

Introduction

Petitions

- 1.1 In 2007 the House of Representatives Standing Committee on Procedure issued a report, *Making a difference*, on petitioning the House. It noted that petitioning Parliament (rather than Government) was a practice dating back to the 13th century in Britain, and the present form of petitioning under the Westminster system dated from the 17th century. However, the status of petitions within the House of Representatives had declined.¹
- 1.2 In response to this decline the report made a number of recommendations to reform and strengthen the petitions process in the House of Representatives. One recommendation led to the creation of the Standing Committee on Petitions, and other changes to the management of the petitions to the House which the Petitions Committee administers.²

Electronic petitions

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

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

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

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

- 1.4 Electronic petitions to parliaments can be created by:
- sending petitions to potential petitioners by email for signature, which are then aggregated;
 - exposing petitions for signature on third party sites, such as that maintained by GetUP,³ resulting in petitions ‘created elsewhere’ that can be submitted to a chamber, such as the Australian Senate; or
 - posting petitions for signature on a dedicated parliamentary electronic petitions website, as in the Queensland and Scottish parliaments.
- 1.5 As is discussed in the body of the report, a major argument in favour of electronic petitioning to the House is that it will help arrest a decline in political engagement noted by a number of contributors to the inquiry.
- 1.6 Models of electronic petitioning were described to the Committee which emphasised this objective to different degrees. This raised the question of the extent to which an electronic petitioning system for the House of Representatives would be designed simply to ensure that the House kept pace with contemporary methods of communication. Alternatively, there could be a more ambitious intention to use electronic petitioning as a means to expand the public’s engagement with the House.
- 1.7 While contributors informed the Committee of models and research which shed light on this question, the inquiry has also raised issues beyond the scope of this report. For this reason, and others that will become apparent, the Committee has in its recommendations outlined a model in which the House adopts an initial system with low barriers to entry, but keeps options open for expansion, which could bring a greater emphasis on questions of public engagement.

The inquiry

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

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

4 VP 2008/17-19, 94.

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- 1.9 On 4 June 2008 the Standing Committee on Petitions resolved to conduct an inquiry into an electronic petitioning system for the House of Representatives.
- 1.10 Terms of Reference for the inquiry were to examine and report on the introduction of an electronic petitioning system for the House of Representatives, with particular reference to:
- a) the different models of electronic petitioning that could be introduced, and their effectiveness in facilitating electronic petitioning of the House of Representatives;
 - b) changes required to the practices and procedures of the House in implementation of an e-petitions system;
 - c) the role of Members in e-petitioning;
 - d) privacy and security concerns;
 - e) the financial and resource implications of an e-petitions system; and
 - f) the experience of other relevant jurisdictions, both in Australia and overseas.
- 1.11 The Committee received 15 submissions and one supplementary submission to the inquiry. Five public hearings were held in Canberra: on 12 November 2008; two on 26 November 2008; on 24 June 2009; and a final hearing on 12 August 2009.
- 1.12 During the inquiry, the Committee considered a number of existing models of electronic petitioning, including those presently operating in the Australian Senate; Queensland Parliament; and the Scottish Parliament. The Committee also considered proposals made by the Department of the House of Representatives, and from GetUP, a third-party organisation with an interest in enhancing public engagement with the political process.
- 1.13 This report addresses each of the Terms of Reference in separate chapters, with the exception of the third (Term (c)), on the role of Members, which is considered with other aspects of changes to the House's practices and procedures (Term (b)) in Chapter 3.

Current arrangements

House of Representatives

- 1.14 There is currently no mechanism through which the House of Representatives may accept electronic petitions. Its present petitioning system centres on hard-copy petitions received and processed by the Standing Committee on Petitions. These petitions, subject to being found in order, are then presented in the House, and referred to Ministers responsible for relevant portfolio areas.
- 1.15 The Committee meets to determine whether petitions it has received are in order, with reference to Standing Orders. These require that:
- petitions must be addressed to the House;
 - the House must be capable of performing the action requested;
 - the text of the petition be no more than 250 words;
 - the petition employs moderate language;
 - the petition either be written in English, or if in another language a certified translation must be provided;
 - the petition text, or at minimum the request, must appear at top of each page carrying signatures, in identical wording to that employed on the first page of the petition;
 - the name and address of the principal petitioner must appear on the first page;
 - the principal petitioner must not be a Member of Parliament;
 - Members cannot sign petitions; and
 - the name and signature of each petitioner be provided on original hard-copy (not a photocopy, facsimile or similar).⁵
- 1.16 Petitions considered to meet these criteria (that is, to be 'in order') are presented in the House, either by the Chair of the Committee, currently on Monday evenings of sitting weeks, or by other Members who have forwarded petitions to the Committee and have indicated that they wish to present them.

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

- 1.17 Subsequent to the deliberations of the Committee, and following presentation of the petition in Parliament, petitions are referred to Ministers in the area of portfolio responsibility. It is expected that Ministerial responses to such referrals are completed within 90 days of a petition being presented in Parliament.⁶
- 1.18 This is considered by the Committee an important element in the petitions process, in that it contributes to higher levels of accountability by government, both to Parliament and to the public at large.

The Senate

- 1.19 The Senate currently accepts electronic petitions. The Clerk of the House of Representatives, Mr Ian Harris AO, advised that Senate Standing Orders 'make no special reference to electronic or online petitions, but they are taken to apply to all petitions whether written on paper or in cyberspace'.⁷
- 1.20 Within these arrangements Senators have a key role in attesting to the validity of petitions and presenting them to the Senate: 'petitions that are posted and signed electronically are accepted if the Senator certifies that they have been duly posted with the text available to the signatories'.⁸
- 1.21 Electronic petitions are integrated into the business of the Senate by being printed and submitted as hard-copy documents: 'in presenting an electronic petition, the Senator lodges a paper document containing the text of the petition and a list of the signatures submitted'.⁹
- 1.22 This form of electronic petitioning conforms to what the Clerk termed a 'minimal model', in which electronic petitions are accepted, but there is no specific web-presence provided to host and manage electronic petitions. Printing of electronic petitions prior to presentation allows the same procedures to be followed as for paper petitions.¹⁰

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

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

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

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

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

Electronic petitions and cultural change

- 1.23 A majority of contributors told the Committee that broader changes to communications practice had made it necessary for parliaments to accept electronic petitions.
- 1.24 The Clerk of the Queensland Parliament, Mr Neil Laurie, took this view, telling the Committee that if Parliament ‘wants to maintain its relevance, it has to adapt its procedures’ to these new conditions. Accepting electronic petitions was simply a recognition of contemporary ‘realities’: a way in which parliaments could adapt to ‘modern society’.¹¹
- 1.25 GetUP also asserted a larger cultural change ‘regarding the relative worth of letters, emails, paper petitions and e-petitions’. This had resulted in ‘cultural change in all of our perceptions about the way that people communicate’.¹²
- 1.26 The consequence of these changes was that ‘the current arrangements for petitioning to the House—which exclude online petitions—are out of step with community expectations and behaviour’.¹³ Only by ‘allowing electronic petitioning’ would the House be able to bring ‘itself into line with contemporary community behaviour and expectations’.¹⁴
- 1.27 Another view was put by the Hon Wilson Tuckey MP, who argued against the House accepting electronic petitions on the grounds that doubts over validation of signatures would damage the credibility of petitions to the House.¹⁵ Validation of signatures in electronic petitions is considered in Chapters 3 and 4 of this report.

Key distinctions

- 1.28 Over the course of the inquiry key distinctions emerged between the models considered by the Committee. These raised questions as to:
- whether the House would adopt a ‘minimal model’ in which the House accepted electronic petitions ‘created elsewhere’ (as in current Senate

11 Mr N Laurie, *Transcript of Evidence*, 24 June 2009, p.3.

12 Mr E Coper, *Transcript of Evidence*, 12 November 2008, p.7.

13 GetUP, Submission no.7, p.1.

14 GetUP, Submission no.7, pp.2-3.

15 The Hon Wilson Tuckey MP, Submission no.1.

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

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

'Minimal' or 'web presence' model

- 1.29 The Clerk of the House of Representatives advised the Committee of distinctions between 'minimal' and 'web presence' models.
- 1.30 In the first, parliaments accept 'hard copies of petitions created elsewhere', along with hard-copy petitions, consistent with Senate practice.¹⁶ In the second, parliaments provide for 'the creation and submission of electronic petitions by developing and hosting a web-based system for this purpose'.¹⁷
- 1.31 The Clerk stated that the approach employed in the Australian Senate, which corresponded to the 'minimal model', had resulted in 'a limited number of electronic petitions' being presented to the Senate 'despite its acceptance of electronic petitions ... for several years'.¹⁸
- 1.32 Consequently, of the two options, the use of a web-based system seemed 'more likely to facilitate electronic petitioning'. Moreover,
a parliamentary website would be readily accessible to potential petitioners and the host Parliament could be seen to be giving priority to and promoting electronic petitioning.¹⁹
- 1.33 A survey of the experience of various parliaments supported this view:
The Queensland and Scottish parliaments have implemented electronic petitioning based on the first model. There has been a clear take up of electronic petitioning in these jurisdictions and the volume of electronic petitions has been manageable.²⁰

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

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

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

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

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

- 1.34 Consequently, the Clerk told the Committee, the second of these models was likely to offer best value to the House of Representatives. While a 'minimal model' was 'a low risk and low cost approach [which could be] readily implemented', the alternative approach was 'more likely to facilitate electronic petitioning'.
- 1.35 The Clerk noted that if this option were adopted there would be 'costs ... and risks which would need to be carefully managed'.²¹ The financial and resource implications of electronic petitioning are further considered in chapter 6 of this report.
- 1.36 The Clerk also noted a 'dual option' (the House hosting an electronic petitions website and accepting electronic petitions created elsewhere), which 'would allow existing sources of electronic petitions to continue using their own sites to host petitions'. This 'would be similar in complexity to implementing the parliamentary web-site model'.²² Further consideration is given to this option in Chapter 3 of the report.²³

Necessary reform or expansion of engagement

- 1.37 As observed, a number of contributors to the inquiry took the view that changes in contemporary communications made it necessary for the House of Representatives to accept electronic petitions. Without this the House would be out-of-step with the modes of communication employed in the wider community.
- 1.38 Another point of view was that electronic petitions represented an opportunity for a desirable and significantly greater level of change. This view identifies:
- a tendency for disengagement from the democratic and political process; and
 - a role for electronic petitions in reversing this trend, engaging the wider community in the political process.
- 1.39 These elements are discussed below.

Disengagement

- 1.40 Dr Paul Williams informed the Committee that the 'technological and cultural changes' which had changed patterns of communication had also
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21 Clerk of the House of Representatives, Submission no.13, p.3.

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

23 See Chapter 3 under sub-heading 'The role of third parties'.

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

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

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

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

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

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

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

Electronic petitioning and engagement

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

24 Dr P Williams, Submission no.10, p.5.

25 Dr P Williams, Submission no.10, p.5.

26 Dr P Williams, Submission no.10, pp.5-6.

27 Dr P Williams, Submission no.10, p.6.

28 Mr F McAveety, *Transcript of Evidence*, 26 November 2008, pp.10, 12; GetUP, Submission No.7, p.3; Oxfam Australia, Submission No.8, pp.2-3.

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

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

- 1.46 Other contributors to the House of Commons inquiry also expressed strong views in favour of a wider emphasis on engagement in arrangements to accept electronic petitions.³⁰
- 1.47 A number of contributors to the present inquiry expressed similar views on the potential of electronic communications to increase the level of engagement between Parliament and the wider constituency. These are considered below, particularly in those sections which deal with the model of electronic petitions employed by the Scottish Parliament, and GetUP's proposal for electronic petitioning in the House of Representatives.

Committee comment

- 1.48 In the Committee's view, these two distinctions provide a useful way to compare the different approaches considered in this report.
- 1.49 In theory, should the House of Representatives decide to adopt electronic petitioning, options are either a 'minimal model' (consistent with Senate

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

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

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

- 1.50 In practice no contributors to the inquiry argued in favour of the minimal model: while this approach would involve the smallest degree of change, it may not deliver some of the benefits claimed for the ‘web presence’ model.
- 1.51 In view of this, the second distinction – regarding the emphasis on engagement – is a more significant distinction in the context of the inquiry. All of the proposals considered can be described in terms of the emphasis they accord to either maintaining the continuity and integrity of the parliamentary process or expanding public engagement with the House of Representatives by means of electronic petitions.
- 1.52 In each case those who argue in favour of these models value both of these imperatives, but make different decisions, judgements and trade-offs in formulating their proposal. These arguments provided the Committee with an opportunity to consider a range of models under which the House of Representatives could, in the future, accept electronic petitions.
- 1.53 A key underlying question concerns the degree of change entailed if the House of Representatives moves to accept electronic petitions. The Committee considers that the more significant choice, then, is between adoption of a web-based system which entails comparatively smaller changes to parliamentary practices and procedures, or one that seeks significantly to address wider questions of political engagement, and therefore contemplates greater change to the business of the House.