



Appendix D

Previous inquiries on petitions

- 1.1 The Standing Committee on Procedure has had a longstanding interest in the petitioning process, evidenced in the number of reports presented on the subject. The following is a brief synopsis of these reports and their recommendations.

Days and hours¹

- 1.2 This made significant recommendations relating to the form and content of petitions, as well as aspects of their processing. It was recommended that:
- the announcement of petitions lodged for presentation be made by the Chair following Prayers on Wednesday or Thursday (whichever is the broadcast day) and Members be required to lodge petitions for presentation by 6pm on the evening previous to that meeting;
 - the announcement include the number of signatories for each petition and the aggregate number of signatures for identical petitions and these figures be included in the Votes and Proceedings and *Hansard*;
 - the counting of signatures be the responsibility of the Member lodging the petition and it be the duty of the Member to affix to the petition the number of signatories together with the Member's signature;

¹ *Days and hours of sitting and the effective use of the time of the House* PP 108 (1986).

- petitioners be required to state their addresses on the petition following their signatures;
 - the petition proforma distributed to assist those drafting petitions provide for the inclusion of addresses and contain lines numbered consecutively;
 - a petition obviously promoted by a Member which includes his address or photograph be ruled out of order;
 - Ministers be given the option to respond to petitions and the response be forwarded to the Clerk, acknowledged at the end of the petitions announcement and printed in Hansard, and
 - resources be made available by the Department of the House of Representatives for the assessment of the primary (administrative) and secondary (research) value of petitions stored at Australian Archives and that appropriate storage and disposal arrangements be developed and implemented.
- 1.3 The Government accepted a number of these recommendations. It did not, however, agree that the Chair should make the announcement rather than the Clerk. The Government stated that the 'reading of petitions by the Clerk is long-established practice and does not in any way diminish its importance.'
- 1.4 The committee also recommended that a Business Committee should consider, and where appropriate, make recommendations to the House about whether petitions should be referred to House committees. The Government did not agree with this recommendation, stating that programming ought to remain the prerogative of the Government.

Certification of petitions not in the English language²

- 1.5 This report recommended an amendment to a standing order not amended since 1901 which permitted a Member to certify the accuracy of a petition not written in the English language. The committee noted the possibility of difficulties should a dispute arise over the terms of a translation. The committee recommended an amendment to the standing orders to require terms of petitions not in the English language to now be accompanied by a certified translation. This amendment did not prevent a Member from

2 *The ringing of bells and the Chamber precincts in the New Parliament House Certification of petitions not in the English language* PP 149 (1988).

certifying a translation if they felt qualified to do so. The recommendation was adopted by the House on 4 May 1989.³

Responses to petitions⁴

- 1.6 This 1990 inquiry was concerned with improving follow up procedures for petitions. The committee argued that 'for all practical purposes, only the Government is in a position to provide useful responses to most petitions.'⁵ This notwithstanding, the committee felt that the failure of ministers to provide responses points to a need for the House to order that Ministers respond to petitions referred to them by the House and to impose a time limit on the receipt of those responses.
- 1.7 The committee therefore recommended that:
- petitions received by the House be referred to the appropriate minister;
 - ministers respond to petitions within 21 sitting days of their referral by the House;
 - a minister not be required to respond to a petition which is in the same terms as one presented previously;
 - ministerial responses be lodged with the Clerk who would arrange the printing of responses in *Hansard*; and
 - any petitions referred to a committee not require a ministerial response unless it is specifically requested by the House or the committee.
- 1.8 None of these recommendations were adopted by the House.
- 1.9 The committee did not recommend changes to the process by which petitions may be referred to general purpose standing committees. The committee felt that 'reference of a petition to a committee would obviate the requirement for a response from the Minister unless such response is specifically required by the House or the committee'.⁶

About time⁷

- 1.10 This report recommended amendments to the routine of business, including the timing for presentation of petitions to follow ministerial statements.

3 House of Representatives, *Votes and Proceedings*, 4 May 1989, p. 1163.

4 *Responses to petitions* PP 267 (1990).

5 *Responses to petitions* PP 267 (1990) p. 7.

6 *Responses to petitions* PP 267 (1990) p. 9.

7 *About time: Bills, questions and working hours – Inquiry into the reform of the House of Representatives* PP 194 (1993).

- 1.11 The government response agreed with the amended routine of business, subject to a few minor changes. Petitions were to follow Questions without notice.

*Review of reports which have not received a Government response*⁸

- 1.12 The committee reiterated recommendations made in its *Responses to petitions* report and requested a Government response.

*Ten years on: A review of the House of Representatives committee system*⁹

- 1.13 In this report, the committee noted that while petitions may stand referred to general purpose standing committees, none had been so referred. The committee felt that referring petitions to committees would provide them with an indicator of public opinion on topical issues.
- 1.14 Recommendation 10 of the report was therefore that standing orders be amended to provide for petitions to stand referred to general purpose standing committees for any inquiry the committee may wish to make.
- 1.15 The recommendation was not adopted by the House.

*It's your House*¹⁰

- 1.16 In this inquiry, the committee presented an in-depth appraisal of the state of petitions to the House of Representatives and made four significant recommendations:
- that the standing orders governing petitions be amended to make them clearer and more accessible;
 - that Members be permitted to present petitions during Members' 90 second statements in the House or 3 minute statements in the Main Committee;
 - that an annual report be prepared setting out petitions presented and ministerial responses to them; and
 - that standing orders be amended to provide for petitions to stand referred to general purpose standing committees for any inquiry the committee may wish to make.
- 1.17 The Government endorsed the first two recommendations.¹¹ The Speaker noted in his response to the first recommendation that while

8 *Review of reports of previous procedure committees which have not received a Government response* PP 350 (1996).

9 *Ten years on A review of the House of Representatives committee system* PP 91 (1998).

10 *It's your house: Community involvement in the procedures and practices of the House of Representatives and its committees* PP 363 (1999).

the Clerk of the House was undertaking a complete revision of the standing orders, any changes to those relating to petitions would 'be limited to improving clarity and simplicity. Changes of substance to the standing orders are matters for the House.'

- 1.18 The second recommendation was also adopted and Members have been able to present petitions during Members' statements since 2001. At the time, the Government noted that:

The option for Members to present and support petitions on the floor of the House or Main Committee raises the issue that Members may be seen to give some petitions more favourable treatment than others. However, these are matters that Members are best placed to decide.¹²

- 1.19 While the Speaker agreed with the committee's third recommendation to present an annual report outlining petitions presented and ministerial responses to them, the Government did not. The Government considered that such a report was outside the procedure committee's functions under the standing orders.
- 1.20 In response to the committee's final recommendation on petitions that they be referred to general purpose standing committees the Government considered that these committees did not have sufficient time and resources to consider the terms of petitions.

Learning from overseas parliaments¹³

- 1.21 Following its 2005 study tour, the committee briefly outlined the petitioning process in the Scottish Parliament, noting that this visit had changed the committee's opinion of e-petitioning and the role of petitioning. While the committee did not make any recommendations in this report, it foreshadowed its intention to revisit the petitioning process in a separate inquiry.

11 <http://www.aph.gov.au/house/committee/proc/reports/cominv/govtresp.pdf>
pp. 1-2, accessed 6 July 2007.

12 <http://www.aph.gov.au/house/committee/proc/reports/cominv/govtresp.pdf>
pp. 1-2, accessed 6 July 2007.

13 *Learning from other parliaments: Study Program 2006* PP 179 (2006).

