
The Parliament of the Commonwealth of Australia

Making a difference

Petitioning the House of Representatives

House of Representatives
Standing Committee on Procedure

August 2007
Canberra

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ISBN 978-0-642-78998-3 (printed version)

ISBN 978-0-642-78999-0 (HTML version)



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Foreword

To receive, and hear, and consider the petitions of their fellow subjects, when presented decently, and containing no matter intentionally offensive to the House, is a duty incumbent upon them [Members of the House], antecedent to all rules and orders that may have been instituted for their own convenience; justice and the laws of their country demand it from them. [John Hatsell, *Precedents of Proceedings in the House of Commons*, London 1818, vol. 3, pp. 238-9.]

Hatsell articulated this general principle in the context of explaining an exception to it, namely, the House's practice of refusing to receive petitions against certain taxes. The rationale for refusing such petitions was:

...it has been thought better, and more candid to the persons petitioning, at once to refuse receiving their petition, rather than by receiving it to give countenance to the application, and to mislead the petitioners into an idea, that in consequence of their petition the House of Commons would desist from the tax proposed. [Hatsell, p. 234.]

I have chosen these extracts from an early commentary on procedures of the House of Commons because they capture so much of the essence of petitioning. The House of Representatives is a chamber in the Westminster tradition and the history of petitioning the House of Commons is thus part of our history of petitioning. It is therefore relevant to explore the principles outlined by Hatsell.

First, 'subjects' had a right to ask the House to take certain actions. Second, petitioners themselves had certain obligations (to present requests 'decently' and not to include matter that was 'intentionally offensive'). Third, the House had a duty to pay attention to such requests. Indeed, petitioners could expect a response and it was therefore better to refuse to receive a petition which had no chance of success, rather than to receive it and raise false expectations.

An interesting point about these principles is that they rest upon the fundamental assumption that petitioning could make a difference. In considering the practice of petitioning the House, the Procedure Committee had to address this issue of 'making a difference'. If petitioners cannot rely on their petitions to effect change, is there anything the House can and/or should, do about this?

The committee considers that the full potential for petitions to make a difference is not currently realised. We recognise that citizens (and other residents) now have other avenues. The redress of grievances of an administrative nature, for example, might be sought through the Ombudsman. Australians seeking to change legislation might now form a lobby group and try to influence outcomes through the media.

The committee's view is that these alternative routes should not be allowed to deny Australians the fundamental right to communicate directly with the people's House. If petitioning is no longer considered effective, the reasons for this should be identified and addressed. One aspect of this is to bring petitioning into the 21st century by introducing e-petitioning. However, like the House of Commons in the 18th century, we do not want to create false expectations. It is not enough to improve the tools of petitioning. Ensuring that petitions make a difference involves changing the ways in which the House responds to petitions. This report records how we think this can be done.

Margaret May MP
Chair



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Terms of reference of the inquiry

All aspects of the petitioning process.



Terms of reference of the committee

To inquire into and report on the practices and procedures of the House and its committees.



List of recommendations

Chapter 2

Recommendation 1

The committee recommends that a petitions committee be established to receive and process petitions and to inquire into and report on any possible action to be taken in response to them.

Recommendation 2

The committee recommends that where a petition has been referred to a Minister for response, the Minister be expected to table a response in the House within 90 days of its presentation.

Recommendation 3

The committee recommends that Members be permitted to present petitions during the adjournment debates in the House and Main Committee and during the grievance debate on Mondays.

Recommendation 4

The committee recommends that standing order 205(g) concerning Members' sponsorship and distribution of petitions be deleted.

The committee also recommends that all petitions be sent to the Department of the House of Representatives for administrative processing and certification, either directly or via a Member of the House.

Chapter 3

Recommendation 5

The committee recommends that the Department of the House of Representatives create a petitions specific webpage on its website that:

- is visibly accessible from the home page;
- provides details of a parliamentary officer to whom questions on the petitioning process, including the proposed terms of a petition, may be addressed; and
- makes available a recommended form of a petition (or a petition proforma).

Recommendation 6

The committee recommends that a principal petitioner be required to provide full contact details including name, address and postcode on the front page of a petition. Other petitioners need only provide their name and postcode.

Recommendation 7

The committee recommends that an electronic petitioning system be introduced in the House of Representatives.