are currently no facilities on the Parliament's website for users to create content or enter information. A website which allowed users to initiate electronic petitions, or sign them, would represent a significant change in direction. A global review of the parliamentary website is currently considering interactivity among other aspects of website design.[6]

3.25   There are two other dimensions that may be affected by offering this functionality on a House electronic petitions website: security and cost. These are considered in Chapters 5 and 6.

The role of Members

3.26   As noted in Chapter 2, amongst the models considered there are significant variations in Members' involvement.

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5   *Transcript of Evidence*, 12 August 2009, p.5.
6   *Transcript of Evidence*, 12 August 2009, p.5.

3.27   The Queensland Parliament requires all petitions to be 'sponsored' by a
        Member. For electronic petitions sponsoring entails the Member agreeing
        to be associated with the petition before it is made available for signing on
        the petitions website and, once the petition is closed, to present it to
        Parliament. For paper petitions, Members' sponsorship entails an
        undertaking to present the petition to Parliament. Similar requirements
        apply in the Senate.[7]

3.28   The positive role of Members in the petitions process has been put by the
        House of Commons Procedure Committee:

> Our view is that the involvement of the constituency Member of
> Parliament is central to the historic petitions procedure in the
> House of Commons. The vast majority of Members see the
> presentation of petitions on behalf of their constituents as one of
> their responsibilities whether or not they support the petition
> itself. This involvement strengthens both the petitions procedure
> itself and the broader relationship between constituents and their
> Member of Parliament. We believe that it can and should be
> preserved in any e-petitions system.[8]

3.29   On the other hand, in the Scottish Parliament, as noted, Member
        involvement has been minimised to the extent that Members do not
        present petitions: the PPC is the sole conduit for petitions to Parliament.[9]
        An additional factor in the PPC's action in this regard is that it gives
        consideration to whether there are other avenues through which the
        petition may be advanced. In the PPC's view, this has preserved the
        central role of the public in the petitions process, protecting it from other
        political interests which might otherwise put it to use.[10]

3.30   In this, the House of Representatives currently occupies a middle-ground.
        All petitions are considered by the Petitions Committee. Petitions may be
        lodged by Members and, if found to comply with Standing Orders, may
        be presented by Members who wish to do so. This represents a loosening
        of former links between Members and petitions: in former times the
        support of a Member was needed before a petition could be presented.

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7   *Brief Guides to Senate Procedure - No. 21: Petitions*, viewed 12 October 2009,
     <http://www.aph.gov.au/senate/pubs/guides/briefno21.htm>.

8   House of Commons Procedure Committee 2008, *E-Petitions, First Report from the Procedure
     Committee, Session 2007-08*, HC 136, House of Commons, viewed 15/07/09
     <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmproced/136/136.pdf>,
     p.26, §75.

9   PPC, Submission no.2, p.3.

10   Mr F Cochrane and Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.5.

However, the practice by some Members of initiating and presenting multiple instances of a petition led the House to change these arrangements.[11]

Committee comment

3.31   While it may appear, on the face of it, that these questions are not directly linked to the question of whether the House should accept electronic petitions, there is a connection. Electronic petitions, through ease of use and their ability to be signed regardless of geographical constraints, have the potential to be larger and rapidly compiled than hard-copy petitions. This may help them become a more prominent expression of political sentiment, and this in turn raises questions of how best to ensure that integrity is maintained in the petitions process.

3.32   There are valid arguments for and against Members being involved in the petitions process. On the one hand, many (although not all) petitions raise concerns that pertain to specific local areas covered by electorates. It would seem natural to seek the local Member's interest in conveying those concerns to Parliament, as would the Member's interest in associating him or her-self with matters raised in their electorate. Members' electorate offices can also provide a measure of administrative support, and this can be useful in compiling petitions.

3.33   On the other hand, it may be argued that the process of public petitions can be subverted where political interests — other than those of the public — hold sway. There may be perceptions, in such a scenario, that petitions are not really 'for' the public, and this could have a significant negative effect on public confidence in the petitions process. Ultimately, this could lead to a reduction, rather than an improvement, in effective levels of engagement between Parliament and the public.

3.34   This appears to be the correlative of the PPC's suggestion that the exclusion of other players, already possessed of political avenues for their concerns, had supported the public's central role in the petitions process.

3.35   In the House of Representatives there would appear to be two main options. Given the history of petitions in the House, a return to greater involvement by Members in petitions would seem unlikely. More likely would be either a continuance of current practice, where all petitions are considered by the Petitions Committee and then either presented by the

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11   *Making a difference,* p.24, paragraph 2.63. The requirement for Members to lodge petitions was changed by deleting Standing Order 207. Standing Order 205(g) prohibited Members from initiating or visibly supporting a petition.

Chair or a Member; or in a model closer to the Scottish system, Members would be more removed from petitions.

3.36   This second option would send a stronger signal that petitions are a direct conduit from the public to the House, although presumably Members could still promote petitions, locally or nationally, even if they were not involved in presenting them. However the anticipated benefits of this approach needs to be balanced against arguments that petitions are part and parcel of the traditional relationship between Members and their constituents. In the Committee's view, it may be that current settings represent an effective compromise between these two imperatives.

3.37   In practical terms, this would mean that the Petitions Committee would continue to be the lodging entity, for hard-copy and electronic petitions. In this sense the Committee would serve as the effective guarantor for petitions: a role performed by Members and Senators in some of the other parliamentary settings considered in this report.

3.38   This raises the question whether the Committee would consider petitions before they were posted on a House petitions website. Indications from Queensland Parliament are that there is value in doing this as it reduces out-of-order petitions.

3.39   The most effective way to achieve this effect would be for the Committee's secretariat to view electronic petitions and provide advice to their principal petitioners in keeping with Standing Orders, under the Committee's direction. This would support positive relationships between the House of Representatives and its petitioning constituency.

The role of third parties

3.40   Chapter 2 of this report considered, in part, the role of so-called 'third-party' organisations in electronic petitioning to the House of Representatives. Elements of GetUP's proposal—notably an accreditation process for third party electronic petitions websites—would be a significant departure from precedent in the House: hence its consideration in the present chapter.

3.41   GetUP, the key third party organisation which appeared before the Committee in this regard, currently maintains its own electronic petitioning website.[12] It argued that the electronic petitions it now hosts

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12   *GetUP! - Action for Australia*, viewed 28 September 2009, <http://www.getup.org.au/>.

should be accepted by the House of Representatives if the House allows electronic petitions. Questions about the integrity of such petitions would be addressed by a process of accreditation, imposed by the House, on third parties operating petitions websites.

3.42 GetUP's argument was that a significant proportion of people would be reluctant to offer their personal details if a petition were posted on a site administered by the House. GetUP argued that such people would be less likely to sign a petition in the belief that their details could be shared with government agencies without their consent.

3.43 In discussion, the Committee voiced a number of concerns about the role of third parties in a future electronic petitioning process, including:

■ that the tradition of petitions has been one of individuals expressing their concerns directly to Parliament, and that involvement of third parties as intermediaries would make the relationship less direct;[13] and

■ that the House of Representatives would be less able to verify signatures on petitions where they had been created under the auspices of third parties, and less able to ensure that other aspects of the integrity of petitions were properly managed.[14]

3.44 In response, GetUP argued that people who were reluctant to share personal details with the House (which they perceived as allied to government) would be more comfortable signing a petition on a website administered by an organisation, such as GetUP, that maintained an arm's length relationship to Parliament, and to government.[15]

3.45 Hence, it was suggested, allowing a role for third-party organisations in electronic petitioning to the House would increase engagement: that is, increase the number of people willing to sign electronic petitions destined for the House of Representatives. In this way, the involvement of third parties would enhance rather than compromise the direct relationship of petitioners to the House.

3.46 In relation to the checking and verification of signatures and associated matters, GetUP argued:

■ that in the management of its current electronic petitioning it maintained the highest possible levels of integrity and verification;[16]

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13 *Transcript of Evidence*, 26 November 2008, pp. 5, 6.

14 *Transcript of Evidence*, 26 November 2008, p.5; *Transcript of Evidence*, 12 November 2008, p.10.

15 GetUP, Submission no.7, p.5.

16 GetUP, Submission no.7, p.5.

- that these levels were in excess of the facilities for verification currently employed for hard-copy petitions, including in the House;[17] and

- that third parties could be accredited by the House of Representatives, in which case conforming to the House's requirements should answer questions on standards and integrity of practice.[18]

Committee comment

3.47   There are a number of things to be said in response to such propositions.

3.48   First, regarding the alleged reluctance of petitioners to sign, the Committee considers that this may be countered by informing people of the separation between Parliament and Government, and ensuring that appropriate privacy and security provisions are clearly in place.

3.49   Second, electronic facilities for verification may be employed on an electronic petitions website administered by the House as well as they might be on that of a third party organisation.

3.50   Third, third party organisations do not need to be the possessor of a website from which electronic petitions may be forwarded to Parliament, in order to contribute to engagement: there are other ways in which third parties involve themselves in campaigns associated with petitions other than collecting electronic signatures.

3.51   Fourth and as noted above, accreditation of third party organisations as hosts for electronic petitions would be without precedent in the arrangements of the House, and may be seen to impinge upon its institutional independence.

3.52   It is conceivable such arrangements could be created. But questions remain over the practicalities of this, particularly as to how accredited entities would be scrutinised, and who would be empowered to do so. In view of the ability of third party organisations to conduct campaigns on concerns raised in petitions, regardless of whether they have carriage of electronic petition to the House, it is doubtful that there is much value in this approach.

3.53   Fifth, there is a philosophical argument that when the signatory applies personal details to a petition it is part and parcel of the expression of political sentiment that occurs in a petition. In this view, an anonymous

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17   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.3.
18   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.11.

petitioner is an anomaly in terms of the traditional precedents of petitioning.[19] Moreover, providing less information makes verification of signatures more difficult, raising questions over the validity of the process as a whole.

3.54   The Committee welcomes the involvement of third party organisations in generating awareness, promoting causes and disseminating information. These are part of the life-blood of our political system. But special accreditation for third party organisations with respect to the petitions process is not necessary and may be counter-productive—in that it could, under the cover of accreditation, provide special avenues to Parliament of particular political agendas.

3.55   In light of these constraints, the Committee considers that electronic petitions would be joined (signed) on a website administered by the House. Due to difficulties with verification, the Committee takes the view that electronic petitions 'created elsewhere' should not be forwarded to the House in electronic form or in hard-copy. However Members should still be able to present them as documents rather than petitions.

Signatories in- and out-side Australia

3.56   As noted above, the willingness to provide personal details could be considered a kind of 'qualification' for participation in the petitions process. The Committee considered another element of qualification when it investigated whether residency in Australia should be a condition for signing electronic petitions to the House.

3.57   It was noted by the Committee that a feature of the Scottish Parliament's practice on petitions is that signatures from outside of Scotland are accepted as being of equal status in a petition as those from within.[20]

3.58   The PPC advised that once posted 'the petition can attract e-signatures not just from the local area but also regionally, nationally and internationally': 'Scottish system does not require citizenship or residence as a requirement for eligibility to sign an on-line petition'.[21]

3.59   This was regarded as an advantage:

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19   *Transcript of Evidence*, 12 November 2008, p.5.
20   *Transcript of Evidence*, 12 November 2008, p.11.
21   PPC, Submission no.2, p.3.

> I think that one of the perceived benefits of allowing an electronic petitioning system was that it opened up the petition, particularly through the discussion forum, to a much wider audience than the person's geographical area. With a petition that somebody brings forward with hard-copy signatures, chances are that most of these hard-copy signatures will be from that local area. But of course the great advantage of e-petitions is that you open up to an entire worldwide audience. It is just something that we have never put any restriction on at all.[22]

3.60   GetUP also told the Committee that its current practice was to accept signatures from outside Australia. It told the Committee that it did not:

> use geography to limit people from signing our petitions or from taking our actions for the main reason that a lot of Australians living abroad are still politically active through GetUp! and we do not want to exclude their concerns. We know, through our electoral enrolment efforts before the last election, that there is a very large and engaged expat community who want to be included in the political processes over here although they are residing abroad. That is why GetUp! does not restrict action to Australians currently living in Australia.[23]

3.61   However, GetUP acknowledged that in the context of a national parliament 'obviously the petitions have a greater weight and legitimacy when they come from the constituents who are directly affected by the decisions that are at hand'.[24]

3.62   Likewise, the PPC told the Committee that it appreciated that there were significant differences between the Scottish and Australian Federal parliaments, and that 'if you are in a national parliament you would be thinking that it should be primarily for those individuals within the country'.[25]

3.63   When asked about this in terms of House of Representatives practice, the Clerk of the House replied that this was 'a legitimate practice that we … do encompass now': that the House currently receives petitions 'from residents of Australia, as opposed to citizens of Australia'. However, the Clerk considered that:

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22   Mr F Cochrane, *Transcript of Evidence*, 26 November 2008, p.2.
23   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.10.
24   Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.10.
25   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.2.

> Foreign citizens from abroad pose a difficult question. I think we
> have had one instance, back in 1970, 1971 or something like that,
> where some United States citizens might have had a petition
> received by leave. But generally we say that Australian citizens
> abroad but not non-Australian citizens can petition the
> parliament.[26]

3.64   The Clerk noted a limit on this practice, in that the Parliament must :

> have the power to act on whatever the petitioning is about. If
> noncitizens are petitioning the committee or the parliament on the
> basis of something that the parliament cannot act on, for example
> internal affairs in that country, it becomes difficult. But basically I
> would say that, provided people appropriately describe
> themselves, it should be okay.[27]

3.65   GetUP noted that it required a postcode on electronic petitions signatures.
        This allowed aggregate signatures to be split into geographical areas of
        origin. This, it was suggested, could be the basis of a resolution to the
        dilemma: that signatures could be distinguished on the basis of
        geographical origin and counted accordingly.[28]

Committee comment

3.66   In the Committee's view, this issue is of particular note for electronic
        petitions. For hard-copy petitions it is much less likely that petitions will
        be disseminated across countries other than Australia, but these
        boundaries are not significant barriers to electronic petitions.

3.67   It seems that the solution to this dilemma hinges on the information that is
        added to the signature on a petition. The Clerk of the House spoke of
        issues of petitioners 'appropriately describing themselves' in terms of
        citizenship, and residency. Similarly, GetUP invoked post-codes as a way
        to discern different locations from which signatures had been added to
        petitions.

3.68   In the Committee's view a solution may be to require signatories to
        provide their address. Signatures applied to an electronic petition in- and
        out-side Australia could be announced separately at presentation without
        further comment.

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26   Clerk of the House of Representatives, *Transcript of Evidence*, 26 November 2008, p.7.
27   Clerk of the House of Representatives, *Transcript of Evidence*, 26 November 2008, p.7.
28   Mr Coper, *Transcript of Evidence*, 12 November 2008, p.10.

3.69   The Clerk's synopsis of practice to date provides a basis for this. There is also a further argument in favour of signatories being required to provide an address or, at minimum, a postcode. Currently the House requires only name and signature on petitions. It appears that the advent of electronic petitions could warrant a requirement for a higher level of information.

3.70   This would support more accurate validation for signatures to petitions. While there is visual inspection for current hard-copy petitions to the House, the potential for large electronic petitions to be compiled in a short space of time suggests that increasing the requirements for information would be a prudent measure in ensuring the integrity of future petitions. This too would require changes to Standing Orders as they relate to petitions.

Presentation in hard or soft copy

3.71   In the previous chapter it was noted that the record of business in the House, including petitions and other tabled documents, consists entirely of hard-copy documents. It was also noted that Queensland Parliament prints out electronic petitions so that they can be integrated into the record of the business of the chamber once presented.

3.72   As noted by the Clerk, if the House of Representatives were to accept electronic petitions, it would have the option of accepting them into the record of business in either electronic or hard-copy format.[29]

Committee comment

3.73   There are a number of matters to be addressed in considering this question. If electronic petitions were to be presented in electronic form, it would be necessary to match the reliability and transparency of the current method of managing paper petitions. To achieve this, it would be necessary to institute high standards for access, archiving and backup.

3.74   There would also need to be a choice of file format that would reduce the risk of obsolescence. Papers from the beginning of federation can easily be read so long as the document has been archived in appropriate conditions, but in the thirty years or so since the advent of the personal computer, file

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29   Clerk of the House of Representatives, Submission no.13, p.7.

formats have changed regularly, placing doubts over the readability of some documents.

3.75   From a procedural point of view, considering the current precedents, accepting petitions in electronic format would be a departure from standing practice. It would divide the current record, now in a single format, into two streams: electronic and hard-copy, and this may result in a less transparent record of the business of the House.

3.76   On the other hand there are anomalies thrown up by the House's reliance on paper. Incoming documents are routinely received electronically, printed and then scanned to create a hard-copy 'original', rather than electronically 'received'. This leads to some loss of print image quality, and thus legibility. It may be that printing electronic petitions is, in the final analysis, anomalous, and represents no further gain other than that it conforms with tradition.

3.77   It is likely that 'documents' of a variety of types—such as digital moving picture footage or audio files—will, in time, be submitted to the House, for which printing-to-paper will not be an adequate final form. In view of this, electronic petitions may, if the House so chose, be in the forefront of an emerging capacity for the House to accept electronic documents in their original form.

3.78   Essential questions hinge on the durability, accessibility and transparency of arrangements around electronic documents, in general, and electronic petitions in particular. If these requirements can be satisfied, then there would seem to be strong arguments in favour of change.

3.79   The House would need to consider timing of such a change. In the meantime, printing of electronic petitions would be an acceptable transitional arrangement.

4

Privacy and security concerns

Introduction

4.1   Over the course of the inquiry three concerns have been raised on matters of privacy and security:

- first, electronic petitions could be compromised by the fraudulent addition of electronic signatures, by hand or more particularly by way of an automated process, resulting in petitions that were not representative of actual opinion;[1]

- second, petitioners signing electronic petitions could have their personal details disseminated, resulting in both a loss of privacy and deterring would-be petitioners;[2] and

- third, electronic petitions could be disrupted through unauthorised access to electronic support systems, and this could result either in fraudulent signatures, or denial-of-service: that is, in the electronic petitions system being unavailable for a period of time.[3]

4.2   The Clerk noted that in a UK Procedure Committee report on e-petitions it was

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1   The Hon Wilson Tuckey MP, Submission no.1; Mr G Harris, Submission no.11.

2   GetUP, Submission no.7, p.4.

3   PPC, Submission no.2.1, p.2; see also House of Commons Procedure Committee 2008, *E-Petitions, First Report from the Procedure Committee*, Session 2007-08, HC 136, House of Commons, viewed 15 July 2009, <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmproced/136/136.pdf>, p.45.

proposed that once the e-Petition had been submitted, the principal petitioner would receive an email asking him or her to confirm that he or she had sent the petition, thereby checking that the email address was genuine. A similar procedure would be followed for e-signatories and the names of e-signatories would not be added to e-petitions until signatories had confirmed signature of petitions. The system would identify duplicate names and addresses and would prevent someone signing a petition more than once.[4]

4.3   This approach was currently in use, the Clerk told the Committee, by the 10 Downing Street electronic petitions website.[5]

4.4   In relation to the second concern, the Clerk advised that a future model for electronic petitions in the House 'will need to provide and convey security to its users to ensure that people felt comfortable using the system and providing their personal details'.[6]

4.5   In relation to the third concern, the Clerk informed the Committee that any future electronic petitions system 'will need to meet stringent IT security standards' and that it was 'essential for the system to be secure, robust and reliable'.[7] Statements by the Scottish Public Petitions Committee (PPC), cited below, also highlight the importance of this.

Preventing fraudulent signatures

4.6   The Committee considered the methods used to prevent fraudulent signatures in Queensland and Scotland.

Queensland

4.7   A number of measures are taken by the Queensland Parliament to provide checking of signatures to electronic petitions. First, the Clerk of the Legislative Assembly told the Committee, the electronic petitions web-site protects against 'auto scripting', so that:

> each and every time somebody goes to sign up on a petition a page comes up that makes them copy down a number—and

4   Clerk of the House of Representatives, Submission no.13, p.7.
5   Clerk of the House of Representatives, Submission no.13, p.7.
6   Clerk of the House of Representatives, Submission no.13, p.8.
7   Clerk of the House of Representatives, Submission no.13, p.8.

> authentication number, if you like. [This] … essentially … stops people from running auto script databases. So somebody cannot actually have a database of names and addresses and automatically download that onto our system. The auto script procedure makes it a requirement that each and every time somebody enters an e-petition they are given an authentic, individual number and that number has to be put on the system.[8]

4.8 Second, while the system 'cannot stop people individually entering fraudulent names onto it, we can see ISP addresses':

> Say one computer has entered 500 addresses overnight. We can tell if it comes from the same IP address, so that would give us an indication to tell us whether or not there is fraud involved or whether or not it is just people where a petition has been popular.[9]

4.9 The Clerk told the Committee that this ability to check signatures against IP addresses was one of the advantages of parliaments hosting their own system, in contrast to arrangements at the Scottish Parliament where the system is hosted by a third party: 'We felt that, if we were going to have an e-petitions process, it should be administered by the parliament itself, which reduced the risk of any sort of fraud'.[10]

4.10 However the Clerk suggested that there was no absolute method to verify all signatures: 'when you are dealing in the electronic world, there are limitations to authentication'.

4.11 Comparisons between hard-copy and electronic petitions provided a useful perspective:

> I think we have to take a relatively pragmatic view towards authentication. My view is this: for hundreds of years paper petitions have circulated in the community and members have placed their names on and signed petitions. The reality is that we have never conducted audits to make sure that those paper petitions are all the time authentic. We have only ever investigated fraud when allegations have been made and there has been some evidence of fraud submitted. So for hundreds of years we have accepted paper petitions and have taken at face value that there is

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8   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, pp.4-5.

9   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.5.

10   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.2.

> no fraud involved with them, unless an allegation is made to that
> extent.[11]

4.12   As a result, Mr Laurie told the Committee:

> I think we have to be as pragmatic when it comes to electronic
> petitions. We have to take at face value that the people who are
> signing are actually the people who are putting their name to it, if
> you can understand what I mean, until or unless somebody takes
> the contrary view.[12]

4.13   However, the methods employed by the Queensland Parliament provided
        a measure of control over the veracity of signatures, and applied a filter
        for more obvious instances of fraud:

> There is no way that we can guarantee, or anyone can guarantee,
> authentication of people online unless there is a process for
> authentication such as that which the banks have with PINs or
> identification numbers. We have no way of being able to do that.
> However, the fact that it is done in-house here does allow us to
> notice suspicious activity. For example, if there is a lot of activity
> on a petition overnight, if the numbers go up by a thousand or
> something, it may cause us to have a look at the database to see
> whether there has been anything suspicious about that activity.
> But, as I say, there are no guarantees in this business. I do not
> think that the fears about authentication, however, should
> dissuade us from having processes like this.[13]

Scotland

4.14   The PPC told the Committee that in the Scottish Parliament several layers
        of checking were applied to e-petitions. First, both the electronic petitions
        website and the discussion forum were monitored by parliamentary staff.
        Second, the e-petitions system performed routine checking for
        duplications of signatories' e-mail address, and for 'rogue signatures',
        such as 'Mickey Mouse or Donald Duck'.[14]

4.15   These practices provide a level of scrutiny, but could not be expected to
        completely prevent false signatures, the PPC told the Committee. Parallels
        were drawn with hard-copy petitions, where manual checking could be

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11   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.4.

12   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.4.

13   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.4.

14   Mr F Cochrane, *Transcript of Evidence*, 26 November 2008, p.2.

anticipated to control for gross inaccuracies, but not at the other end of the scale. Consequently, 'to a certain extent' the Public Petitions Committee relies 'on trust quite a lot' for both hard-copy and electronic petitions.[15]

4.16   The PPC told the Committee that under this regime, to date, there has been 'fairly little abuse of the system':

> Offensive comments, spam and rogue signatures are quickly
> removed (the monitoring of the site is undertaken by our clerks).
> This helps maintain the system's integrity.[16]

Privacy

4.17   The protection of personal information entered by signatories to petitions was considered a significant issue by contributors to the inquiry.

4.18   GetUP informed the Committee that it had 'most serious concerns' regarding privacy and online petitions hosted by Parliament. In particular GetUP suggested that an electronic petitions process should not 'allow the collection of data on petitioners - their opinions, their whereabouts, their Internet use, personal details and other information'.[17] In no way should electronic petitions provide an opportunity 'store or collect unnecessary information about' petitioners. To prevent this, 'there would need to be strong guarantees and procedures that guaranteed' their privacy.[18]

4.19   The Committee regarded this aspect of electronic petitioning as important. Particular concern was voiced at the prospect that the personal details of petitioners, harvested from electronic petitions, could be used to create email lists which in turn would be used by those with a political interest to contact voters.[19]

4.20   The Speaker of the Legislative Assembly advised the Committee that specific processes have been framed to protect the privacy of signatories to electronic petitions in the Queensland Parliament:

> The names and addresses of signatories are not available on the
> website. However printed copies of the tabled e-petition are

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15   Mr F Cochrane, *Transcript of Evidence*, 26 November 2008, p.2.

16   PPC, Submission no.2, p.4.

17   GetUP, Submission no.7, p.4.

18   GetUP, Submission no.7, p.4.

19   *Transcript of Evidence*, 12 November 2008, p.12.

> available upon request to the public as is the case with paper
> petitions.[20]

4.21   In addition:

> Petitioners' details are deleted from electronic storage in
> accordance with the data retention policy at a maximum of 6
> months after the tabling date.[21]

4.22   The PPC did not comment directly on privacy in electronic petitioning.
         However the electronic petitions website of that committee makes the
         following statement:

> Only your name and country will appear on the website. The other
> details you give us are needed by the [PPC] to validate your
> signature. This is the same information required for a paper
> petition. Your details will only be used by the PPC and the
> International Teledemocracy Centre (ITC) who host the e-Petitions
> System, unless you have given permission for your details to be
> passed on to the principal petitioner. Your details will not be used
> for any purposes other than e-Petitioner, unless you have
> expressly given permission otherwise.[22]

System integrity

4.23   For an electronic petitions website two important aspects of system
         integrity are the ability to protect against unauthorised access and the
         ability to manage variations in demand from internet users.
         Representatives of the Queensland and Scottish parliaments did not report
         any instances of unauthorised access to electronic petitions systems.

4.24   With respect to levels of demand, Mr Laurie told the Committee that the
         Queensland Parliament electronic petitions system had received '55,000 or
         60,000 signatures in a week', for a petition on daylight saving, but there
         had not been 'any problem with the system operating with that sort of
         capacity'.[23]

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20   The Honourable Mike Reynolds MP, Submission no.12, p.2.
21   The Honourable Mike Reynolds MP, Submission no.12, p.2.
22   *Public Petitions Committee: e-Petitions*, viewed 5 August 2009,
       <http://epetitions.scottish.parliament.uk/#privacy>.
23   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.5.

4.25 However, the PPC was concerned about the currency and resilience of the electronic system that supports electronic petitions in the Scottish Parliament. This was important due to high volumes of traffic on the electronic petitions website which, the PPC informed the Committee regularly received 'over 1 million hits per month, some months have approach[ed] 1.8 million hits'. As a result, the PPC suggested that such systems should have a capacity 'to cope with usage beyond expectations'.[24]

4.26 These concerns were borne out early in 2008 when for 'a period' the discussion forum part of the electronic petitions website was 'down due to hardware problems'. This was 'extremely regrettable and inconvenient to us and petitioners'.[25]

Committee comment

4.27 In the Committee's view, these three requirements—reasonable measures to control for fraudulent signatures; adequate privacy provisions; and sufficient redundancy and resilience in information technology arrangements—are achievable in the House of Representatives environment.

Verification

4.28 In the future new electronic tools may come into being which support higher levels of checking for electronic petitions. At present, the Committee agrees with the proposition of the PPC that balancing the twin imperatives of maintaining security and accessibility requires careful judgement.

4.29 As the PPC suggested, the challenge is to maintain 'an open system, which allows the robust exchanges of views', while 'preventing abuse'. [26] Essentially, this entails tolerating minor degrees of error (for example in signature counts) in order to protect accessibility. While it is important that the majority of signatures are genuine and valid, too high a level of vigilance may effectively close-down access, defeating the purpose of a petitions system.

24 PPC, Submission no.2.1, p.2.
25 PPC, Submission no.2.1, p.2.
26 PPC, Submission no.2, p.4.

Privacy

4.30   Similarly, the Committee also heard persuasive evidence that the privacy of petitioners was a key aspect of their willingness to participate in a petitions process. It appears unequivocal that petitioners are wary of surrendering personal details in a petition and then having those details shared with other entities, or used for other purposes.

4.31   Queensland Parliament has adopted a clear policy on the confidentiality of petitioners' details. While petitioner's names are published electronically, other details, such as postal and email address are held in confidence in the back-end of the system. Electronic records of these details are deleted six months after the petition has closed, although they are retained in the record of the business of the chamber by virtue of the petition being printed prior to its presentation to Parliament.[27]

4.32   Here too balance is important. It is a standing arrangement that hard-copy petitions in the House can be viewed, at any time after presentation, on request. This is integral to principles of transparency: once presented, petitions are public documents, open to inspection by anyone who so asks.

4.33   Such a process is consistent with the idea, indicated above, that when a petitioner signs a petition, the surrender of personal details is the democratic 'price' of expressing a view. The information lends weight to the signature by providing a basis for verification.

4.34   In the House of Representatives requests may be made to view petitions, but are infrequent. It is important to consider whether the advent of electronic petitions in the House would make it necessary to change these arrangements.

4.35   In the Committee's view, present anxieties over the sharing and transmission of personal details stem chiefly from the ease of sharing electronic information. Electronic contact lists have commercial and political value, and may be misused in a variety of ways.

4.36   These are good arguments for maintaining high levels of security and confidentiality when holding personal details in trust. Clear policies on how long such records are kept, and when they are deleted, are likely to help keep faith between Parliament and any future petitioners in the electronic domain.

4.37   In the Committee's view, however, management of such details is less problematic in relation to paper printouts of petitions. Since they can only

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27   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.5.

be viewed in the Table Office at Parliament House, and cannot be copied, access to petitions is unlikely to represent a significant threat to confidentiality for multiple signatories attached to a petition. There is value in the transparency provided by having these physical copies available, which should be held in balance with issues of confidentiality.

4.38 Another question which relates to privacy is: should petitioners' details be used for email communications from the Committee? Does this breach confidentiality? The Scottish Parliament employs an 'opt-in' approach, whether petitioners have to actively nominate to be contacted by the PPC via email. Many petitioners appear to do this: the PPC advised that subsequent to the introduction of electronic petitions, the majority of its correspondence took place via email.[28] This is an approach which could be followed by the House.

System integrity

4.39 The Committee notes the evidence of the PPC regarding sufficient IT capacity to allow for variations in demand. It also notes the Clerk of the House's reference to system failure as a source of risk (resulting in loss of reputation) under an electronic petitions system.[29] This is important in view of the volumes of traffic quoted for the PPC's electronic petitioning website.

4.40 The Committee notes the importance of an ability to add further elements to the system to respond to such volumes and variations in internet traffic (known as 'scaleability').

4.41 The Committee also notes the importance of monitoring technical developments, including those relevant to validation and verification. This is an area of technology undergoing significant and rapid change. If the House adopts electronic petitioning, electronic petitions facilities should be maintained and developed so they remain current.

4.42 Above all, the Committee wishes to emphasise the importance of getting the balance right between different imperatives involved in, and highlighted by, electronic petitioning to parliaments. The matters considered in this chapter show a strong nexus between reliability, accessibility, engagement, privacy and credibility, in order for electronic petitions to gain traction and the House keep faith with petitioners.

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28 PPC, Submission no.2.1, p.3.
29 Clerk of the House of Representatives, Submission no.13, p.4.

4.43   Together, these constitute a minimum requirement. Breaches in any of these areas would alienate potential petitioners. On a more positive note, if well-managed in this regard, an electronic petitioning system could make possible substantive gains in the realm of engagement—even without the use of the social networking facilities employed elsewhere—simply by providing a safe, secure, widely-accessible system through which petitioners can express their views.

5

Financial and resource implications

Introduction: who administers the site?

5.1 A number of contributors proposed that the House would initiate an electronic petitions website under its own administration. This was favoured by the Department of the House of Representatives.

5.2 Such an approach echoed the Queensland Parliament's focus on security and verification of signatures, which led to the site being managed under the Parliament's administration. While the electronic petitions website was managed by a third party in Scotland, there were aspirations to bring it under the administration of Parliament.[1]

5.3 Clearly, creating and maintaining a website of this nature would involve expenditure and resources. This chapter considers the kinds of costs involved in an electronic petitions website for the House of Representatives, and the resource needs that could result.

Financial background

5.4 The Clerk of the House advised the Committee that 'financial and resource implications of an e-petitions system on a dedicated web-site model' were 'an important issue for the department' since it had:

> for a long time, 15 years … had the tradition of absorbing new functions and trying to do them without additional expenditure to

1 Mrs J Irwin MP, Submission no.14, p.1.

> the public purse. I think we have just about reached the limit of
> where we can go to that extent.[2]

5.5   As a result:

> The implementation of such a system would need to be adequately
> funded, and the department's view, as a matter of principle, is that
> it needs to be fully funded from new and additional Budget
> funding for the department. While there are significant
> uncertainties as to the initial set up and ongoing operational costs
> of such a system, the department believes that it would not be able
> to fund an e-petitions system based on a dedicated website model,
> without such supplementation.[3]

System cost

5.6   The Clerk told the Committee that potential costs for an electronic
       petitions system lay within a range. At the upper end of estimates, there
       was 'UK£500,000 with annual running costs of £750,000' estimated by the
       UK Management Board for a House of Commons electronic petitions
       system (modelled on the 10 Downing St electronic petitions facility).
       Another figure was the AUD$80,000 that had been invested for
       development and implementation for the Queensland Parliament hosted
       facility, 'with modest ongoing costs'.[4]

5.7   However, a further less expensive option was raised. The Speaker of the
       Queensland Legislative Assembly offered the House of Representatives a
       licence to the software system developed for the Queensland Parliament
       for a 'nominal' licence fee.[5] Similar arrangements had already been made
       with the Tasmanian Parliament, where a system had been operating in
       both the Legislative Assembly and Legislative Council following a 2004
       Committee report recommendation.[6]

5.8   In a response to a proposal put to him by the Committee, the Clerk agreed
       to the advisability of trialling an initial low-cost implementation,
       employing 'the same host as we have in the Queensland and Tasmanian
       parliaments'. This would mean that the House of Representatives 'would

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2   Clerk of the House of Representatives, Submission no.13, p.9.
3   Clerk of the House of Representatives, Submission no.13, p.9.
4   Clerk of the House of Representatives, Submission no.13, p.9.
5   The Hon Mike Reynolds MP, Submission no.12, p.2.
6   The Hon Michael Polley MP, Submission no.5, p.1; Mr D T Pearce, Submission no.6, p.1.

not have to pay the full set-up cost and it would be a basic system'. This, it was suggested, 'would be a start' in implementing an electronic petitioning system in the House.[7]

5.9   The Committee also received advice on financial aspects of an electronic petitions website from Mr David Elder, Serjeant-at-Arms of the House of Representatives. Mr Elder noted the offer from the Queensland Parliament of a licence for its system at nominal cost. He suggested that while there 'would need to be some adaptations', and the Department 'would need to run a project to bring that on board and make it work effectively in our own system', it was anticipated that this 'could probably be done at a relatively modest cost'.[8]

5.10   Mr Elder also advised that such a project could 'be done using capital funds through the Department of Parliamentary Services', noting that while:

> there is certainly a lot of pressure on our operational budget and on DPS's operational budget, for capital items such as this there is less pressure. We believe that we can probably develop the system without additional funding, using capital funds available to DPS. I have flagged that possibility with DPS and they do not see any great impediment to that.[9]

5.11   This opens the possibility that a House of Representatives electronic petitioning system could be implemented on the basis of a low initial cost for the software licence. Capital funds could be used for implementation and other initial costs, including additional hardware (such as servers) that was needed and other software licences that would be needed for the proprietary database management software used in the Queensland system.[10]

5.12   Ms Ann Mackinnon from the Department of the House of Representatives advised on the practicality of this option 'from an IT point of view', saying that 'it would be a relatively straight forward process'. It would, she suggested, 'be a project', but the Queensland Parliament had 'established this system' and the House of Representatives would simply be 're-implementing it and modifying it here slightly for our situation'.[11]

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7   Mrs J Irwin MP and Mr IC Harris, *Transcript of Evidence*, 26 November 2008, p.2.

8   Mr D Elder, *Transcript of Evidence*, 12 August 2009, p.1.

9   Mr D Elder, *Transcript of Evidence*, 12 August 2009, p.1.

10   The Hon Mike Reynolds MP, Submission no.12, p.2.

11   Ms A Mackinnon, *Transcript of Evidence*, 12 August 2009, p.4.

5.13   It is important to note that the system used by the Queensland Parliament allows petitions to be submitted for initial approval, posted so that they may attract signatures, and be taken down at the end of the signature period, and other basic elements of the management of electronic petitions. It does not include discussion forums or other social-networking facilities such as those employed in the Scottish Parliament's petitions system. Mr Elder advised that:

> to the extent we go to a system with more bells and whistles, it becomes less affordable, and my comments about us being able to do this without additional resources may need some qualification.[12]

Day-to-day costs

5.14   If the House of Representatives adopts the system developed by the Queensland Parliament it could implement an electronic petitions website for comparatively little cost. However this still leaves open questions of cost for the day-to-day administration of the system.

5.15   In assessing the potential exposure of the House in this regard, it is useful to consider the experience of the Queensland Parliament. The Clerk of the Queensland Parliament also spoke to the Committee about resource implications. He told the Committee that the software system had 'very low' maintenance requirements'. [13] In terms of daily work-flow, the Clerk told the Committee that the 'day-to-day operation of the system is run through my office, which comprises my secretary and me':

> Literally, when a member sends in an e-petition request form, my secretary brings it through to me. I approve the wording on the form and ensure that it is within the rules. She then enters the details onto the database and then presses the required buttons, if you like, built into the software to put it up on the website. The petition system automatically shuts itself down on the closing date. My secretary then prints it out and we present the petition to the house on the next sitting day.[14]

5.16   Resource implications were also described by the Speaker of the Queensland Parliament, who told the Committee that:

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12   Mr D Elder, *Transcript of Evidence*, 12 August 2009, p.2.
13   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.5.
14   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.5.

> [t]he processes are not completely automated and require some
> data input and processing from Parliamentary Service staff
> including the follow up process of posting Ministerial responses
> on the site. Total maintenance of the site is estimated at about .4 of
> a full time equivalent officer.[15]

5.17   This confirmed Mr Elder's suggestion that, in view of the anticipated low
        cost of initial implementation, most of the 'operational costs' for the
        system 'might be largely ones for your committee secretariat rather than
        back-end IT sort of expenditure'.[16] As a result, the Department did not 'see
        resourcing as necessarily being an impediment in being able to proceed
        overall'.[17]

Committee comment

5.18   In the Committee's view, on the basis of advice from the Queensland
        Parliament, there are relatively low overheads for maintaining the
        electronic petitions system. However, numbers of petitions are likely to be
        greater for the House of Representatives, based on a sample over five
        years:[18]

Year	Queensland Parliament	House of Representatives
2007	205	148
2006	166	276
2005	176	235
2004	133	471
2003	137	369

5.19   Moreover, if electronic petitioning facilities were to capture public interest,
        the House of Representatives could become a focus for petitioners around
        the country, further increasing number of electronic petitions.

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15   The Hon Mike Reynolds MP, Submission no.12, p.2.
16   Mr D Elder, *Transcript of Evidence*, 12 August 2009, pp. 1-2.
17   Mr D Elder, *Transcript of Evidence*, 12 August 2009, p.2.
18   Source: Exhibit 3, p.14, *Making a Difference,* p.8.

5.20   The Committee also notes the increased limits on functionality that stem
        from cost constraints. Earlier the report noted risk to reputation as an
        argument against adopting discussion forums. To that can be added the
        argument that cost precludes their use in the near-term: due both to costs
        for development (especially in view of these facilities not being available
        in the current Queensland system), and in view of the further resources
        that would be needed to administer them.

5.21   However the Committee believes that a watching brief should be
        maintained on these forms of functionality. It may prove to be the case
        that Parliament risks falling behind contemporary methods of
        communication unless it maintains an awareness of developments in the
        area.

5.22   The Committee is also aware of an argument that the provision of
        discussion forums could serve as a way of controlling risk. Discussion
        forums would offer an alternative to independent forums where the
        House has no ability to moderate discussion. This would increase the
        ability of the House to protect against loss of reputation if offensive
        material were seen to be associated with a petition to the House.

5.23   Consistent with this, the Committee believes that where possible a system
        installed to manage electronic petitions in the House of Representatives
        should not only be scalable, but should leave open technical avenues so
        that further functionality could be added when the House reviewed its
        requirements.

6

The experience of other jurisdictions

Introduction

6.1   Chapter 2 of this report considered models described or proposed to the
       Committee. This chapter considers the effects of electronic petitioning
       systems in the two parliaments—Queensland and Scotland—where the
       experience of electronic petitions has been most relevant and applicable to
       the House of Representatives.

Experience in Queensland

6.2   The experience of electronic petitions for the Queensland Parliament has
       been positive. The Clerk of the Queensland Parliament told the Committee
       that following the introduction of electronic petitioning in August 2002
       there had been, in the period from 2003 to 21 December 2007, '817
       petitions in total, with 901,232 signatures'. Of these 162 petitions were
       electronic. For this period electronic petitions, with 241,144 signatures,
       accounted for 27 per cent of signatures to all petitions.[1]

6.3   The Clerk told the Committee that since electronic petitions were
       introduced, 'the number of petitions has definitely increased and also …
       the number of e-petitions is increasing as well':

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1   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.1.

> the number that we have on our site has been growing each week
> since the new parliament has come back. I think the newer
> Members that are more computer savvy are promoting e-petitions
> more. I have noticed an increase since our last election.[2]

6.4   In addition the Clerk told the Committee that the size of individual
        electronic petitions was increasing:

> we are getting bigger and bigger petitions. We have currently got
> a petition up there for car registration price increases. There have
> been 30,000 signatures on that since that petition has gone up two
> weeks ago and it is getting bigger with thousands of more
> signatures each and every day.[3]

6.5   These were among the positively-regarded aspects of electronic
        petitioning in the Queensland Parliament. Another related to the rate of
        Ministerial responses to petitions. The Speaker of the Queensland
        Parliament advised the Committee that the number of tabled Ministerial
        responses had 'increased significantly' since electronic petitions were
        introduced. However the Speaker also advised the Committee that there
        was 'currently no compulsion' for a Minster to respond to a petition, and
        that the Queensland Parliament's Standing Orders Committee was
        considering whether Standing Orders should stipulate a time limit on
        ministerial responses to petitions.[4]

Research: Queensland

6.6   The Committee received a submission from Dr Paul Williams of Griffith
        University, reporting research on electronic petitions in the Queensland
        Parliament. Dr Williams informed the Committee about:

■ the numbers of signatures to petitions, including electronic petitions, in
  Queensland;

■ the relative numbers of hard-copy and electronic petitions; and

■ the number and significance of petitions which receive no ministerial
  response.

6.7   In relation to the size of petitions, Dr Williams advised that:

> [for] the vast bulk of paper and electronic petitions each attracts
> between 100 and 1,000 signatures. Very few petitions attract an

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2   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.1.
3   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.6.
4   The Hon Mike Reynolds MP, Submission no.12, pp.2-3.

insignificant number of signatures (say, fewer than 10), with few
therefore open to the charge of 'frivolity'. There are also a
significant number of petitions attracting signatures in the 10 to
100 range, as there are the 1,000 to 10,000 range.[5]

6.8   In addition, there had been notable electronic petitions that had attracted a
       very high number of signatures, particularly:

       two e-petitions in 2006 - on daylight saving, an issue close to
       Queenslanders' hearts [which] attracted almost 70,000 signatures
       between them: 62,232 in favour of introducing daylight saving,
       and 7,516 against.[6]

6.9   Such petitions, Dr Williams stated, showed that electronic petitions 'can
       prove effective lightning rods for public opinion'. He advised the
       Committee that these examples clearly demonstrated:

       the potential [of electronic petitions] to galvanise support for or
       against any given issue. They are, in summary, effective
       instruments for voicing public opinion on executive policy.[7]

6.10   On the relationship between hard-copy and electronic petitions, Dr
       Williams advised that 'paper petitions remain the preferred option of
       Queensland petitioners'.[8] While the reason for this imbalance was difficult
       to determine, Dr Williams considered that this could be the result of
       insufficient public education on electronic petitions to the Queensland
       Parliament.[9]

6.11   Despite this, however, Dr Williams considered that electronic petitions
       were:

       growing in popularity and, apart from an inexplicable decline in
       2007, represent an increasing share of all petitions presented to the
       Queensland Parliament. This augurs well for the future of e-
       petitions in Queensland and elsewhere.[10]

6.12   Moreover, Dr Williams advised overall the number of petitions was
       'growing, undermining the claim that Queenslanders feel so
       disenfranchised they are "dropping out" of the political system'. This

5   Dr P Williams, Submission no.10, p.12.
6   Dr P Williams, Submission no.10, p.16.
7   Dr P Williams, Submission no.10, p.16.
8   Dr P Williams, Submission no.10, p.11.
9   Dr P Williams, Submission no.10, p.12.
10   Dr P Williams, Submission no.10, p.11.

showed that in 'Queensland at least, it appears a sizeable core of voters remains committed to civic engagement'.[11]

6.13   Finally, Dr Williams advised the Committee on the significance of instances where petitions fail to receive a ministerial response:

> there is a small number of petitions (both paper and electronic) that, after tabling by a Member, fail to receive any Ministerial response … and more ominously, the number of these 'unresponded' petitions has grown in recent years.[12]

6.14   Dr Williams suggested that there was 'enormous voter angst over the fact petitions of any kind are allowed to pass without Ministerial response'. Dr Williams concluded that 'any e-petition model adopted by the House of Representatives must make a Ministerial response—if only via an acknowledgement letter to the Speaker—obligatory'.[13]

6.15   In practice, the Committee regards the current rate of compliance with requests for ministerial responses as good. The Committee considers that the current expectation that responses will be provided within 90 days of petitions being presented provides adequate support for this important aspect of petitions to the House. This makes the imposition of further, stronger, requirements unnecessary.

Experience in Scotland

6.16   The Scottish Parliament's Public Petitions Committee (PPC) told the Committee that the experience of electronic petitions in the Scottish Parliament had been positive. It had increased the volume of petitions and the level of engagement with Parliament.

6.17   While electronic petitioning had not replaced 'the traditional method of paper petitioning', since 'not all citizens have access to the Internet', 'around 75%' of petitions then received by the PPC were 'hosted as e-petitions on our website'.[14]

6.18   An indicator of the prominence of electronic petitions was that the electronic petitions website experienced '1 million hits per month' from 'a

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11   Dr P Williams, Submission no.10, pp.11-12.
12   Dr P Williams, Submission no.10, p.12.
13   Dr P Williams, Submission no.10, p.12.
14   PPC, Submission no.2, p.3.

population of less than 6 million'. This translated into '100,000 e-signatures and 3,000 on-line comments' for electronic petitions.[15]

6.19   The PPC told the Committee that electronic petitions, as an 'easier form of petitioning Parliament', had made a significant contribution to the accessibility of the petitions process.[16] The electronic petitions discussion forum, which forms part of the petitions website, had also had a positive effect, in that it allowed:

> the possibility for an online debate on the issues raised. With traditional methods of petitioning the citizen can only support a petition through adding a signature. E-petitioning provides the opportunity to comment on the issues raised either in support or against and is therefore much more interactive. The discussion forum can assist in furthering the Parliament's goal of creating a "culture of genuine consultation and participation".[17]

6.20   Using the electronic petitioning system, much of the PPC's correspondence was being dealt with in an electronic format, and this improved both access and ease-of-use:

> The vast majority of correspondence from the Committee is issued in e-format (around 95%). The correspondence (e.g. to petitioners, Scottish Government, other public bodies when requesting written evidence) contains hyperlinks to referenced material - the petition, oral transcript, written evidence, briefing produced by our research department.[18]

6.21   The PPC suggested that electronic petitions also brought other improvements over hard-copy petitions, in that electronic petitions:

■   'allow a much wider audience to know about a campaign and allows them to sign online';

■   'allow everyone to easily view who else has signed';

■   'can provide more information in text and pictures and links to other websites to better explain the importance of the petition to others'; and

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15   Mrs J Irwin MP, Submission no.14, p.2.

16   PPC, Submission no.2, p.3.

17   PPC, Submission no.2, p.3.

18   PPC, Submission no. 2.1, p.3.

■ allow 'those people who do and do not support a particular petition or campaign to say why [so that there can be an] online debate of the issue'.[19]

Research: Scotland

6.22   A further insight into the experience of electronic petitioning in Scotland was provided by the results of academic research which the PPC had commissioned. This provided a positive view of electronic petitioning. In particular, the research allayed potential concerns that electronic petitioning could be taken over by third-party political interests:

> The committee commissioned some external research back in 2006 which was carried out by the University of Glasgow. One of the encouraging things that the research threw up was that 51 per cent, I think it was, of petitioners were individual members of the public. The next biggest group of petitioners, at around 20 per cent, were community groups—groups of people in, perhaps, a community council or whatever. So three-quarters of petitions were coming forward from local communities and members of the public who wanted to bring a concern forward. The smallest category was actually formed by what you might call pressure groups and also trade unions, because it was recognised that there were other facilities available for them to take concerns forward, either through direct approaches to members or government ministers or getting parliamentary questions lodged.[20]

6.23   In relation to these findings, the PPC told the Committee that it was seen as particularly 'encouraging' that the petition system 'has been left … as a facility that is still primarily used by members of the public as a direct route for them into the policy development arena'.[21]

Further challenges

6.24   This indicated progress on engaging the public. However, as the Chair's submission to the inquiry notes, the Convenor noted two further challenges for the PPC:

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19   PPC, Submission no.2, p.4.

20   Mr F Cochrane, *Transcript of Evidence*, 26 November 2008, p.5.

21   Mr F Cochrane, *Transcript of Evidence*, 26 November 2008, p.5.

- 'how to make the work of the committee relevant to the process of government'; and

- 'how to engage with those least engaged in the political process'.[22]

6.25   These are considered below.

Relevance to the process of government

6.26   The PPC told the Committee that it had been successful in increasing the relevance of petitions to the process of government, and cited two instances where petitions had significantly affected government policy. One of these was an electronic petition on cancer treatment drugs:[23]

> We had a petition presented to our committee relating to the availability of cancer drugs for individuals who had been refused access to such drugs by their local health board. The petitioner was concerned that when they then purchased the drug element of their treatment they were then denied the National Health Service element of their treatment because they had been forced to go private. The petitioner, who was much in favour of a socialised health system, petitioned the parliament. During the process of the petition, there were some quite powerful emotions. The individual with cancer passed away during the process of the petition, but his partner persisted with the petition. So we had a very extensive inquiry—the first ever by the Petitions Committee since the establishment of the parliament.[24]

6.27   An opportunity then arose for the PPC:

> to present that debate to the chamber of the parliament, and the health minister, who is also the Deputy First Minister of the Scottish government, was involved. If you have a chance to look at the record of the debate, it was probably one of the best debates that we have had in the parliament in recent years because people were willing to look at different aspects of that issue. What it has resulted in is a substantial shift in government policy round this issue.[25]

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22   Mrs J Irwin MP, Submission no.14, p.2.

23   *Petition PE1108*, viewed 5 August 2009,
      <http://www.scottish.parliament.uk/business/petitions/docs/PE1108.htm>.

24   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.3.

25   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.3.

6.28   While the PPC was still 'awaiting final recommendations from the minister in the Scottish government', the petition and the ensuing debate had been 'very effective' in:

> articulating a public issue, bringing the parliamentary process into that issue and maybe changing policy. It is a great example of how a petition structure can really make a difference.[26]

6.29   A second instance, the PPC told the Committee, centred on a petition on knife crime that involved both hard-copy and electronic petitions.[27] In response to the petition, the PPC was planning a 'knife summit' in January 2009 to bring together, among others, 'victims and their families, procurator fiscals and senior police officers'; 'the head of our major accident and emergency services in the hospitals', and 'a number of key folk from the judicial system'.[28]

6.30   The PPC told the Committee that, in a more radical departure, the summit would include 'the victims and their families' so that they are 'able to articulate their concerns' and, potentially, 'some young men who are the perpetrators of such crime'. The intention was to:

> try to raise the debate about the concern among the people of Scotland about the terrible loss of young lives—mainly young men between the ages of 15 and 25. It is about using the parliament to amplify this big issue…[29]

6.31   The PPC told the Committee that such events lift the profile and significance of petitions in the business of Parliament. In turn, this approach demonstrated changes in how the PPC was perceived since its creation, from initially being seen as a 'filter', to initiating change within Parliament:

> The interesting thing is that the committee is developing. When we were first set up—I was not on the committee then—we were seen very much as a filter, as a committee that would pass judgements on where petitions should be sent, whether they would go to another committee or they would go to government or other institutions, and that our job more or less finished there.

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26   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.3.

27   *Petition 1171*, viewed 4 August 2009,
     http://www.scottish.parliament.uk/business/petitions/pdfs/PE1171.pdf

28   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.3.

29   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.3.

> But now we are beginning to set precedent, and I think this is very
> exciting.[30]

Engaging the least-engaged

6.32   The PPC told the Committee that the people most disengaged from
        Parliament were disadvantaged and young people. Particular challenges
        were experienced in getting these groups to engage in the petitions
        process.

6.33   In relation to young people, the Convenor of the PPC, Mr McAveety, told
        the Committee that contributing factors included 'parliamentary
        structures' that were not 'all that well shaped at present to deal with
        whatever the dynamic is amongst younger citizens'.[31]

6.34   Younger petitioners, however, had told the PPC that the effective use of
        technology could assist efforts to engage young people:

> their key message was that we need to use the new technology
> much more, we need to get out a bit more and we need to be seen
> to be less stuffy. That is a difficult one, because there are
> formalities to parliamentary process that are absolutely
> unavoidable.[32]

6.35   Despite these difficulties, 'dialogue and discussion' needed to continue
        because, in Mr McAveety's view 'we are [not] anywhere near the level of
        engagement that will work with anybody under the age of 25 anywhere in
        the country'.[33] As a result, young people do not 'see how they engage with
        the parliament much, in terms of the decision-making process, as opposed
        to understanding the institution through the education process'.[34] The
        situation is worse in disadvantaged areas:

> youngsters from areas like mine [are not] feeling that the
> parliament is something that they think they can utilise more
> effectively. The evidence tells us that the poorer, more
> disadvantaged communities or the communities with less
> educational attainment are not connecting at all in any way with

30   Mr R Harper, *Transcript of Evidence*, 26 November 2008, p.3.

31   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.10.

32   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.10.

33   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.10.

34   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.11.

the parliament, compared to how other, highly educated,
university level, constituencies engage with parliament.[35]

6.36   The solution, Mr McAveety told the Committee, was a two-pronged
approach in which technology and community-level engagement were
pursued in tandem:

> We need to, first, get the technology better and engage using the
> web much more, where we work with individuals in different
> communities and have a community type of structure through
> that.[36]

6.37   There were, however, challenges in implementing such an approach, first
because it 'requires money' and second because it involves fundamental
changes to 'how we do our business' :

> We need to get the corporate body of the parliament to shell out a
> bit more cash to have almost like a democratic budget for
> participation and engagement. I do not think we are anywhere
> near that in the parliament in the way we should be. We also need
> politicians—and it is a difficult one for all of us—to maybe change
> how we do our business. That is hard because we are already very
> busy.[37]

Committee comment

6.38   It is clear to the Committee that there is a benefit in parliaments being able
to accept electronic petitions. The two examples considered in this chapter
have both employed electronic petitions websites under the
administration of Parliament.

6.39   Using this approach, both parliaments have experienced an increase in
petitions. This contributes to increased public engagement with
Parliament. In light of the evidence tendered to the Committee on low
levels of engagement, this is a significant development.

6.40   These examples also show something about the aspirations of parliaments.
In the abstract, moves to adopt electronic petitioning can be seen either as
enhancements or necessary adaptations of the parliamentary system: that
is, as either a luxury or a necessity.

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35   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.11.
36   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.12.
37   Mr F McAveety, *Transcript of Evidence*, 26 November 2008, p.12.

6.41   The evidence considered here suggests that they are a necessity. Failure to adapt to contemporary methods of communication may contribute to perceptions that the House is irrelevant and out-of-touch with its public.

6.42   This may be a more pressing problem in the longer-term. Young and disadvantaged people, with whom parliaments currently struggle to engage, are likely to be voters for some time to come. Parliament's ability to engage these groups will influence their behaviour as participants in the democratic process, and on this depends the health of the democratic system.

6.43   A domestic 'digital divide', as well as other differences in educational achievement and resourcing, could have significant effects on the accessibility of electronic petitions in practice. If electronic petitioning is adopted by the House, these questions will require further attention in the future.

6.44   In the Committee's view, petitions are unlikely to be the sole answer to these challenges. The dissemination of information, the raising of public awareness by Parliament, and the public's ability to express its views in a meaningful way to Parliament, are other key elements in engagement.

6.45   Along with these, petitions can make a distinctive contribution. Adopting contemporary communication tools and methods, and combining them with the established process of petitioning, presents an important opportunity to address looming problems with engagement, and concomitant cynicism about the democratic process.

6.46   The existence of this problem is widely acknowledged, but few constructive responses are proposed. Electronic petitioning, in the context of appropriate and effective procedural arrangements, represents an important strategic asset for a challenging task.

7

Conclusion and recommendations

Introduction

7.1   The Committee has considered models and the other facets of electronic petitions specified in the inquiry's Terms of Reference. The Committee's recommendations for electronic petitions in the House of Representatives are presented below, under headings drawn from the Terms of Reference of the inquiry.

7.2   Recommendations are presented in two groups. Those under headings drawn from Terms (a) to (d) focus on implementing changes in the near-term to institute the practice of electronic petitioning in the House of Representatives. While there are no recommendations which correspond to Terms (e) and (f), the final two sections of this chapter raise matters which are relevant to these terms.

7.3   On the basis of the evidence brought before it, the Committee considers that the House of Representatives should begin to accept electronic petitions, by means of an electronic petitioning system and website under the administration of the House.

7.4   The Petitions Committee should manage this system and website on behalf of the House, set policies for use and management, and provide authority for petitions to be displayed on the site. As it does now, the Committee would provide authority for petitions to be presented to the House and for referral of petitions to Ministers.

7.5   The Committee takes this opportunity to record its view on a matter that is complementary to electronic petitioning, and central to the Committee's

role in general. Standing orders 207, relating to presentation of submissions, and 209, relating to referral to a Minister for a response, are in operation until the end of the 42nd Parliament. The sessional orders were originally put in place in June 2008 on a trial basis.

7.6   Standing order 207 currently allows, among other things, for the presentation of petitions by the Chair of the Committee and for a statement by the Chair, or another Committee member, in accordance with standing order 34. The order also sets out the times during which a Member may present a petition. Standing order 209 enables the Committee, following presentation, to refer a petition to the Minister responsible for response within 90 days of presentation, and for the Chair to announce any such ministerial responses.

7.7   In the Committee's view, standing orders 207 and 209 have been operating successfully and should be made permanent. Nothing contained in the recommendations that follow should affect their continued application.

A model of electronic petitioning for the House

7.8   Implementation of a system similar to that of the Queensland Parliament represents the most effective solution, at present, for the House of Representatives.

Recommendation 1

> **The Committee recommends that the House:**
>
> (a) **establish an electronic petitions website and system under the administration of the House; and**
>
> (b) **make necessary arrangements with the Queensland Parliament to enable the use of software supporting that Parliament's electronic petitions system.**

7.9   Discussion forums for petitions, as are available on the Scottish Parliament's electronic petitioning website, represent an additional cost, in terms of software development and system management, that is not warranted at present.

Recommendation 2

> **The Committee recommends that, at present, no discussion forum be provided but that in the 43rd Parliament the Committee review this recommendation and report to the House.**

Changes required to the practices and procedures of the House

7.10   Models considered by the Committee, if applied to the House of Representatives, would have different procedural and practice implications. The Committee intends that initial arrangements for electronic petitions will involve minimal changes to House practice and procedure.

7.11   The Committee has considered proposals that third parties be accredited to post and accept signatures for electronic petitions which could be forwarded to the House. It considers that this should not be adopted by the House, due to the absence of precedent for such an arrangement; to concerns over the validity of petitions; and potential implications for the standing of the House. The Committee also notes that the involvement of third parties would go against the tradition of petitions, which has seen individuals bring their concerns directly to Parliament.

Recommendation 3

> **The Committee recommends that the Standing Orders of the House be amended to make specific provision to accept electronic petitions. Accordingly, standing orders:**
>
> **(a)   204 (b), (e) and (f), relating to the form of petitions;**
>
> **(b)   205 (a) and (b), relating to signatures; and**
>
> **(c)   206 (a), relating to lodging a petition for presentation;**
>
> **be amended to take account of the electronic format.[1]**

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1   House of Representatives, *Standing and Sessional Orders as at 1 December 2008*.

Recommendation 4

> **The Committee recommends that duplicate electronic petitions be treated as instances of the same petition, as is the case for paper petitions, such that duplicates are not displayed on the House of Representatives electronic petitions website.**

Recommendation 5

> **The Committee recommends that signatories to petitions be required to provide an address and postcode in addition to name and signature and that, as for paper petitions, neither addresses nor postcodes of signatories, or the principal petitioner, be published by the Committee.**

Recommendation 6

> **The Committee recommends that electronic petitions be printed prior to presentation so that a hard copy is presented to the House.**

The role of Members in electronic petitioning

7.12   Under current arrangements paper-based petitions to the House either come directly to the Committee or are forwarded by Members to the Committee.

7.13   The Committee considers that the practice of 'front-ending' electronic petitions under which, as in Queensland Parliament, petitions are reviewed before being posted on the electronic petitions website, is sound.[2] However the Committee believes that, in keeping with the recommendation of the House Committee on Procedure's report on petitions, that petitions to the House not be required to be lodged, or otherwise supported, by Members.[3] This matter is considered in Chapter 3 under the subheading 'The role of Members'.

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2   Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.1.

3   *Making a difference,* pp. 24-25.

7.14   Members may however forward the text of draft electronic petitions to the Committee for guidance, as is current practice for paper petitions.

Recommendation 7

The Committee recommends that electronic petitions be forwarded to the Committee for review and certification before being posted on the Committee's electronic petitions website.

Privacy and security

7.15   The Committee considers that evidence presented to the inquiry suggests a strong relationship between the privacy and good management of petitioners' personal details, and willingness of the public to participate in petitions to the House.

7.16   A similar relationship applies between the verification of signatures, petitioners' willingness to participate, and the way in which petitions are regarded in the House. The Committee considers that maintaining good management of all of these elements is an essential component in creating conditions for public engagement with Parliament.

Recommendation 8

The Committee recommends that the personal particulars of petitioners included on original petitions be available for inspection in the Table Office, as printouts only, as is currently the case for paper petitions.

Recommendation 9

The Committee recommends that:

(a) **electronic copies or lists of petitioners' personal details derived from electronic petitions be deleted six months after the close of the petition; and**

(b) **petitions be posted on the Committee's website for the life of the Parliament and then removed.**

Recommendation 10

The Committee recommends that the electronic petitions system use verification methods currently employed in the Queensland Parliament's electronic petitions system, and that improved methods of verification be adopted as they become available.

Financial and resource implications

7.17   In the Committee's view, it is difficult to quantify this resource cost at present because some business currently created by paper petitions would move into the electronic domain if electronic petitioning were introduced in the House. If electronic petitions are to be accepted by the House of Representatives, resource implications should be monitored to ensure adequate support can be maintained.

The state of engagement

7.18   At present, there appears to be some agreement that the state of engagement between parliaments and their public is problematic. The Committee has considered whether the House should adopt an electronic petitioning system which emphasises continuity with previous practice, or whether a primary focus should be placed on improving the state of engagement. This question has implications for policy on electronic petitions, particularly as to whether discussion forums and other facilities are necessary in order to advance the relationship between the House and the public.

7.19   The Committee finds that there is insufficient information available to answer this question in any conclusive sense. It also considers that this is

an important question, about which the House should be better informed if it is to make sound decisions on its interface with the public, and this includes petitions.

Julia Irwin MP

Chair

A

Appendix A: Petitions 1973-2009

| Year | House | | | | Senate |
	Number of Petitions	Signatures	Ministerial responses	% Ministerial responses	Number of petitions
1973	1677				119
1974	883				477
1975	2043				677
1976	1987				558
1977	1420				470
1978	1340				578
1979	2366				742
1980	1923				701
1981	2900				669
1982	2094				1014
1983	1885				860
1984	2315				870
1985	2955				1093
1986	5528				1262
1987	3622				1291
1988	1289				780
1989	1690				882
1990	564				404
1991	824				779
1992	843	365155	3	0.4%	607
1993	547	734785	0	0.0%	539
1994	540	360462	0	0.0%	464
1995	431	456923	3	0.7%	589
1996	430	283163	5	1.2%	464
1997	633	322085	1	0.2%	476
1998	336	251466	0	0.0%	218
1999	232	139741	0	0.0%	194
2000	289	1411278	0	0.0%	102

| Year | House | | | | Senate |
	Number of Petitions	Signatures	Ministerial responses	% Ministerial responses	Number of petitions
2001	250	168226	0	0.0%	103
2002	319	362599	0	0.0%	99
2003	369	381083	1	0.3%	129
2004	471	214315	0	0.0%	180
2005	235	230190	1	0.4%	86
2006	276	250091	0	0.0%	161
2007	250	118596	1	0.4%	77
2008	109	96769	56	51.4%	53
2009	120	259477	87	72.5%	41

Source   Chamber Research Office, Department of the House of Representatives,
29 October 2009

B
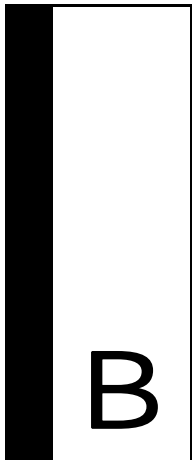
Appendix B: Proposed electronic petitions work-flow

- Principal petitioner completes an online form with the proposed text of the petition and details;

- Secretariat collects the text and details of the proposed petition, makes recommendations on the petition and includes the proposal in meeting papers for determination by the Committee (aiming for initial determination within four weeks of receipt);

- Principal petitioner is informed of the outcome;

- If approved, the secretariat posts the petition text on the Committee website for a standard period, for example four weeks, during which signatures may be added;

- At the close of the signatures period, the secretariat closes the petition and forwards petition details to the Committee, with recommendation on finding petition in- or out- of order and proposed referral;

- Committee considers the petition and if approved, authorises the petition to be presented and referred to the appropriate Minister; and

- The Committee authorises presentation of responses, as now.

C

Appendix C: Submissions

1. Hon Wilson Tuckey MP

2. Mr F McAveety MSP, Convenor, Public Petitions Committee, Scotland

2.1 Mr F McAveety MSP, Convenor, Public Petitions Committee, Scotland

3. Cameron Ljubic

4. Estelle Ross

5. Hon Michael Polley MP, Speaker, Legislative Assembly, Tasmania

6. D T Pearce, Clerk, Legislative Council, Tasmania

7. GetUp!

8. Oxfam Australia

9. Jaden Harris

10. Dr P Williams

11. Geoff Harris

12. Hon Mike Reynolds AM MP, Speaker, Legislative Assembly, Queensland

13. Mr I C Harris, Clerk of the House of Representatives

14. Mr Asem Judeh

15. Mrs Julia Irwin MP

D

Appendix D: Witnesses at public hearings

Canberra

Wednesday, 12 November 2008

GetUp!

Mr Ed Coper—Campaigns Director

Canberra

Wednesday, 26 November 2008

Department of the House of Representatives

Mr Ian Harris—Clerk

Ms Robyn McClelland—Clerk Assistant (Table)

Canberra

Wednesday, 26 November 2008 (teleconference)

Public Petitions Committee, Scottish Parliament

Mr Frank McAveety—Convener

Mr Robin Harper—Member

Mr Fergus Cochrane—Clerk

Canberra

Wednesday, 24 June 2009 (teleconference)

Parliament of Queensland

Mr Neil Laurie—Clerk

Canberra

Wednesday 12 August 2009

Department of the House of Representatives

Mr David Elder—Serjeant-at-Arms

Ms Ann Mackinnon—Director, Information Systems and Publishing