

Models of electronic petitioning

Introduction

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

Queensland Parliament

- 2.2 The Queensland Parliament first accepted electronic petitions in 2002 and formalised arrangements in 2003.¹ Electronic petitions are hosted on a website under the direct control of Parliament.
- 2.3 The Clerk of the Legislative Assembly told the Committee that the website and its underlying system were developed by in-house technical staff specifically for this application.² The Speaker of the Queensland Parliament told the Committee that the website allows 'citizens [to] locate

1 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, p.34.

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

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

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

- people joining an electronic petition must enter a machine-generated verification number, displayed as a non-machine-readable image, before signing an electronic petition;
- ISP address checking is employed on the electronic petitions system to guard against machine-generated, duplicate and fraudulent signatures, as is manual inspection; and
- Parliament holds the personal details of signatories to electronic petitions in confidence: they are destroyed six months after the closing of the petition to which they are attached.⁷

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

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

- a requirement that 'a Member of Parliament must first sponsor an e-petition before it can be posted on the website to collect signatures'. This contrasts with 'traditional paper' petitions which only require action by a Member once signatures are collected: that is, to present the petition to Parliament; and⁹

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

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

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

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

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

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

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

- electronic petitions in the Queensland Parliament being printed before being accepted into the business of the House.¹⁰ Once presented, petitions are referred to Ministers responsible for relevant portfolio areas.¹¹
- 2.7 The Clerk told the Committee that these arrangements had been designed with an emphasis on continuity of practice: that is, to ‘make sure that the e-petitions process ran as similar as possible to the paper petitions process’.¹²

Scottish Parliament

- 2.8 During the course of the inquiry, the Chair of the Committee visited the Scottish Parliament to observe arrangements for electronic petitioning, and her report was taken as a submission.
- 2.9 The Public Petitions Committee (PPC) of the Scottish Parliament had launched its electronic petitions system in 2004.¹³ At the time of the visit, in September 2008, the PPC was receiving approximately 250 petitions each year, of which ‘two thirds’ were electronic petitions.¹⁴ The PPC is able to accept petitions on ‘matters that fall within the competence of the Scottish Parliament’, also known as ‘devolved matters’.¹⁵
- 2.10 Web hosting facilities for electronic petitions at the Scottish Parliament were distinctive in that they allowed ‘comments on the issue to be added as well as signatures’. Moreover, petitions displayed on the website also included ‘a link to the website of the principal petitioner’ with a ‘disclaimer that the views expressed are those of the petitioners and not of the Parliament’.¹⁶

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

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

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

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

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

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

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

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

Distinctive arrangements

- 2.12 The capacity to accept electronic petitions is not the only distinctive feature of the petitions process in the Scottish Parliament. Electronic petitions are also managed within a framework of administrative arrangements that is itself distinctive.
- 2.13 The PPC receives petitions – electronic and hard-copy – and determines whether they are ‘admissible’.¹⁸ In this the PPC plays a similar role to that of this Committee.
- 2.14 The PPC also engages in a significant level of follow-up of petitions. It advised the Committee that its role was ‘to ensure appropriate action is taken in respect of each admissible petition for which the Scottish Parliament has devolved responsibilities’:
- We take responsibility for the initial consideration of the petition, perhaps through hearing oral evidence from the petitioner, conduct background research and seek comments from appropriate bodies on the petition.¹⁹
- 2.15 The PPC then continues its involvement with the petition until it is considered to have reached a point of resolution:

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

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

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

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

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

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

- to refer petitions to other committees, and to respondents other than Ministers;²¹
- to take on inquiries when petitions are received which lie in the purview of other committees, but they are unable to do so due to workload constraints;²²
- to initiate debates in the chamber on selected petitions (in competition with other parliamentary committees);²³
- to initiate conferences under the auspices of Parliament on concerns raised in petitions;²⁴ and
- to maintain a focus on public engagement, particularly for youth.²⁵

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

GetUP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- individuals and smaller groups, for whom access to a Parliament-hosted system under the auspices of the House of Representatives would be important; and
- larger third-party organisations, and petitioners represented by them, for whom the ability to submit petitions created elsewhere would be important.

Individuals and smaller groups

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

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

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

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

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

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

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

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

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

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

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

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

Third-party organisations

- 2.29 As noted, if the House of Representatives were to accept electronic petitions created elsewhere, this would leave a wider scope of action for third-parties within the petitioning process.
- 2.30 GetUP stated that ‘campaigning organisations and individuals who are able to mobilise petitioners using their own website should also be provided for in any electronic petitioning system’.³⁹ It was important that electronic petitions to the House of Representatives not only be initiated on a website hosted by Parliament because ‘for some issues, and for some citizens, a petitioning process that allows hosting at arms length from government is more likely to build awareness around particular issues’.⁴⁰
- 2.31 GetUP informed the Committee that ‘individuals and groups outside governments will often be better placed to communicate and mobilise people around specific issues than government’:

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

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

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

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

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

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

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

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

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

- 2.33 Moreover, GetUP told the Committee, the involvement of third-parties supported ‘the major principle underlying petitioning’: that is, ‘that citizens and community groups should be able to directly communicate with the house’.⁴³ Third-parties were in a position to ‘to build up that level of trust outside of the system and complement the in-house work done on petitions’.⁴⁴
- 2.34 As a result, GetUP stated that in its view the ‘petitioning process should be as open and accessible as possible’, and this entailed the adoption of a hybrid model, unless there were ‘serious concerns about non-governmental hosting’.⁴⁵ Further consideration is given to this matter in Chapter 3.

The House of Representatives

- 2.35 The Department of the House of Representatives proposed a model for the acceptance of electronic petitions into the business of the House. It supported ‘the introduction of electronic petitioning for the House’, using a model that was ‘web-site based’.⁴⁶ The anticipated advantages of this approach were that:
- it would strengthen the traditional role of petitions within the parliamentary process;
 - with the site under its administration the House could exercise control over the “authentication or validity” of signatures; it could provide a means to reduce out-of-order petitions; and
 - it could enhance the image of Parliament.⁴⁷
- 2.36 This approach was also more likely to increase the number of petitions to the House, as it had in Queensland, compared with the Senate’s ‘minimal

42 Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.3.

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

44 Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.3.

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

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

47 Clerk of the House of Representatives, Submission no.13, p.4.

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

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

- the potential costs of implementation;
- risks to the reputation of the House if expectations were raised and not met;
- increased risk of data security breaches; and
- risks to reputation if electronic systems were slow or unreliable.⁴⁹

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

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

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

Committee comment

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

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

49 Clerk of the House of Representatives, Submission no.13, p.4.

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

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

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

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

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

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

- should the level of change be only sufficient to allow the House to accept electronic expressions of grievances traditionally accepted in the form of paper petitions; or
- should the House aspire to a greater level of change, in which electronic petitions are used to address, significantly, questions of public engagement with Parliament?

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

- implement a 'bare-bones' electronic petitioning system; or
- provide a higher level of interactivity, such as the discussion forums provided under the Scottish petitioning system.

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

- the extent to which Members should be required to lodge and otherwise support electronic petitions, as in the Queensland Parliament, or whether, as now for paper petitions, the House's Petitions Committee should continue to be responsible for lodging petitions;⁵⁵ and
- whether electronic petitions that are presented to the House are to be integrated into the archive record of the business of the House in electronic form or as paper print-outs.

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

- when electronic petitions should be opened and closed;⁵⁶
- whether electronic petitions may be signed by anyone, or whether qualifications should apply on the basis of citizenship, residency, or geographical status;
- the extent to which third-party organisations should be involved in electronic petitioning under the House's administration;
- what are appropriate measures to check the validity of signatures, to protect the security of the system, and petitioner's privacy; and

55 See *Making a difference*, paragraphs 2.61-2.66.

56 See Clerk of the House of Representatives, Submission no.13, pp.7-8.

- the budgetary implications of models and proposals.

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