
The Parliament of the Commonwealth of Australia

The work of the Petitions Committee: 2010-2013

An established part of the
democratic process

House of Representatives
Standing Committee on Petitions

June 2013
Canberra

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Foreword

This report records the work of the second Petitions Committee, the Committee of the 43rd Parliament. I will let the report speak for itself in terms of the Committee's operations from 2010-2013, its formal framework, the issues that recur, and the issues that we expect to arise.

In this foreword I want to raise something that may not be apparent from the face of the report. I want to thank the Deputy Chair and my Committee colleagues for their unfailing enthusiasm for the process of petitioning the House of Representatives. I thank my colleagues for their whole-hearted support for the work of the Committee and for their cooperation and cohesion. Their hard work has made it a pleasure for me to Chair the Petitions Committee of the 43rd Parliament.

Together we have endeavoured to ensure the Committee lives up to the expectations of the House when it established the Committee and of those people who seek to engage with the House to bring their concerns to the attention of the Executive.

Hon John Murphy MP
Chair



Membership of the Committee

Chair Hon John Murphy MP

Deputy Chair Dr Dennis Jensen MP

Members Hon Dick Adams MP

Mr Darren Chester MP

Mr Russell Broadbent MP

Ms Janelle Saffin MP

Ms Anna Burke MP

Mr Mike Symon MP

Hon Anthony Byrne MP

Mr Bert van Manen MP

Committee Secretariat

Secretary	Ms Catherine Cornish
Inquiry Secretary	Ms Sharon Bryant
Research Officer	Ms Susan Dinon (from 18/03/13)
Administrative Officer	Ms Jenny Jackson



Terms of reference

To inquire into and report on the work of the Standing Committee on Petitions, with particular reference to:

- (a) the role and operations of the Standing Committee on Petitions; and
- (b) the effectiveness of the Standing Orders as they relate to petitions.

Introduction

Petitioning the House of Representatives

History of petitioning the House

- 1.1 The right of citizens to petition the Parliament stems from traditions across many different civilisations. In the Westminster system it can be traced back to the 13th century when petitioning the Crown was relied on for redress of grievances. Later, petitioning was the principal manner in which legislation was developed.¹ By the 17th century – when in 1669 the rights of petitioners and the power of the House of Commons to address petitions were affirmed by two resolutions – the form and purpose of petitions had evolved to the style that we see reflected in current petitioning.²
- 1.2 When the Commonwealth of Australia was created in 1901, petitioning traditions passed from the Australian colonies to both the houses of the Federal Parliament, enabling the citizens of Australia to make direct representations to either the lower or the upper house.³
- 1.3 Since Federation, petitions to the House of Representatives have generally either sought to change, amend or introduce legislation (or other

1 Wright, BC, ed, *House of Representatives Practice*, 6th Edition, 2013, p. 628.

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

3 Standing Order 2 defines a petition as ‘a formal request to the House to take action that is within its power to take’, *House of Representatives Standing and Sessional Orders*, 20 October 2010. A petition can only be tabled in one house, but petitions on the same matter may be prepared and presented separately, in each chamber. Interestingly, no petitions were presented in the Senate between 1901 and 1968 – refer to Papers on Parliament, No. 59, *Is it futile to petition the Australian Senate*, Paula Waring, April 2013, available at: http://www.aph.gov.au/About_Parliament/Senate/Research_and_Education/pops/~/_link.aspx?_id=589D8A3C163043E6B5FCE93ACE9E92A1&_z=z, viewed 5 June 2013.

administrative practices), take action for a certain purpose, or to redress a local or personal grievance. Over time, petitions calling for redress of personal concerns have lessened, mainly because the Commonwealth government provides other mechanisms, in the first instance, for citizens to seek to resolve these sorts of issues.⁴

- 1.4 Between 1901 and the end of the 41st parliament in 2007, 50 045 petitions were presented in the House.⁵ The popularity of petitioning appears to have waxed and waned over that period. Its pinnacle, in terms of volume of petitions, was in the 1970s and 1980s. The lowest annual number of petitions presented in the House between 1975 and 1989 was 1 340, with an average of 2 357 petition presentations per annum over that 15 year period.⁶ But, by the 1990s petitioning the House appeared to have comparatively fallen out of public favour, with the highest number of presentations in the period 1990 to 2007 reaching 843, the lowest 232.⁷

Reinvigoration of the House's petitioning processes

- 1.5 In 2007 the House of Representatives Procedure Committee inquired into the House's petitioning processes.⁸ It concluded that the long-standing petitioning practices of the House no longer best served the way citizens engaged with parliament, and as a consequence the status of petitioning had declined. The Procedure Committee asserted that petitioning the House of Representatives should be based on the following six fundamental principles:

That petitions belong to the public

- 1.6 Underpinning this is the belief that petitions are the most direct form of communication between the public and the House.

Petitions sent to the House should be addressed by the House

- 1.7 The Procedure Committee considered the establishment of a Committee to facilitate the tabling of petitions complying with House requirements and to communicate with petitioners about the status of their petitions was an effective way for the House to address petitions it received.

4 For example the Commonwealth Ombudsman's Office is a body through which Australian citizens may direct personal concerns or complaints about their dealings with Australian Government agencies.

5 *House of Representatives Practice*, 6th Edition, Appendix 20, pp. 856-858 (Years 1901-2007).

6 House of Representatives Standing Committee on Petitions, *The work of the first petitions Committee: 2008-2010*, Appendix E, p. 45.

7 House of Representatives Standing Committee on Petitions, *The work of the first petitions Committee: 2008-2010*, Appendix E, p. 45.

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

Governments should respond

- 1.8 The Committee considered that strengthening the process of responses to petitions by Ministers would ensure petitions were seen as a worthwhile democratic tool.

Members' involvement should be enhanced and streamlined

- 1.9 The Committee recognised the important role Members play in liaising with citizens, raising petition issues in the House, and tabling petitions. It wanted better support for Members to contribute to this process.

Rules should be relevant and fair; and

- 1.10 Preparing a petition should not be excessively difficult and the rules governing petitions should not prove unnecessarily onerous.

Information technologies should be used more effectively.

- 1.11 The Committee decided it was important to embrace new information technologies to provide people with different means of obtaining information about the petitioning process and providing an alternative to paper-based petitioning. The Committee recommended the introduction of electronic petitioning.
- 1.12 The Committee also noted that, importantly, outside the parliamentary domain, the act of petitioning serves to air and strengthen community views on an issue.⁹
- 1.13 The Committee made seven recommendations, primarily relating to the accountability and certainty of the House's practices with respect to petitioning, and communicating with petitioners about action on their petition.
- 1.14 Its primary recommendation was for the House to establish a Petitions Committee to provide independent oversight of the House's standing order requirements and to act as a conduit between petitioners and the House. The Committee also recommended it be able to inquire into petitioning matters and report on any possible action.
- 1.15 The Procedure Committee also recommended:
- A limit of 250 words be imposed on the terms of the petition;
 - Ministers be expected to respond to petitions referred to them by the Petitions Committee within 90 days of presentation of the petition;
 - Certain additional times be available for Members to present petitions;

9 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, p. 7.

- The prohibition on petitions indicating sponsorship or distribution by Members be removed;
- The Department of the House of Representatives create a webpage that is visible from the Parliament's home page, and provides access to guidance on preparing a petition;
- Only the 'principal petitioner' be required to provide full contact details; and
- An electronic petitioning system be introduced in the House of Representatives.¹⁰

The establishment of the first House Standing Committee on Petitions

1.16 In January 2008, the incoming Government anticipated the establishment of a House Petitions Committee. The Leader of the House noted that this initiative was 'an important reform which strengthens the democratic rights of citizens and ensures that parliament is listening and responding appropriately'.¹¹

1.17 Accordingly, at the beginning of the 42nd parliament, on 12 February 2008, new and revised Standing and Sessional Orders were introduced to support the reformed petitions process and to establish the first Petitions Committee.¹² The new framework also provided:

- A requirement for the Petitions Committee to assess compliance of each petition submitted for presentation (whether received directly from a petitioner or via a Member) with House Standing Orders. If the petition complied it would then be approved by the Committee for presentation in the House.
- The Committee had discretion to decide whether to refer a petition to the relevant portfolio Minister or Ministers of the subject matter issue of the petition.
- The introduction of a 250 word limit for the terms of the petition (that is, the address to the House, the reason for petitioning the House and the request for the House to take action).
- A requirement that the main organiser of the petition, the nominated principal petitioner must be clearly identified on the front or first page of the petition, along with their full name, contact details and their handwritten original signature.

10 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, pp. xi-xii, 15-19.

11 Media release by the Hon. Anthony Albanese MP, Leader of the House, 11 January 2008.

12 Note the former Standing Orders are contained in Appendix A to this report.

- Petitions could either be presented by the Speaker of the House (with the Clerk announcing details)¹³ or by an individual Member.
- Opportunities to present petitions were increased. Members could present petitions during Members' 90 second statements in the House and 3 minute statements in the Main Committee,¹⁴ in the adjournment debate in both the House and the Main Committee and during the grievance debate.
- Ministers were expected to respond to the Committee about petitions referred to them by the Committee within 90 days of presentation, by lodging a written response with the Committee. The Ministerial responses were then to be presented in the House,¹⁵ published in Hansard and published on the House of Representatives website.

1.18 That first Petitions Committee, the Committee of the 42nd Parliament, recorded its history, procedural framework, and operations in the report, *The Work of the First Petitions Committee: 2008-2010*.¹⁶

The Petitions Committee of the 43rd Parliament

1.19 The Standing Committee on Petitions of the 43rd Parliament was established on 25 October 2010, and the full complement of members were appointed to the Committee the same day.¹⁷ The Committee held its first meeting two days later, on 27 October 2010.

1.20 The Committee has operated under a single set of petitioning Standing Orders since its establishment in 2010.¹⁸ The Committee will have conducted 52 meetings, including public hearings, since its first meeting and the presentation of this report.

The inquiry

1.21 On 13 February 2013 the Petitions Committee resolved to conduct an inquiry into its work throughout the 43rd Parliament.

13 These arrangements were later amended by a sessional order introduced in June 2008 which enabled petitions to be presented by the Chair of the Petitions Committee in a dedicated regular timeslot on Monday evenings; or by a Member during the times provided.

14 The House resolved on 8 February 2012 to change the name of the Main Committee to the Federation Chamber, with effect from 27 February 2012.

15 Later, by the Petitions Committee Chair during the petitions timeslot.

16 Presented on 21 June 2010, and available online at: http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives/Committees?url=petitions/committeework/index.htm, viewed 5 June 2013.

17 Refer *Votes and Proceedings*, No. 8, 25 October 2010, p. 118.

18 These have changed little since the end of the 42nd Parliament and will be discussed in more detail in Chapter 3.

- 1.22 Terms of Reference for the inquiry were: to inquire into and report on the work of the Standing Committee on Petitions, with particular reference to:
- a) the role and operations of the Standing Committee on Petitions; and
 - b) the effectiveness of the Standing Orders as they relate to petitions.
- 1.23 The Committee's primary objective for the inquiry was to provide an overview of its operations during the 43rd Parliament, to evaluate how these might have evolved, and to consider what further refinements might be necessary.
- 1.24 The Committee's work is quite public: decisions it makes are largely embodied in announcements made by the Chair each sitting week, current activities are canvassed in the Chair's statements to the House, and transcripts of roundtable meetings are available on its website. The Committee did not investigate any particular facet of petitioning, nor did it call for submissions – so much of the information about its operations is on the public record. It did, however, ask for feedback from witnesses/principal petitioners at its roundtable meetings into selected petitions, to determine their views on the process that began in 2008.

The report

- 1.25 This report addresses each of the terms of reference in the following two chapters. Chapter 2 considers the work of the Committee of the 43rd Parliament – its role and operations – and identifies some of the incremental changes that have been made over the last three years.
- 1.26 In Chapter 3 the Committee considers the current Standing Orders relating to its work and outlines its conclusions for the future role and operations of the Committee. In doing so it considers the potential impact of electronic petitioning, the response of petitioners to the current system, and possibilities for the House to debate the subject matter of petitions.
- 1.27 Appendices to the report include current Standing Orders and former Standing and Sessional Orders (Appendix A), non-inquiry public round table meetings held (Appendix B) and petitioning statistics (Appendix C).
- 1.28 The Committee considers that the underlying principles of petitioning, as enunciated by the Procedure Committee, remain relevant and important in the conduct of its work and the value of that work to the House and to Australian citizens who seek to engage with the House.

Role and operations of the Standing Committee on Petitions

Introduction

- 2.1 The Petitions Committee's primary role is to receive and process petitions to the House of Representatives and act as a conduit to the House for the presentation of petitions that meet Standing Order requirements. It may also inquire into petitions matters and the petitions system.
- 2.2 The Committee's role and responsibilities are defined formally by Standing Order 220:
- (a) A Standing Committee on Petitions shall be appointed to receive and process petitions, and to inquire into and report to the House on any matter relating to petitions and the petitions system.
 - (b) The committee shall consist of ten members: six government and four non-government members.

The Petitions Committee

Expectations and principles

- 2.3 The first Petitions Committee was established on 12 February 2008, when a number of changes were effected to the House's Standing Orders.
- 2.4 The Standing Orders, in particular those relating to petitioning and General Purpose Committee operations, provided the framework for the operation of the first Committee. The Standing Orders bind the Committee to operate within the formal arrangements of the House but they do not prescribe how it should conduct its business. This left the first Committee

(and indeed the current Committee) with latitude to determine how it would fulfil its role most effectively.

- 2.5 The activities of the first Committee, as reported in the *Work of the first Petitions Committee*,¹ reflect this broad framework. This was a time of bedding down the process and of observing developing trends in the numbers of petitions received, the interest in pre-preparation requirements and follow-up by the public on ministerial responses to petitions tabled.
- 2.6 The Committee of the 43rd Parliament has had the benefit of reflecting on the activities of the first Committee and how its approach could be refined to suit the ever changing petitioning environment. The Committee also benefitted from the first-hand experience of the first Committee through three Members who were appointed to the Committee again in the 43rd Parliament.
- 2.7 The fundamental role of receiving and processing petitions remains the most significant part of the current Committee's work, with most private meeting time devoted to assessing petitions for compliance and deliberating over correspondence on petitions.
- 2.8 The other facet of Standing Order 220, the ability to 'inquire into and report to the House on any matter relating to petitions and the petitions system' has enabled the Committee to review and report on its activities this parliament, including through this report. The current Committee has not sought to inquire into specific aspects of the petitioning system but the Chair's statement every sitting Monday provides an informal mechanism to report on significant issues and activities.
- 2.9 The Committee has maintained the view that under the Commonwealth Constitution, and House Standing Orders and practices, there are some immutable aspects of the House's petitioning process. This is not only important for practical reasons² but also to manage the expectations of a well-informed and highly communicative petitioning public. It is therefore clear that the Committee cannot:
- Deal with matters outside its jurisdiction, that is, State or Local Government matters;
 - Resolve matters raised in petitions;³

1 House of Representatives Standing Committee on Petitions, *The work of the first Petitions Committee: 2008-2010*, June 2010.

2 For example, there is no point making a request of the House about a matter that falls within State legislation – as the House can take no action.

3 The Committee Chair regularly advises witnesses at round table meetings and the House that this is beyond the role of the Committee.

- Change Government policy or administration;
 - Oblige a Minister to respond to a petition or follow-up an outstanding response for a petitioner;
 - Present petitions which do not comply with Standing Orders; or
 - Limit freedom of speech by not allowing the presentation of petitions which clearly comply with Standing Orders and other practices of the House.
- 2.10 The last point is worth expanding on. The House's respect for freedom of speech is at the core of the Committee's requirement to be objective in all aspects of its operations. This respect is reflected in Standing Order 206 (b), which gives the Committee little discretion – 'The Standing Committee on Petitions must check that each petition lodged for presentation complies with the standing orders, and if the petition complies it shall be approved for presentation to the House'.⁴
- 2.11 The Committee has made clear that its role is not to make value judgements on the subject matter of a petition. Nor does the Committee determine the petitions selected to be heard at public hearings on the basis of personal opinions or beliefs.⁵
- 2.12 This approach is very similar to the manner in which Members present petitions in the House. Members do not need to support a petition they present; similarly the Petitions Committee may or may not agree with the content of a petition it approves for presentation. Accordingly, when the Chair of the Committee presents petitions he may personally agree with some, and disagree with others, but this is irrelevant in his independent role as Committee Chair.⁶
- 2.13 The Chair of the Committee frequently reiterates his independent role in his presentation statements, for example:
- I conclude today by reinforcing the neutrality of the Committee in terms of petitions subject matter. The Committee's role is to assess petitions against standing order requirements, in conjunction with the established practices of the House, and to provide a conduit for the tabling of compliant petitions. Committee members must leave behind their personal views and allegiances regarding the subject matter and requests of petitions. The Committee determines whether a petition is compliant based only on the House's petitioning requirements. Naturally, this also extends to

4 House of Representatives, *Standing and Sessional Orders as at 20 October 2010*, SO 206 (b), p. 84.

5 This will be discussed later in this Chapter under *Public hearing activities with petitioners and public servants*, at 2.49, page 12.

6 *House of Representatives Practice*, 6th Edition, pp. 634-635.

my role as the Chair in tabling petitions in this timeslot. In presenting these compliant petitions I am not endorsing their content or requests. I may personally agree with some of the petitions and vehemently disagree with others, but my personal views and those of the Committee do not inform the outcome of a petition's status.⁷

- 2.14 The objectivity of the Committee's decision-making and the independence of the Chair's presentations have been starkly demonstrated when the Chair presents, in the same presentation timeslot, different petitions with diametrically opposed views or requests.⁸

Operations of the Petitions Committee

Considering petitions and receiving Ministerial responses

- 2.15 Standing Orders continue to require that a petition must first be certified by the Petitions Committee as meeting House requirements before it can be recognised as a petition when presented in the House.
- 2.16 Petitions intended for presentation in the House are received and processed by the Committee's secretariat in preparation for the Committee's deliberations at its regular private meetings each sitting week.
- 2.17 Standing Order 206 (b) requires the Committee to 'check that each petition lodged complies with the standing orders...'. Standing Orders 204 and 205 cover the form and content of petitions, and rules for signatures. The Committee must determine whether the petitions received comply with these requirements. The more significant requirements are that:
- A petition must be addressed to the House of Representatives only;
 - It must contain a request for action by the House only and the House must be capable of performing the action requested;⁹
 - The terms of the petition must not contain alterations and must be no more than 250 words;
 - The petition is written in moderate language and the terms not be illegal or promote illegal acts;

7 Chair, *HR Debates* (26.11.2012) 13 079.

8 For example, petitions for and against same sex marriage – *HR Debates* (21.2.2011) 539; 542 and 544 – and for and against an additional pharmacy in the Glen Gala Shopping Centre, Victoria – *HR Debates* (4.7.2011) 7 248 and 7 250.

9 For example, it can't be a State or Local Government matter or asking for intervention in an action that a private organisation or individual can legally undertake.

- The petition either be written in English or, if in another language, be accompanied by a certified translation;
 - The full terms of the petition must be at the top of the first page and, as a minimum, the request of the petition must be at the top of other pages;
 - The full name, address and handwritten original signature of a principal petitioner must appear on the first page;
 - House Members can't be a principal petitioner, nor sign their support for a petition; and
 - The signature of each petitioner must be in his or her own hand writing (unless the petitioner is incapable of signing¹⁰) and be provided on original hard-copy (not copied, pasted or transferred).¹¹
- 2.18 Specific requirements of the Standing Orders are considered in more detail in Chapter 3.
- 2.19 Petitions considered to meet the format and content criteria are found to be 'in order'. In-order petitions are subsequently presented in the House, either by the Committee Chair, currently on Monday mornings of sitting weeks,¹² or by other Members who have indicated – and principal petitioners who have agreed – that they will present them.
- 2.20 Prior to presentation, at the same time as it considers compliance with Standing Orders 204 and 205, the Committee resolves whether petitions will be referred to a Minister or Ministers with relevant portfolio responsibility. Following presentation of petitions – whether by the Committee Chair or a Member – their terms are referred in writing by the Chair of the Committee to the appropriate Minister or Ministers for a response.¹³
- 2.21 Only those petitions which meet the requirements of the Standing Orders can be referred. Therefore, only in-order petitions can be presented in the House, published in Hansard, and be referred to the Executive for comment. The ability to have an issue brought directly before a Minister provides petitioners with an added and significant incentive to ensure that

10 This is in the case of physical incapacity to sign, not to overcome inconvenience.

11 House of Representatives, *Standing and Sessional Orders as at 20 October 2010*, Standing Orders 204–205, pp. 83–84.

12 House of Representatives, *Standing and Sessional Orders as at 20 October 2010*, Standing Order 34 (Order of Business), pp. 26–27. Note that in the 42nd Parliament the Chair's presentation timeslot was established on 24 June 2008 via Sessional Order 207 to enable these presentations on Mondays at 8.30 pm–8.40 pm. This replaced the Standing Orders of 13 February 2008 which provided for the Speaker's presentation of in-order petitions.

13 House of Representatives, *Standing and Sessional Orders as at 20 October 2010*, Standing Order 209 (a) and (b), p. 85.

the content and format of their petition meets Standing Order requirements.

2.22 Most petitions the Committee approves for presentation are referred for a ministerial response. The exceptions are few and occur mostly when the House has received multiple petitions on the same subject matter or the petitions request the same action. In these cases the matter is not repeatedly referred for a response. Instead, the first ministerial response received on that particular type of request for action will be sent to subsequent petitioners. The response is published in Hansard and to the Committee's website – clearly linking a response to a petition matter. This transparency reduces the expectations of subsequent prospective petitioners of receiving an individual ministerial response.

2.23 Standing Order 209 (b) provides it is 'expected' that Ministers will respond to a referred petition within 90 days of a petition being presented in the House. The response is received by the Committee which then affirms the Chair will formally present the response to the House during the next opportunity (sitting Monday). This provides the Committee with a full-circle role in the petitions process – as summarised by the Chair:

The Committee therefore acts as a conduit for both the tabling of petitions and responses to them. It also acts as a gatekeeper. I believe that this unique combination provides the House's petitions system with a high level of certainty and responsiveness.¹⁴

2.24 The Committee regards the timely and well-considered responses to petition matters by the Executive as one of the key successes of the House petitioning processes introduced in 2008. The expectation by petitioners that they will receive a response within a certain time frame provides a level of accountability by the Government not only to the public, but also to the House.

2.25 The responsiveness by Ministers to the Committee's referral of petitions has been a very positive aspect of the changes to petitioning. For example, in 2007 there was only one Ministerial response and in 2008, the first year of the Committee's operations, the figure was 56. By 2011 a total of 136 responses were received; with 83 responses in the 2012 year. As at 17 June 2013, after less than six months of the 2013 year, 38 Ministerial response letters had been received.¹⁵

14 Chair, *HR Debates* (20.8.2012) 9 039.

15 Statistics provided by the Chamber Research Office. Note the number of documents tabled is counted for statistical purposes; in practice these 38 response letters provided responses to 44 petitions.

2.26 Statistics for the 43rd Parliament show a robust number of ministerial responses presented each year. But this only tells part of the story. The real success has been the rate of response. The Committee Chair has spoken on numerous occasions throughout this parliament about the positive rate of ministerial responses. For example, in November 2012 he noted:

The highlight of these statistics, however, is the high ministerial response rate to petitions tabled. This is indeed a success story that has been raised on previous occasions since the inception of the Committee in 2008, but this year's results were exceptional. Ninety-two per cent of petitions tabled this year received a ministerial response. This contrasts with the 2011 rate of 70 per cent, which was already a very good result considering many petitions tabled in the spring sittings receive tabled responses in the following year; as would be expected for quite practical reasons.¹⁶

2.27 In the financial year to 17 June 2013 (the last ministerial response tabling at the time of this report), the rate of response to petitions tabled in the same period was 74 per cent.¹⁷ This rate is considerably skewed downward given that 38 petitions (of the total 101 presented since 1 July 2012) have only been presented since 27 May 2013, such that they could not reasonably expect a response to be presented before this report is presented. This statistic reflects the expectation that a bulk of petitions would be received near the end of the final sittings of the 43rd parliament (as petitioners rush to submit petitions and Members to make presentations). As such, responses to these petitions would not be anticipated before the end of the budget sittings and expected dissolution of the House.

2.28 Most responses received express neither agreement nor disagreement with the petitioner's viewpoint – nor do they accept or deny a petitioner's request. And the Committee considers that ministerial responses were not intended to represent a grant or denial of a request, as supported by the 90 day timeframe for responses. Rather, responses provide petitioners and stakeholders with an (often comprehensive) outline of the Government's relevant policy, funding arrangements, administrative process or legislative framework. A response may explain why the Government takes a particular stance on a matter and whether there are any plans for review or change.

16 Chair, *HR Debates* (26.11.2012) 13 079.

17 78 actual responses to petitions (between 1 July 2012 to 17 June 2013) to 101 petitions presented in the same period.

2.29 While it would be rare for a Minister to agree to undertake the action sought in a petition and relay this in a response, there are occasions when petitions, which have previously received a response that did not contain an acceptance, have later had their request fulfilled. This does not necessarily mean that one petition request has directly led to the desired outcome. However, in some cases the request has been unique and has related to such a narrow field of stakeholders that a causal link could be drawn between the original petition and the later Government action.¹⁸ One example of this was mentioned on 20 March 2013 during the Member for Aston's adjournment debate speech:

I am proud to report to the House that the Knox headspace centre was officially opened this week. The opening of this centre has been the culmination of a two-year campaign which I have spearheaded, along with community members in my electorate. ... I would particularly like to thank the chief petitioners, Pauline Renzow and Prerna Diksha, for their tireless effort.¹⁹

2.30 After responses are presented their text is published in full, in Hansard, and on the Committee's website, in line with Standing Order 209(c). In this way, not only does the principal petitioner receive the information about the issue, but so also does any stakeholder – supporter or indeed opponent of the petition – and any prospective petitioner. The response process provides an avenue for Government accountability.

2.31 In general, most petitioners do not anticipate that a petition alone will lead to the direct resolution of their concern. Most Australians participate in petitioning with the pragmatic view that it is a respected method of raising awareness of an issue – within the community and with Parliament – or a grievance. The promise of a resolution may certainly be an impetus for petitioning, but not the sole reason. This understanding was summarised by the Chair recently:

As much as it would be rewarding for petitioners to see a nice, neat resolution to their concern outlined in the ministerial response to their petition, in a well-functioning democracy this is a rarity. Therefore, the executive's response to a petition which is anticipated to be received by the committee within a few months

18 For example, the petitioning in 2010 for public funding of a drug to treat the medical condition of Paroxysmal Nocturnal Haemoglobinuria – which was included in the Pharmaceutical Benefits Scheme on 1 January 2011, two months after a ministerial response was received which merely provided details of the Government's processes to assess the requested drug. It is unclear, however, whether the petition itself, other public awareness campaigns or merely the plight of the petitioners led to this result.

19 *HR Debates* (20.03.2013) 2 776.

of referral does not represent a granting or a denial of a wish – and most petitioners would understand this.²⁰

Communications by and with the Petitions Committee

- 2.32 A large part of the Committee's role involves communicating advice of petitioning outcomes and responses to petitions. The Committee does this directly, via correspondence to principal petitioners and Members who have been involved in presentation or delivery of petitions, and indirectly, to the public, through Hansard and the Committee's website.
- 2.33 These activities partly fulfil Standing Order requirements, and partly the Committee's stewardship role. The webpage constructed in response to the Procedure Committee's recommendation that the Department of the House of Representatives create a petitions page on its website, visible from the home page, and which provides contact details and guidance on preparing a petition, remains available.²¹
- 2.34 The Parliament's website now provides clear access to petitioning information from the home page and at the petitioning launch point it clearly delineates between petitioning the House and the Senate. General information on preparing a petition, a petitioning checklist and contact details for the Committee's secretariat is available with a link to the Petitions Committee website. The Petitions Committee's web page is also available via the list of House General Purpose Standing Committees.²²
- 2.35 The Committee's web page provides public access to the terms of tabled petitions and to ministerial responses. It also lists any public meetings conducted by the Committee and the transcripts of these. Even though petitions and responses are already publicly available in the Hansard of the day of presentation to the House, publication in this format enhances transparency by linking tabled petitions and responses. This is significant for petitioners and anyone who is interested in the issues they raise.
- 2.36 The other benefit of re-publishing the terms of tabled petitions on the Committee's website is that petitions are categorised in subject matter areas, enabling prospective petitioners to research prior petitions on the

20 Chair, *HR Debates* (18.03.2013) 2 275.

21 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, p. 31. The Committee's web page is available at: http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=petitions/index.htm, viewed 11 June 2013.

22 The Committee's webpage is at: http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=petitions/index.htm and general information on preparation of petitions is available at <http://www.aph.gov.au/house/work/petitions.htm>, viewed 11 June 2013.

same or similar subject matter, and to see petition wording which has met the format and content requirements of the House. So, the website is not only a communication device but also has an important educational role.

- 2.37 Public expectations about access to information on petitioning are increasing. The Chair has discussed this aspect:

With increasing acceptance of, and access to, communications and information technology by people of all ages and walks of life, the petitioning requirements are being disseminated widely through the Committee's website and communications via a public email address. This is in addition to telephone and postal communications and published information made available by the Committee for distribution at Members' electorate offices across Australia.²³

- 2.38 The Committee is supported by a small secretariat which provides administrative, research and drafting support. One of the significant aspects of the secretariat's work is liaison with prospective petitioners as they prepare their petitions for signature collection and then tabling in the House.

- 2.39 Improved access to information about petitioning and the Committee's web pages, as well as the access to advice from the secretariat, ameliorates a high rate of out-of-order petitions received. In any case, it reduces the disappointment and agitation of petitioners who would have prepared out-of-order petitions due to minor oversights (for example, exceeding the word limit), but who avoid this by using the Committee's resources before collecting signatures.

- 2.40 The absolute numbers of out-of-order petitions received in the 42nd parliament showed a decline on 'pre-Committee' out-of-order petition numbers, with 39 petitions out-of-order in 2008, 20 in 2009 and 23²⁴ in the 2010 year.²⁵ As volumes of petitions received in the 43rd Parliament increased, so did the number of out-of-order petitions. The absolute numbers of out-of-order petitions jumped up in the 2011 year to 80,²⁶ but, given there were 271 petitions received²⁷ (thus 191 complied), the out-of-order rate was only 30 per cent. The absolute numbers fell to 52 in 2012,

23 Chair, *HR Debates* (23.05.2011) 3 980.

24 Note that 11 petitions were received in the 43rd parliament between 27 October 2010 and 24 November 2010; thus 34 petitions were out-of-order in the full 2010 year.

25 Figures provided by the Chamber Research Office, Department of the House of Representatives.

26 Twenty-two of these were assessed in a single meeting.

27 Committee private meeting statistics. The number of petitions assessed as complying in any given year is unlikely to equate to the number of petitions presented in the same period.

reflecting far fewer hastily prepared ‘immediate response petitions’ which were prevalent in 2011.²⁸

- 2.41 In the 2013 year-to-date only 12 out-of-order petitions have been received.²⁹ The Committee is pleased to see that fewer petitions are being received which don’t meet the House’s requirements.
- 2.42 The Committee also notes fewer electronically produced (and thus out-of-order) petitions are being received in 2013, commensurate with prospective petitioner queries about the House’s acceptance of non-handwritten petitions. Growing awareness of the House’s signature rules may have contributed to a recent decline in out-of-order numbers after the initial burst in popularity of petitions prepared through on-line petitioning sites.³⁰

Private meetings during sitting weeks

- 2.43 The Committee continues to meet at least weekly during sitting weeks for a private meeting, principally to consider proposed petitions and responses.
- 2.44 During these meetings the Committee also considers more general correspondence, its current and future work program and other general Committee matters. Since it first met in October 2010, the Committee of the 43rd parliament has held more than 45 private meetings.

Presentations and announcements by the Committee Chair

- 2.45 At the commencement of the 43rd Parliament the Standing Orders were amended to change the time for the Chair of the Petitions Committee to present petitions to the House. This was set for 10.00am to 10.10am on sitting Mondays.³¹
- 2.46 Since November 2010 the Committee Chair has made 30 announcements of petitions found to be in-order (and which petitioners have not asked

28 For example, the 2011 year featured many small petitions opposing the live export of animals. These petitions were prepared and received soon after the airing of a documentary television program on the subject matter; most of which did not meet the standing order requirements.

29 Statistics to 5 June 2013.

30 For example, the Get-Up! Website (<<http://www.getup.org.au/campaigns>>) and more recently, the Go-Petitions site (<<http://www.gopetition.com/>>) and Change.Org sites (<<http://www.change.org/petition>>), none of which follow any parliamentary jurisdictional guidelines.

31 This was one of the changes in Standing Order 34, Order of Business. In the 42nd Parliament, Sessional Order 207 and Standing Order 34 provided for a timeslot on Monday evenings between 8.30 pm and 8.40 pm – this commenced on 24 June 2008 and continued to 20 October 2010.

other Members to present) and of ministerial responses considered by the Committee at its previous meeting.³²

- 2.47 The Chair also makes a general statement about the Committee's work to the House at this time, time permitting. Standing Order 207(a) enables the Chair's announcement and statement and also a statement by another Member of the Committee. From time to time during the 42nd Parliament, statements were made by other Committee Members in the Petitions timeslot. This was usually made by the Deputy Chair, after consultation with the Chair, so that speaking times and topics would be appropriate. In the 43rd Parliament only one Committee Member has used the petitions timeslot to make a short statement following the Chair's statement.³³
- 2.48 The Chair's statements provide the House with regular reports on the Committee's activities, in particular public meetings and on key aspects of the petitioning process. The statements also enable the Chair to provide six monthly statistical updates on petitions received. As such, the statements serve as an important accountability measure.

Public hearing activities with petitioners and public servants

- 2.49 Standing Order 220, which outlines the Committee's role, states that the Committee may inquire into, and report to the House, on any matter relating to petitions and the petitions system. This enables the Committee to conduct its round table hearings with principal petitioners and/or senior officers of relevant Government agencies.
- 2.50 These are intended to facilitate a public dialogue on the petition issue raised and not to investigate the matter with a view to resolving or following-up any individual petition concern.
- 2.51 The Committee held 8 public meetings with principal petitioners or public servants over the course of the 43rd Parliament.³⁴ At the first round table meeting the Committee spoke to one petitioner, as well as with representatives of one Government department and one agency. At one hearing the Committee spoke exclusively with senior public servants – one of the petitions considered was later separately discussed with the principal petitioner, in the petitioner's home town. The other hearings were held interstate, solely with principal petitioners or their representatives. All round table meetings with public servants held during the 43rd Parliament have taken place at Parliament House.

32 Announcements to 24 June 2013.

33 *HR Debates* (22.08.2011) 8 706. On 22 August 2011 Mr R Broadbent MP spoke following the Chair.

34 Refer to Appendix B for the full list of public round table hearings held in the 43rd Parliament.

- 2.52 The Committee does not formally accept submissions or exhibits at these public hearings as its role is not to investigate with the view to recommending any action on petitions or of resolving matters. These public discussions enable explanation and exploration of issues beyond that allowed by the petition's 250 word limit. After round table hearings, the official transcript of evidence is forwarded by the Committee to the relevant Minister or Ministers of the portfolio area.
- 2.53 During the 43rd Parliament the Committee continued the first Committee's contact with young people. A number of petitions were received from school groups during the period – and it was rewarding to see that most of these met the Standing Order requirements. The Committee attended a hearing at a secondary college in Perth in August 2012. Members were impressed with the confident interaction between these students and the Committee on a complex subject on which the principal petitioner, herself a student, was well versed.³⁵ The Committee then held informal discussions with the students, teachers and the school principal on the broader parliamentary process and the role of Members. The Committee values this sort of engagement as an additional benefit of the reinvigorated House petitions process.
- 2.54 The Committee's approach to round table hearings has changed since the 42nd Parliament. In that parliament, as the Committee was defining its role and was settling into a pattern of operations, it afforded more time for round table hearings, the bulk of which were conducted in Canberra with public servants. These hearings covered a greater number of petitions, initially adopting a program based more on coverage of petitions presented rather than on any particular criteria.
- 2.55 The Committee of the 43rd Parliament was faced with a significant increase in the number of petitions received – with approximately 275 petitions being received and assessed in 2011 as compared to numbers of 150, 170 and 170 in 2008, 2009 and 2010 respectively.³⁶ This meant that, in addition to reconsidering the value in attempting to conduct public hearings for most petitions, it also had a larger task in its primary operations.
- 2.56 Petitions to be discussed at public hearings are now largely selected because of sustained or broad interest in the issue and the likelihood that a further, public discussion may be beneficial. Interstate hearings with

35 House Standing Committee on Petitions, *Transcript*, 31 August 2012.

36 Refer to Appendix C, the total number of petitions received per annum approximates the total numbers tabled, plus those petitions found out-of-order. There will be variations between the number so petitions assessed as compliant and the number of petitions tabled in any given year – mainly due to sittings recesses intervening between a meeting at the end of a calendar year and the next presentation opportunity in the new year.

petitioners necessarily involved discussion of petitions generated from particular geographic areas.

2.57 Every petition presented does not, therefore, become the subject of a hearing. The Chair emphasised the Committee's approach:

Rather than take a blanket approach to holding public hearings on a large number of petitions received, the committee has found value in selecting petitions which have displayed strong local interest – or other notable characteristics – and to discuss these petitions in greater detail. The committee cannot follow up or make recommendations to government on individual petitions, but the hearing process enables a public dialogue, with the potential for further action to take place, beyond the committee's role, merely because the matter has received further parliamentary airing.³⁷

2.58 Having discussed the practical aspects of its operations, in the following chapter the Committee considers its formal framework – House Standing Orders; feedback that it has received from petitioners on the process; issues that are recurring – resourcing and electronic petitioning; and an issue that is emerging – possibilities for debate on the subject matter of petitions.

37 Chair, *HR Debates*, (20.08.2012) 9 039.

Effectiveness of the Committee's formal framework

Introduction

- 3.1 This chapter considers the framework of the House's petitioning arrangements, feedback on the revised petitioning arrangements received this parliament and issues for future Committee consideration.
- 3.2 At the beginning of the 43rd Parliament a number of changes were made to House Standing Orders. There were, however, no substantive changes to the House's petitioning arrangements in the 43rd Parliament. The Standing Orders covering petitioning are essentially the same as those from 24 June 2008, but with changes to the times petitions may be presented.¹ As such, the Committee will not re-examine the unchanged Standing Orders applying to petitions as documented in detail in the first Committee's report: *The work of the first Petitions Committee: 2008 – 2010*.²
- 3.3 The Standing Orders governing petitioning in the 43rd Parliament have remained unchanged throughout the parliament.
- 3.4 The following House Standing Orders relate to petitions, in particular:
- Standing Order 34 – order of business, Chair's presentation timeslot;
 - Standing Order 204 – rules for the form and content of petitions;
 - Standing Order 205 – rules for signatures;

1 There was also a machinery change. The Standing Orders were subsequently amended on 8 February 2012 for the establishment of the Federation Chamber (which replaced the Main Committee) on 27 February 2012. At this point all references in the Standing Orders to the 'Main Committee' were replaced with the 'Federation Chamber'.

2 House of Representatives Standing Committee on Petitions, *The work of the first Petitions Committee: 2008 – 2010*, Chapter 3, pp. 19-25. (Provides a full examination of Standing Orders 204-209). Also refer to Appendix A for details of former Standing and Sessional Orders.

- Standing Order 206 – lodging a petition for presentation;
- Standing Order 207 – presenting a petition;
- Standing Order 208 – action by the House;
- Standing Order 209 – a petition may be referred to a Minister for response; and
- Standing Order 220 – creation of the Standing Committee on Petitions.³

3.5 Standing Orders governing the form and content of petitions have been unchanged since the establishment of the first Committee. This fact, coupled with the Committee's commitment to provide various information resources on the petitioning requirements, may have enhanced the public's understanding of the requirements. The Chair commented favourably on this apparent increasing awareness of the petitioning framework:

The increasing number of in-order petitions received this year highlights, I believe, two aspects of the House petitioning process. One is what appears to be an increasing engagement by the people of Australia with the House of Representatives. The other is a greater awareness by Australians of the way the House operates and a recognition that it follows certain rules. In this case, there appears to be a maturing appreciation of the standing orders governing petitioning. Since the establishment of the first Petitions Committee in 2008, the requirements of the House petitioning process have become more widely known and understood.⁴

Petition presentation times and machinery changes

3.6 The times that petitions may be presented changed at the beginning of the parliament in two ways – directly, by bringing forward the time of the Chair's presentation timeslot on sitting Mondays and indirectly through increased opportunities for Members to present petitions.

3.7 Firstly, Standing Order 34 was amended on 29 September 2010 to bring the Chair's petitions presentation timeslot forward to 10.00am – 10.10am on sitting Mondays (formerly on Monday evenings at 8.30pm – 8.40pm).

3.8 Secondly, Members were indirectly given expanded opportunities to present petitions in the House. Standing Order 207 superseded Sessional

3 The text of the current provisions is at Appendix A of this report. The former Standing and Sessional Orders of the 42nd Parliament, and their revisions in that Parliament are also detailed at Appendix A.

4 Chair, *HR Debates*, (23.05.2011) 3 980.

Order 207 and included changes to the opportunities available to Members to present petitions in the House and the Main Committee.⁵ These changes reflected changes to the Order of Business and included:

- Enabling presentation of a petition during Members' 90 second statements in the House, in accordance with Standing Order 43. This replaced presentations during the Members' 90 second statements in the Main Committee, in accordance with the former Standing Order 192A. The change occurred when Members' 90 second statements were moved from the Main Committee back to the House and increased these opportunities from one to three periods a week.
- Enabling presentation of a petition during the period of Members' 3 minute constituency statements in the Main Committee, in accordance with revised Standing Order 193.

- 3.9 The moving of the Chair's presentation from the evening timeslot to the morning timeslot – straight after prayers – has given the presentation more prominence.
- 3.10 The increased options for Members' presentation times provides Members with greater choice about when they may present a petition – with a diversity of times and presentation duration. This is consistent with the Procedure Committee's fourth principle of enhancing the role of Members in the petitions process.⁶
- 3.11 The change from one period of 90 second statements in the Main Committee to three periods of 90 second statements in the House has given these presentations greater visibility. This timeslot, 1.45pm – 2.00pm on sitting Mondays, Wednesdays and Thursdays, enables a Member to expediently present a petition at a time when the Chamber and gallery await Question Time. This may account for some of the increase in the number of petitions presented by Members in 90 second statements during the 43rd Parliament.⁷
- 3.12 Frequency of Member presentations is fairly consistent across the two parliaments during the grievance debate and the House and Federation Chamber adjournments debates.⁸

5 The Standing Orders were subsequently amended on 8 February 2012 for the establishment of the Federation Chamber (which replaced the Main Committee) on 27 February 2012. At this point all references in the Standing Orders to the 'Main Committee' were replaced with the 'Federation Chamber'.

6 Chapter 1, p. 3.

7 Refer to Appendix C, an increase from 7 presentations in the 42nd Parliament to 27 in the 43rd. Note that Members are reliant on receiving the call to present a petition during 90 second statements.

8 Refer Appendix C. In the 43rd Parliament constituency statement presentations fell by 12.

- 3.13 The only other change to the petitioning procedures was that Standing Order 209 superseded Sessional Order 209 – with no substantive change to text.⁹

Feedback from principal petitioners about the petitioning framework

- 3.14 From time to time during round table meetings the Committee has taken the opportunity to ask petitioners their views on the current petitions process for petitioning: how they collected signatures, liaison with the Committee and why they decided to use the petitioning process to raise awareness about the matter in their petitions. The feedback from petitioners indicated they saw value in petitioning – due largely to the revised framework – even if they had not yet achieved their requested outcome.

- 3.15 The Committee was told that the revised petitioning processes, in which petitions are likely to receive a formal ministerial response, was a key factor in most petitioners' decision to petition. For example, at a public hearing in Traralgon, Victoria, Mr Shelton, a petitioner regarding distribution under the Pharmaceutical Benefits Scheme, advised that 'We are encouraged that it is now on the record and that the minister has to respond formally to the petition'.¹⁰ Another petitioner commented that their expectation of receiving a response was an impetus for raising awareness in this way:

We talked to our local member and found that the petitions system had changed and that we would definitely get an answer to that. That encouraged us to give it a go. I must say that we are particularly pleased because we did get an answer from the minister. But we are very pleased to have a chance to come down and reopen the issue.¹¹

- 3.16 Many petitioners, whilst not achieving their desired result at response stage, felt that their expectations of the process had been met.¹² This was summarised by a principal petitioner who spoke at a public hearing in Traralgon, Victoria on the National Disability Insurance Scheme:

9 The word 'internet' was removed from the text on 20 October 2010.

10 Mr Shelton, *Transcript*, 2 December 2011, p. 25.

11 Dr Collison, *Transcript*, 25 May 2011, p. 6.

12 For example, Ms Bird, *Transcript*, 12 April 2013, p. 13.

And we are deeply grateful for that. For the very first time, in all of our petitioning years, we actually have knowledge of an outcome and a response. It is not the response that we want entirely, but it is a response nevertheless. We will certainly be making sure that, when this information is made publicly available, all of our carers in our purview will know about it so that they can all see how passionate we are, and maybe somebody who can make a difference will also see how passionate we are and how much we need their help and yours.¹³

- 3.17 Similarly, at the public hearing in Sydney in April 2013, Mr Frew, the principal petitioner for a petition calling for biennial bowel cancer screening, noted:

My expectation of the petition was to achieve what we have achieved, which was to raise awareness to get some response. The response, frankly, was not exactly what I had hoped for – on the lower end, a couple of extra years of screening at five-year gaps; at the top end, two years, which is what we have spent a fair bit of time discussing today.¹⁴

- 3.18 Petitioners often told the Committee of their surprise at how quickly and how willing people were to sign their petitions. For example, Mr Forde, appearing at a hearing in Brisbane regarding a petition calling for the recognition of Palestine as a Non-Member state of the United Nations, said:

I thought I would only get 500 signatures in a 48-hour period, because it was rushed. I got nearly 1,300, and I know that if I had gone a week I would have got a lot more.¹⁵

- 3.19 Similarly, in Perth, Mr Cormack discussed the ease with which the principal petitioner of the petition on aircraft noise on Rockingham Beach gathered signatures.¹⁶ In contrast, Ms Hall, who assisted the principal petitioner on the petition regarding asylum seeker policy and human rights, noted that not everyone wanted to sign the petition, but that she understood that that was understandable, that it was their democratic right.¹⁷

13 Mrs Tops, *Transcript*, 2 December 2011, p. 7.

14 Mr Frew, *Transcript*, 11 April 2013, p. 9.

15 Mr Forde, *Transcript*, 12 April 2013, p. 19.

16 Mr Cormack, *Transcript*, 30 August 2012, p. 22.

17 Ms Hall, *Transcript*, 31 August 2012, p. 6.

- 3.20 Others saw the mechanism as an important method of raising community awareness, engaging with their community or as a springboard for publicity or further dialogue. For example, Mr Frew noted:

The petition was one way we could demonstrate a need for such an important lifesaving program. We raised over 5,000 signatures in what was a very short period of time. I led a ride to Canberra with a number of supporters to deliver the petition to the shadow federal minister for health and ageing on behalf of Bowel Cancer Australia.¹⁸

- 3.21 Mrs Sturrock, the principal petitioner of a petition regarding treatment for Paroxysmal Nocturnal Haemoglobinuria, spoke of her experiences gathering signatures in the community and talking to people at train stations, supermarkets and shopping malls, while her colleagues collected signatures at churches and sports groups.¹⁹ This was also Ms Hugo's experience regarding the petition on conservation of rock art at the Dampier Archipelago.²⁰ Mr Valvasori saw the process as a way of opening and continuing discussions on preventing child sexual trafficking, rather than as a mechanism of resolution per se:

We recognise that the petition was basically a really great mechanism to open a dialogue between the responsible ministers and ourselves and our campaign partners, Child Wise, who are specialists in this area. That dialogue, we hope, is ongoing, and that relationship with the ministers and Child Wise is ongoing.²¹

- 3.22 Petitioners agreed that word of mouth about their concern spread through the petitions process was very important.²² One petitioner believed that for every one signature she collected ten people would hear of her concern:

With every single signature from every single person that I went to, having approached them and spent time explaining the situation, I thought, "That's great. If I've convinced this person I've actually convinced 10 of my fellow Australians that this is a worthy thing".²³

- 3.23 It also became apparent that many petitioners see the petitioning process as a useful way to target their energies towards their intended outcome

18 Mr Frew, *Transcript*, 11 April 2013, pp. 1-2.

19 Mrs Sturrock, *Transcript*, 1 December 2011, p. 16.

20 Ms Hugo, *Transcript*, 30 August 2012, p. 5.

21 Mr Valvasori, *Transcript*, 1 December 2011, p. 11.

22 For example, Mr Valvasori, *Transcript*, 1 December 2011, p. 13.

23 Mrs Sturrock, *Transcript*, 1 December 2011, p. 20.

whilst also pursuing other avenues to bring resolution.²⁴ One petitioner also noted that the activity of petitioning boosted morale of those affected:

The petition has given them something to talk to their customers about and, I guess, a voice, and I suppose you might say that has been useful to keep the morale high. Also, it has generated quite a lot of interest because it is a large petition, I am told. ... Therefore I have been interviewed by members of the press and have been able to get the message out a lot more widely than perhaps would have been the case otherwise.²⁵

- 3.24 The Committee's role and public roundtable activities were also viewed positively. One petitioner stated: 'You get 10 out of 10 for the fact that this actually happens because I think it is an important part of democracy.'²⁶

Future operations of the Petitions Committee

Receiving and processing petitions—electronic and paper systems

- 3.25 Currently, all petitions for presentation in the House must be prepared including only handwritten original signatures. Petitions that contain copies of signatures or signatures made by electronic devices do not meet the Standing Order requirements.
- 3.26 A growing number of parliamentary jurisdictions around the world use controlled electronic petitioning processes.²⁷ This corresponds with the increasingly sophisticated use of information technology and the demand for engagement with parliament through these means.
- 3.27 All but one of the recommendations of the Procedure Committee's inquiry into petitioning were implemented in the 42nd parliament.²⁸ The recommendation that was not adopted in 2008 was the introduction of electronic petitioning. In 2009 the first Petitions Committee inquired into electronic petitioning to the House²⁹ and recommended that the House

24 Mrs Sturrock, *Transcript*, 1 December 2011, p. 15.

25 Mr Shelton, *Transcript*, 2 December 2011, p. 25.

26 Mr Forde, *Transcript*, 12 April 2012, p. 20.

27 For example, Scotland, Wales, Germany, Queensland and Tasmania all have electronic petitioning systems, administered in-house (that is, petitions are submitted to the jurisdiction's electronic petitioning system and electronic 'signatures' added to the parliamentary sites).

28 House of Representatives Standing Committee on Procedure, *Making a difference: Petitioning the House of Representatives*, 2007.

29 House of Representatives Standing Committee on Petitions, *Electronic petitioning to the House of Representatives*, November 2009. See pages 13-15 and 57 for a detailed discussion of the arrangements in the Queensland Parliament and evidence by the Clerk, Mr Neil Laurie.

establish an electronic petitions website and system (under the administration of the House), similar to that of the Queensland Parliament.³⁰ The response has not yet been received.

- 3.28 Like the first Petitions Committee, this Committee endorses the introduction of an electronic petitions system, sitting in parallel with the traditional paper system. It supports the introduction of an electronic system administered by the House, so that petitions are received and assessed against Standing Orders prior to being available for public access and the collection of signatures.
- 3.29 The Committee's preferred model is similar to that of the Queensland Legislative Assembly (this model has been fully operational since 2003). This Committee is grateful to the Clerk of the Queensland Parliament, Mr Neil Laurie, who hosted a presentation and discussion about electronic petitioning on 12 April 2013 following the Committee's public hearing with petitioners from Brisbane. The presentation by the Deputy Clerk, Mr Michael Ries and the Executive Secretary, Ms Sandy Musch, provided an overview of the e-petition request and website integration.
- 3.30 There will always be a place for traditional paper-based petitioning. Not only does the traditional method cater for people of all ages and backgrounds, it is a well-respected mechanism for active community engagement – a face-to-face method of disseminating information, interacting with people and challenging the views of citizens and petitioners alike. It is much more than just a signature count.

Resourcing implications and committee activities

- 3.31 The Committee's primary function is to ensure petitions comply with House requirements. In tandem with this gatekeeper role, the Committee also acts as a conduit for the presentation of in-order petitions and ministerial responses to the House.
- 3.32 The Committee is supported by a small secretariat which receives supplementary temporary support at times of substantial demand.
- 3.33 The detailed administrative nature of the process – cyclical preparation of petitions for assessment, preparation of certified documents for presentation, along with their associated papers – necessarily means the Committee's primary function absorbs most of the Committee's and the secretariat's time.

30 Queensland Parliament <<http://www.parliament.qld.gov.au/work-of-assembly/petitions/forms-and-guidelines>>, viewed 12 June 2013.

- 3.34 In the 43rd Parliament the volume of petitions received increased³¹ 32 per cent on the total received in the 42nd parliament.³² Also, the total signature count of all petitions presented increased 110 per cent on the 42nd parliament count (from 564 058 signatures to 1 187 222).
- 3.35 The third largest petition tabled in the House since 1988 (when signature counts were first recorded), with a signature count of 225 328, was presented in 2011.³³ It is significant that even if the signature count of this very large petition is deducted from the total count for the 43rd parliament, there is still a considerable increase in the total signature count – of 71 per cent.
- 3.36 The regular pattern of private meetings to assess petitions and receive responses and other correspondence, followed by the Chair's presentation on the following sitting Monday is the Committee's core business. Increases in the numbers of petitions received and the signature counts of 'in order' petitions are pleasing for what they imply about Australians' regard for petitioning the House. But they also mean that resources are focused on the gatekeeping and stewardship roles of the Committee.
- 3.37 These increases – and likely commensurate increases in ministerial responses – are likely to mean that a future Committee will be unable to increase the number of public round table meetings. However, it will be important to continue to hold round table meetings with principal petitioners and public servants on selected petitions.
- 3.38 The impact on Committee and secretariat resources from any future introduction of e-petitioning – and its operation in parallel with the paper system – is unknown. The Queensland Parliament's experience of a settling-in phase, followed by a balancing out of resource demands, may be repeated in the House. E-petitioning through a Committee administered site should, over time, reduce repeated secretariat liaison with prospective petitioners, reduce manual signature counts and ultimately lower the number of out-of-order petitions.

Parliamentary debate on the subject matter of petitions

- 3.39 The Committee is aware of examples in other parliaments where debate on the subject matter of a petition is enabled once particular requirements, such as a target number of signatures is reached. An example of this is in the United Kingdom House of Commons where debates have been held in

31 To 17 June 2013, at the time of report writing. Refer to Appendix C for statistics.

32 A total of 434 petitions received in the 42nd Parliament; 571 in the 43rd Parliament.

33 A petition to prevent child sexual exploitation in overseas countries, presented by the Member for Melbourne on 23 March 2011. *HR Debates* (23.03.2011) 3 020.

Westminster Hall (the equivalent of the Federation Chamber) on petitions that have received 100,000 signatures. (Admittedly, these are electronic petitions and they are addressed to the Government rather than to the House of Commons.) The process involves the Leader of the House writing to the Backbench Business Committee to notify it when an e-petition to Government has received 100 000 signatures. The Backbench Business Committee then considers whether a debate should take place.³⁴

- 3.40 The Petitions Committee has considered these possibilities in the context of the House and suggests that a future Petitions Committee may choose to write regularly to the Selection Committee to advise it of the number and topics and respective numbers of signatures of petitions that have been presented in the last month or so. This would assist the Selection Committee when it allocates times for private Members' business items in its possession (according to the current Selection Committee's general principles relating to the selection of private Members' business).
- 3.41 It is reasonable to suppose that the kinds of current issues that motivate petitioners to compile petitions will be very similar to those that motivate Members to include them in private Members' business items they propose. This informal mechanism would be flexible and would avoid the need to include elaborate mechanisms in the Standing Orders directly linked to petitions – and with the potential for disappointment and manipulation if particular numbers of signatories, for example, were set as guaranteeing some kind of debate.

Conclusions

- 3.42 The Committee considered its work, with particular reference to its role and operations and the effectiveness of the relevant Standing Orders. In so doing it has considered the practical and historical changes in petitioning the House and their possible implications for the future. It has also considered the formal changes to the petitioning framework in the last two parliaments.
- 3.43 The current framework operates well and the Committee has no particular recommendations for amendments. It reiterates its commitment to the

34 See the House of Commons Procedure Committee report, *Debates on Government e-Petitions in Westminster Hall*, Sixth Report of Session 2012-13, HC 1094, April 2013 and information on the Backbench Business Committee processes at: <http://www.parliament.uk/business/committees/committees-a-z/commons-select/backbench-business-committee/e-petitions/>, viewed 16 June 2013.

House introducing an e-petitioning system administered by the Committee, in tandem with the traditional paper-based method.

- 3.44 The Committee is pleased with the way its role and operations are conducted and it has welcomed the candid and overwhelmingly positive remarks from principal petitioners and other interested parties about the petitioning process. This process will no doubt continue to change incrementally as the petitioning environment changes. However, the current arrangements continue to be successful in strengthening accessibility, transparency and accountability. The current process maintains the six fundamental principles of petitioning which the Procedure Committee outlined as vital foundations of the House's petitions process.

Hon John Murphy MP
Chair



Appendix A: 43rd Parliament relevant Standing Orders¹

Preparing a petition

204 Rules for the form and content of petitions

- (a) A petition must:
 - (i) be addressed to the House of Representatives;
 - (ii) refer to a matter on which the House has the power to act;
 - (iii) state the reasons for petitioning the House; and
 - (iv) contain a request for action by the House.
- (b) The terms of the petition must not contain any alterations and must not exceed 250 words. The terms must be placed at the top of the first page of the petition and the request of the petition must be at the top of every other page.
- (c) The terms of the petition must not be illegal or promote illegal acts. The language used must be moderate.
- (d) The petition must be in English or be accompanied by a translation certified to be correct. The person certifying the translation must place his or her name and address on the translation.
- (e) No letters, affidavits or other documents should be attached to the petition. Any such attachments will be removed before presentation to the House.
- (f) A petition from a corporation must be made under its common seal. Otherwise it will be received as the petition of the individuals who signed it.

¹ House of Representatives, *Standing and Sessional Orders as at 10 October 2012*.

205 Rules for signatures

- (a) Every petition must contain the signature and full name and address of a principal petitioner on the first page of the petition.
- (b) All the signatures on a petition must meet the following requirements:
 - (i) Each signature must be made by the person signing in his or her own handwriting. Only a petitioner incapable of signing may ask another person to sign on his or her behalf.
 - (ii) Signatures must not be copied, pasted or transferred on to the petition or placed on a blank page on the reverse of a sheet containing the terms of the petition.
- (c) A Member must not be a principal petitioner or signatory to a petition.

Presentation of petitions**206 Lodging a petition for presentation**

- (a) Petitions may be sent directly to the Standing Committee on Petitions or via a Member.
- (b) The Standing Committee on Petitions must check that each petition lodged for presentation complies with the standing orders, and if the petition complies it shall be approved for presentation to the House.

207 Presenting a petition²

A petition may be presented in one of two ways:

- (a) The Chair of the Standing Committee on Petitions shall present petitions and/or reports of that committee, and the Chair and one other Member of the Committee may make statements concerning petitions and/or such reports presented, in accordance with *standing order 34 (order of business)*. The time provided may extend for no more than 10 minutes.
- (b) A Member may present a petition during:
 - (i) the period of Members' statements in the House, in accordance with *standing order 43*;
 - (ii) the period of Members' constituency statements in the Main Committee*, in accordance with *standing order 193*;
 - (iii) adjournment debate in the House in accordance with *standing order 31*, and in the Main Committee* in accordance with *standing order 191*; and
 - (iii) grievance debate in accordance with *standing order 192B*.

2 Formerly a Sessional Order in the 42nd Parliament with later amendments to the times available to Members to present petitions.

Chair's presentation time

34 Order of business³

Petition presentation by Chair scheduled in the House at 10.00am-10.10am on sitting Mondays.

Action on petitions

208 Action by the House

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

209 Petition may be referred to a Minister for response⁴

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

220 Standing Committee on Petitions

- (a) A Standing Committee on Petitions shall be appointed to receive and process petitions, and to inquire into and report to the House on any matter relating to petitions and the petitions system.
- (b) The committee shall consist of ten members: six government and four non-government members.

3 In the 42nd Parliament the Chair's presentation timeslot was scheduled at 8.30pm–8.40pm in the Chamber.

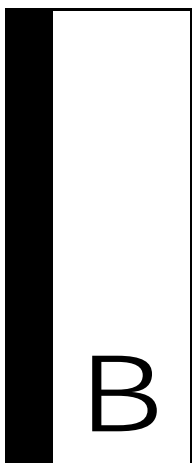
4 Formerly a Sessional Order in the 42nd Parliament with no substantive change to text.

History of amendments to the relevant standing orders

Standing order and date amended⁵

- 34** Amended 24.6.08 (at 10.00am – 10.10am sitting Mondays); Amended 1.12.08; Amended 29.09.10 (at 8.30pm-8.40pm sitting Mondays). (Between 13.2.08 and 14.6.08 – presentations made by the Speaker.)
- 204** Amended 13.2.08
- 205** Amended 13.2.08
- 206** Amended 13.2.08
- 207** Amended 13.2.08; amended 12.3.08; amended sessional order 24.6.08 (for the remainder of 2008); sessional order extended 1.12.08 for the life of the 42nd Parliament; amended 20.10.10 and became a Standing Order in the 43rd Parliament; *amended 08.02.12, the words 'Main Committee', wherever occurring, were replaced by 'Federation Chamber'
- 208** Amended 13.2.08; amended 12.3.08
- 209** Amended 13.2.08; amended sessional order 24.6.08 (for the remainder of 2008); sessional order extended 1.12.08 for the life of the 42nd Parliament; amended 20.10.10 and became a standing order in the 43rd Parliament
- 220** Amended 13.2.08

5 House of Representatives, *Standing and Sessional Orders as at 20 October 2012*, and the history of amendments are available online at: http://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Standing_Orders, viewed 13 June 2013.



Appendix B: Public hearings and round table meetings (non-inquiry related)

Wednesday, 25 May 2011: Petitions from Canberra, Parliament House, Canberra

Principal petitioner

- Cocoa products and the use of child labour

Department of Foreign Affairs and Trade

- Cocoa products and the use of child labour

AusAID

- Australia's foreign aid expenditure

Thursday, 1 December 2011: Petitions from Melbourne, Parliament House, Melbourne

Principal petitioners/representatives

- Zebra chip disease in New Zealand potatoes
- Funding development programs to prevent child sexual exploitation
- Treatment of Paroxysmal Nocturnal Haemoglobinuria disease
- Patentable subject matter for computation and information processing

Friday, 2 December 2011: Petitions from Gippsland region, La Trobe City Council Service Centre, Traralgon

Principal petitioners

- Implementation of a National Disability Insurance Scheme
- Cattle Grazing in the Alpine National Park
- Funding for occasional childcare services
- Supply of PBS medicines to community pharmacies

Thursday, 30 August 2012: Petitions from Western Australia, South of Perth Yacht Club, Applecross

Principal petitioners

- World Heritage Listing for the Dampier Archipelago
- Free bone density testing for Australian women at menopause
- Aircraft noise over Rockingham Beach area
- Referendum for an Australian Republic

Friday, 31 August 2012: Petitions from Western Australia, Santa Maria College, Attadale

Principal petitioner

- Asylum seeker legislation and the Universal Declaration of Human Rights

Wednesday, 20 March 2013: Selected petitions, Parliament House, Canberra

Department of Health and Ageing

- Restoration of the extended Medicare Safety-Net for Obstetrics
- Advanced radiotherapy treatments for Medicare Rebates
- National Bowel Cancer Screening Program

Department of Sustainability, Environment, Water, Population and Communities

- Immediate ban on the importation of primates for research purposes

Thursday, 11 April 2013: Petitions from the Sydney metropolitan area, Parliament House, Sydney

Principal petitioners/representatives

- National Bowel Cancer Screening Program
- Trans-Pacific Partnership Free Trade Agreement talks
- Flight-crew ratios under Civil Aviation Orders
- Mandatory disclosure by financial institutions of customer information held offshore

Friday, 12 April 2013: Petitions from the Brisbane metropolitan area, Parliament House, Brisbane

Principal petitioners

- Recognising job risk in award payments to truck drivers
- Intercountry adoption with Burundi
- Australia supporting recognition of Palestine as a Non-Member State of the United Nations
- Halal food labelling practices



Appendix C: Statistics on petitions to the House of Representatives

Petitions presented 1973-2013 House of Representatives and Senate

Year	<i>House</i>				<i>Senate</i>
	Number of petitions	Signatures	Ministerial response letters	% 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

Year	House				Senate
	Number of petitions	Signatures	Ministerial response letters	% Ministerial responses	Number of petitions
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
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	150	281600	94	62.7%	48
2010 ¹	136	253476	80	58.8%	27
2011	195	704954	136	69.7%	54
2012	120	241587	83	69.2%	40
2013	59	172894	38	64.4%	6

1 Petitions Presented: 93 and 43 in the 42nd and 43rd Parliaments respectively. Signatures: 185 689 and 67 787 in 42nd and 43rd Parliaments respectively.

Petitions presented 2005-2013

House of Representatives

Year	Number of petitions	Signatures	Ministerial response letters ²		Number presented by Members		Out of order petitions
			letters	%	Members	%	
2005	235	230190	1	0.4%	7	3.0%	50
2006	276	250091	0	0.0%	11	4.0%	80
2007	250	118596	1	0.4%	8	3.2%	51
2008	109	96769	56	51.4%	20	18.3%	39
2009	150	281600	94	62.7%	51	34.0%	20
2010	136	253476	80	58.8%	26	19.1%	34
2011	195	704954	136	69.7%	52	26.7%	80
2012	120	241587	83	69.2%	29	24.2%	52
2013	59	172894	38	64.4%	6	10.2%	12

2 Ministerial response letters may respond to more than one petition.
Ministerial response letters may respond to petitions presented in the previous year.

Petitions presented by Members
House of Representatives and Main Committee
42nd Parliament

Year	Grievance debate	Adj. debate-House	Adj. debate-Main Committee	90 second statements ³	3 minute statements	Other ⁴	Total
2008	0	4	4	0	11	1	20
2009	1	20	5	6	18	1	51
2010	0	3	2	1	12	1	19
Total	1	27	11	7	41	3	90

3 90 second statements were scheduled in the Main Committee on Monday evenings.

4 2008: presented by leave after MPI
 2009: presented by leave after Petitions presented
 2010: presented by leave on the last sitting day of the 42nd Parliament

Petitions presented by Members
House of Representatives and Federation Chamber
43rd Parliament

Year	Grievance debate	Adj. debate-House	Adj. debate-Federation Chamber	90 second statements ⁵	3 minute statements	Other	Total
2010	0	1	2	0	4	0	7
2011	1	15	8	13	15	0	52
2012	0	9	4	10	6	0	29
2013	1	6	0	4	4	0	15
Total	2	31	14	27	29	0	103

3 90 second statements are scheduled in the House on Monday, Wednesday and Thursday afternoons, before question time.

4 2008: presented by leave after MPI
 2009: presented by leave after Petitions presented
 2010: presented by leave on the last sitting day of the 42nd Parliament

Source Chamber Research Office, Department of the House of Representatives, 17 June 2013