Submission to the

*House of Representatives*

Standing Committee on Petitions

# Inquiry into Electronic Petitioning

An Analysis of the Queensland Parliament's
E-Petition Experience, 2003-07

Dr Paul D. Williams

School of Humanities
*Griffith University*

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## 1.0 Overview

This submission offers the House of Representatives Standing Committee's Inquiry into Electronic Petitioning a synoptical analysis of the Queensland Parliament's experience with e-petitions. The submission places e-petitions within a brief history of paper petitions, explores the growing problem of citizen disengagement with our political – and especially parliamentary and electoral – processes (particularly among young Australians), and discusses the advantages of e-petitions over their paper counterparts. The submission also provides a detailed account of the Queensland experience, and offers the author's original quantitative research into e-petitions in Queensland since 2003.[1] Comparisons between paper and electronic petitions are also provided in terms of topic, number tabled, number of signatories, and ministerial responses. Recommendations round out the submission.

## 1.1 Executive Summary

This submission argues that e-petitions provide a unique opportunity to re-engage politically disenchanted Australians with their House of Representatives. Given the internet is clearly the preferred instrument of communication among those younger citizens most likely to feel disenfranchised from politics, it is further argued that e-petitions hold particular potential to attract first-time voters to the parliamentary process. It is recommended that the House of

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[1] This research was first delivered as "Paper Vs E: Comparing Paper and Electronic Petitions to the Queensland Legislative Assembly, 2003-07." Paper presented to the *Australasian Study of Parliament Group* Annual Conference, Parliament House, Brisbane, 11-13 July, 2008.

Representatives commences an e-petition trial to coincide with the beginning of the 2009 parliamentary year.

## 1.2 Purpose

This submission, in accordance with the Inquiry's Terms of Reference, addresses briefly point (c): the role of Members (and Ministers) in e-petitions; and, more substantively, point (f): the experience of other relevant jurisdictions, i.e. Queensland.

## 1.3 Scope and Limits

This submission offers statistical analysis for the period 2003 (the first full year of e-petitions in Queensland) until 2007.

## 1.4 Method

The submission's finding are derived from quantitative analysis involving direct comparisons between paper petitions and their electronic counterparts during the five years e-petitions have run in Queensland. Content analysis was applied to data available on the Queensland Parliament website. Some qualitative observations are also drawn.

## 2.0 Historical context

Petitions have comprised an essential element of Westminster parliamentary practice since the reign of King Edward I in 13th century Britain. Petitions then

often served as a stimulus or "trigger" for legislation, but have evolved to become, today, more a totemic link between citizen and legislature. The value of petitions as instruments of influence over public policy has therefore waxed and waned throughout Westminster history, with Edward Coke's "Petition of Right" in 1628 under King Charles I (designed to expand the spirit of the Magna Carta), and the Chartists' call for electoral reform in the 19th century among the more memorable.[2]

It is generally agreed citizens' petitions to parliament enjoyed a "golden era" contemporaneous to the "golden age" of parliament itself – the mid 19th century that saw a growth in literacy via public education, together with an expansion of the electoral franchise (albeit for males only), yet a time before the rise of a disciplined party political system that would see political parties' allow executives to dominate parliaments, and not the reverse. It is equally well agreed that developments in the 20th century have undermined if not the spirit of petitions or the zeal of petitioners then certainly the incentive for Members of Parliament, and especially Cabinets, to respond meaningfully to citizens' petitions.

The 20th century also saw mammoth improvements in communication and transport technologies. With the advent of mobile telephones, fax machines and email, citizens supposedly feel better connected to decision-makers and, should they feel sufficiently aggrieved, they have at their disposal more "efficient" means

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[2] See G. Clark. 1971. *English History: A Survey*. OUP: Oxford.
Also see I. Jennings. 1961. *Cabinet Government*. CUP: Cambridge.

of communicating with elected representatives than the humble paper petition. The last century also witnessed a growth in the mass media, especially the electronic, that tended to take up public concerns in the public sphere on citizens' behalf.[3]

## 3.0 Disengagement

These technological and cultural changes have witnessed increases in civil disengagement, with citizens often reporting they feel separated from the democratic process, or that Australians do not get "value for money" from their Parliament.[4] Australian democracy, for a growing section of the community, is seen to exist to serve others, but not them. This has become manifest in a measurable decline in voter participation that, ultimately, has become a form of voter self-disenfranchisement: the universal nemesis of democratic participation. 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.[5] Similarly, the 13 October 2007 Brisbane Central by-election, forced by the retirement of Queensland Premier Peter Beattie, saw an even lower turnout –

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[3] See Ian Ward. 1995. *The Politics of the Media*. Macmillan: South Melbourne.

[4] See John Uhr and John Wanna. 2000. "The Future Roles of Parliament", in *Institutions on the Edge: Capacity for Governance*. Eds Michael Keating, John Wanna and Patrick Weller. Allen and Unwin: Sydney. See also Ian Marsh. 1995. *Beyond the Two Party System*. Chapter 12. CUP: Cambridge.

[5] Antony Green. ABC. 2008. http://blogs.abc.net.au/antonygreen/2008/08/turnout-at-the.html. See the Northern Territory Electoral Office's website. 2008. http://notes.nt.gov.au/nteo/Electorl.nsf?OpenDatabase.

despite enormous pre-election media coverage – of below 68 per cent.[6] Alarmingly, an Australian Electoral Commission survey in 2004 found more than half of all youth voters would not vote if enrolment were not compulsory[7], with two-thirds of respondents describing voting – and, by extension, other forms of political participation – as "boring".[8]

It is intuitive that a key measure to combat declining voter turnout and its corollary of citizen alienation is to make participation in all our democratic forums – especially the parliament and the electoral system – as attractive, accessible and as transparent as possible. The introduction of e-petitions, where all residents – irrespective of age, socio-economic class, region or ethnicity – enjoy the maximum opportunity to have their voice heard via the near-universal medium of the internet is a logical starting point. Indeed, it is the facility of the World Wide Web – that communication instrument of choice among Gen 'X' (those born after 1965) and Gen 'Y' (those born after 1980) – that holds the greatest potential to arrest growing rates of disengagement among younger Australians. Indeed, a 2007 Australian Bureau of Statistics report found that around 80 per cent of 15 to 24 year olds (male and female) enjoyed access to the internet.[9]

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[6] Electoral Commission of Queensland. 2007.
http://www.ecq.qld.gov.au/elections/state/brisbanecentral2007/results/district7.html

[7] Australian Electoral Commission. 2004. *Youth Electoral Study (YES)*.
http://www.aec.gov.au/about_aec/publications/youth_study/youth_study_2/page01.htm

[8] *Ibid.* http://www.aec.gov.au/about_aec/publications/youth_study/youth_study_1/page03.htm#attitudes
[9] Australian Bureau of Statistics. 2007. *Patterns of internet access in Australia, 2006*. Report No. 8146.0.55.001. http://www.abs.gov.au

## 4.0 Advantages of e-petitions over paper petitions

4.1 *Easy accessibility.* The option of 'signing' an electronic petition has the potential to engage a range of 'minority' groups so often (subjectively) 'excluded' from parliamentary processes, including youth, remote Australians, those from lower SES levels, immigrants, the disabled and the aged.

4.2 *Immediacy.* Signatories, and Principal Petitioners, can enjoy watching the progress of a petition online as fellow citizens electronically 'sign'. This, in effect, brings the petition to 'life', making the process more immediate and meaningful for all participants.

4.3 *Activity, not passivity.* Citizens can seek out and access petitions on own their terms, from their own home or office, rather than waiting for a petition to 'find' the concerned citizen. This holds perhaps the greatest potential to increase the pool of potential petitioners on any given issue.

4.4 *Expansion.* Citizens outside the usual or narrow constituencies can access any e-petition. Citizens from Tasmania will have equal opportunity to sign an e-petition as those in Western Australia, irrespective of whether the petition was originated in Launceston or Broome. This is hardly possible with a paper option.

## 5.0 E-Petition Trials

The Tasmanian Parliament launched in 2004 an e-petition trial based on the Queensland model (described below) but, given only 11 e-petitions (nine to the lower house and two to the upper house) have to date been delivered, comparisons with other jurisdictions are difficult. Importantly, other parliaments have trailed e-petitions, including the British Parliament at Westminster, and the regional assemblies of Scotland and Wales. By most accounts, these trials have proven satisfyingly successful, with the Westminster experience revealing more than 3 million people – or seven per cent of the entire British population – signing an e-petition in the first 12 months of its trial in 2006-07.[10]

## 6.0 The Queensland Experience

Queensland has enjoyed a long history of paper petitions that has survived numerous governments' less than satisfactory interpretations of Westminster practice. Indeed, Queensland political culture has long cultivated strong – even authoritarian – leadership, with cabinets dominating parliament, and with pressure groups and common voters frequently ignored, even sidelined, in the development of public policy. For much of the 20th century, under both Labor and Coalition (and later National party alone) governments, citizens' rights of reply to executive (in)action were rare. Petitions, then, offered one of the few outlets for voter grievance.

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[10] World E-Democracy Forum. 2007. http://www.edemocracy-forum.com/2007/11/7-of-the-britis.html

In redressing these past wrongs, in tackling the obvious decline in citizen engagement, and in a bid to keep democracy abreast of technological innovations in the self-proclaimed 'Smart State'[11], the Parliament of Queensland during the Beattie Labor Government became, in late 2002, the first legislature in Australia to launch an e-petitions facility.

Any resident of Queensland (including those who are under 18 years of age, those who are not enrolled, and those who are not citizens) or any Queensland business (if an Australian Business Number is provided) can launch (as Principal Petitioner) an e-petition to the Queensland Parliament. Principal Petitioners are required to complete an online form[12], and to gain the permission of a sitting Queensland MP to serve as that petition's sponsor. Sitting MPs may not also act as that e-petition's Principal Petitioner, and only one MP at a time may be approached with any one petition. The sponsoring MP then submits the e-petition application to the Speaker of the Legislative Assembly who, once satisfied the petition meets all procedural requirements, posts the petition on the Queensland Parliament website. Sponsoring MPs may make statements in the Legislative Assembly regarding e-petitions. Anecdotal evidence indicates fraud – especially the use of bogus names used to 'sign' e-petitions – remains a key concern

[11] Queensland Government. 2001.
See
http://www.getinvolved.qld.gov.au/share_your_knowledge/resources/documents/pdf/edemocracy_pf.pdf;
and http://www.premiers.qld.gov.au/library/pdf/edemocracy.pdf

[12] See Queensland Parliament website.
http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/Forms/RequestForm.pdf

among MPs and petitioners. There is, however, little or no evidence that fraudulent names have been used to any significant extent during the Queensland experience. In any case, MPs are responsible – as far as humanly practicable – for the integrity of the e-petition. An e-petition many not be launched during the dissolution of Parliament.

The e-petition may remain on the website for a period of between one week and six months, as determined jointly by the principal petitioner and sponsoring MP. Once closed, an e-petition may not be extended in time. For public accountability reasons, the name and address (or P.O. box number) of the Principal Petitioner is also posted on the website. For privacy reasons, subsequent signatories' names and addresses are not posted, but are recorded and added to any petition hard copy the sponsoring MP later tables in the Legislative Assembly.[13] The date of tabling, however, may be delayed with the permission of the Clerk of the Parliament. A paper petition may co-exist with an identically worded e-petition; however, two identically worded e-petitions may not co-exist. There is provision, however, for unlimited number of identically worded e-petitions to run successively. For this reason, successive, identically worded e-petitions are still deemed to be separate petitions and, as such, the number of signatures cannot be aggregated. At least one signature must be found on any valid e-petition and, once added, may not be removed. Principal petitioners may sign their own e-

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[13] Queensland Parliament.
http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/forms/InformationBrochure.pdf

petitions and, importantly, any e-petition may be signed by electors from any electoral division.[14]

## 6.1 Paper Vs E: Raw Numbers

Table One, below, provides data comparing paper petitions with their electronic counterparts between 2003 and 2007.

**Table One**

**Raw Number of Paper and E-Petitions, by Year Tabled, 2003-07**

| Year | Paper Petitions | E-Petitions | E-Petitions as % of Paper Petitions |
|------|-----------------|-------------|-------------------------------------|
| 2003 | 114 | 23 | 20.2 |
| 2004 | 115 | 18 | 15.7 |
| 2005 | 136 | 41 | 30.1 |
| 2006 | 119 | 47 | 39.5 |
| 2007 | 170 | 35 | 20.6 |

**Source:** Data aggregated from Queensland Parliament website. Calculations are the author's.
http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/

Table One reveals a number of interesting points. First, paper petitions remain the preferred option of Queensland petitioners. Second, e-petitions are growing in popularity and, apart from an inexplicable decline in 2007, represent an increasing share of all petitions presented to the Queensland Parliament. This augurs well for the future of e-petitions in Queensland and elsewhere. Third, the

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[14] Queensland Parliament.
http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/FAQ.aspx?LIndex=12

number of all petitions is growing, undermining the claim that Queenslanders feel so disenfranchised they are "dropping out" of the political system. In Queensland at least, it appears a sizeable core of voters remains committed to civic engagement. The reasons why e-petitions are yet to seriously rival paper petitions in popularity cannot yet be determined. But it can be surmised that the Queensland Parliament's lack of an intensive public education program promoting e-petitions may be a cause.

## 6.2 Paper Vs E: 'Un-responded' petitions

Table Two, below, reveals two points. First, there is a small number of petitions (both paper and electronic) that, after tabling by a Member, fail to receive any Ministerial response. Second, and more ominously, the number of these 'un-responded' petitions has grown in recent years. Anecdotal evidence suggests there exists enormous voter angst over the fact petitions of any kind are allowed to pass without Ministerial response. It is intuitive that any e-petition model adopted by the House if Representatives must make a Ministerial response – if only via an acknowledgement letter to the Speaker – obligatory.

**Table 2**

**Paper Vs E: Number of Petitions Not Responded to in Parliament**

| Year | Paper Petitions | E-Petitions |
|------|-----------------|-------------|
| 2003 | 8 | 0 |
| 2004 | 4 | 0 |
| 2005 | 22 | 2 |
| 2006 | 13 | 3 |
| 2007 | 14 | 2 |

**Source:** Data aggregated from Queensland Parliament website. Calculations are the author's.
http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/

## 6.3 Scope of Petitions

Tables Three and Four, below, show that petitioners' issues of concern are broad in scope, and span virtually every conceivable portfolio area. As might be expected, the issues below correspond neatly with those policy areas in which the State of Queensland is constitutionally able to legislate. It can be assumed that any House of Representatives e-petition trial will also yield those issues in which the Commonwealth is constitutionally able to make laws. Tables Three and Four also reveals a tight correlation between the most popular concerns among Queensland petitioners' – such as the environment and roads – and those issues generally regarded as at the top of the political agenda, as indicated by the news media. It is also noteworthy that such issues feature heavily irrespective of their paper or electronic source. This suggests both paper and e-petitions are genuinely reflective of the wider community's policy concerns, and that petitions appear to be fulfilling their designed role.

Table 3
Paper Petitions, by Portfolio / Issue, 2003-07

| Portfolio | 2003 | 2004 | 2005 | 2006 | 2007 |
|---|---|---|---|---|---|
| Education / Training | 7 | 7 | 8 | 6 | 13 |
| Health /Aged | 12 | 13 | 13 | 16 | 18 |
| Justice / Police | 12 | 16 | 20 | 13 | 12 |
| Rec. / Sport / Racing | 6 | 17 | 14 | 6 | 8 |
| Environment / Heritage | 13 | 9 | 24 | 18 | 27 |
| Industry | 13 | 3 | 3 | - | 1 |
| Transport / Roads | 25 | 32 | 34 | 32 | 51 |
| Nat. Res / Energy | 5 | 5 | 3 | 17 | 10 |
| Emerg. Serv. | 17 | 4 | 4 | 3 | 3 |
| Families / Children | 2 | 4 | 3 | 1 | 2 |
| Other | 2 | 5 | 7 | 7 | 25 |
| TOTAL | 114 | 115 | 136 | 119 | 170 |
| | | | | G. Total | 654 |

Source: Data aggregated from Queensland Parliament website. Calculations are the author's.
http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/

**Table 4**
**E-Petitions, by Portfolio / Issue, 2003-07**

| Portfolio | 2003 | 2004 | 2005 | 2006 | 2007* |
|---|---|---|---|---|---|
| Education / Training | 4 | - | 3 | 5 | 2 |
| Health /Aged | 1 | 3 | 3 | 2 | 5 |
| Justice / Police | 6 | 4 | 6 | 8 | 4 |
| Rec. / Sport / Racing | 1 | 1 | 6 | 4 | 3 |
| Environment / Heritage | 5 | 3 | 11 | 4 | 5 |
| Industry | 2 | - | - | 1 | 3 |
| Transport / Roads | 1 | 3 | 10 | 11 | 3 |
| Nat. Res / Energy | 1 | - | 1 | 4 | 4 |
| Emerg. Serv. | - | - | - | 1 | |
| Families / Children | 1 | 2 | 1 | 1 | 1 |
| Other | 1 | 2 | - | 6 | 5 |
| TOTAL | 23 | 18 | 41 | 47 | 35 |
| | | | | G. Total | 164 |

\* 18 Current E-Petitions (2008) not included in analysis

**Source:** Data aggregated from Queensland Parliament website. Calculations are the author's.
http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/

## 6.4 Paper Vs E: Number of Signatories

Tables Five and Six, below, reveal that the vast bulk of paper and electronic petitions each attracts between 100 and 1,000 signatures. Very few petitions attract an insignificant number of signatures (say, fewer than 10), with few therefore open to the charge of 'frivolity'. There are also a significant number of petitions attracting signatures in the 10 to 100 range, as there are the 1,000 to 10,000 range. It is again noteworthy that these ranges are comparable across

paper and electronic petitions. It is also noteworthy that, since 2006-07, e-petitions have broached the 10,000 signature mark. Indeed, two e-petitions in 2006 – on daylight saving, an issue close to Queenslanders' hearts – attracted almost 70,000 signatures between them: 62,232 in favour of introducing daylight saving, and 7,516 against.[15] E-petitions, then, can prove effective lightning rods for public opinion, with these Queensland examples clearly demonstrating the potential to galvanise support for or against any given issue. They are, in summary, effective instruments for voicing public opinion on executive policy.

**Table 5**

**Number of Signatures, Paper Petitions, by Year Tabled,**
**2003-07**

| Year | 1-9 | 10-99 | 100-999 | 1000-9999 | 10,000+ | Total |
|------|-----|-------|---------|-----------|---------|-------|
| 2003 | 1 | 27 | 57 | 27 | 2 | 114 |
| 2004 | 6 | 25 | 60 | 23 | 1 | 115 |
| 2005 | 6 | 24 | 68 | 36 | 2 | 136 |
| 2006 | 2 | 21 | 67 | 27 | 2 | 119 |
| 2007 | 1 | 53 | 79 | 34 | 3 | 170 |

**Source:** Data aggregated from Queensland Parliament website. Calculations are the author's.
http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/

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[15] Queensland Parliament. 2006. http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/

**Table 6**

**Number of Signatures, E-Petitions, by Year Tabled, 2003-07**

| Year | 1-9 | 10-99 | 100-999 | 1000-9999 | 10,000+ | Total |
|------|-----|-------|---------|-----------|---------|-------|
| 2003 | - | 5 | 17 | 1 | - | 23 |
| 2004 | 2 | 2 | 12 | 2 | - | 18 |
| 2005 | - | 8 | 26 | 7 | - | 41 |
| 2006 | - | 12 | 23 | 11 | 1 | 47 |
| 2007 | 1 | 10 | 16 | 6 | 2 | 35 |

**Source:** Data aggregated from Queensland Parliament website. Calculations are the author's. http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/

## 7.0 Recommendations

This submission offers the following recommendations.

**7.1** That, unlike the Queensland experience, the House of Representatives adopts a Standing Order to ensure some form of Ministerial response to any e-petition is compulsory, with that response posted for public viewing on the House of Representatives website.

**7.2** That the House of Representatives conduct a trial of e-petitions commencing with the first Parliamentary session of 2009.

**7.3** That this trial be modeled closely – although not identically – on the Queensland Parliament's template as detailed below.

**7.3.1** Any Australian resident (including those under 18 years of age, those not enrolled, and those who are not citizens) or any Australian business or commercial enterprise (if an Australian Business Number is provided) can launch (as a "Principal Petitioner") an e-petition to the House of Representatives.

**7.3.2** Principal Petitioners be required to submit an online form, and gain the permission of a sitting Member of the House (MHR) to serve as that petition's sponsor. Sitting MPs should not be allowed to act as that e-petition's Principal Petitioner, but MPs must be free to sign e-petitions of their choice.

**7.3.3** Only one MP be approached to sponsor any one e-petition.

**7.3.4** A sponsoring MP is to submit an e-petition application to the Speaker of the House for assessment. Once satisfied the application meets protocols, the Speaker should be obliged to post the e-petition online.

**7.3.5** E-petitions should not be launched when the House is dissolved.

**7.3.6** Contrary to the Queensland experience – a uniform timeframe should be established – say, three calendar months – between the

opening and closing of all e-petitions, with extensions granted only with the written permission of the Speaker of the House.

**7.3.7** For public accountability reasons, Principal Petitioners' names and address (or P.O. Boxes) be posted on the House website, but those of subsequent signatories, for privacy reasons, not be posted, but recorded and made available when any hard copy of the petition is subsequently tabled in the House.

**7.3.8** The date of the petition's tabling in the House by the sponsoring MP should also remain flexible, on negotiation with the Clerk and the Speaker.

**7.3.9** Consistent with the Queensland experience, paper petitions should be allowed to simultaneously co-exist with identically worded e-petitions. No two identically worded e-petitions should co-exist.

**7.3.10** Contrary to the Queensland experience, there should be a minimum mandatory time period – say, twelve calendar months – between the launch of any two identically worded e-petitions. The number of signatures collected by successive e-petitions should not be aggregated.

**7.3.11** Contrary to the Queensland experience, for an e-petition to be valid, at least two signatures should be ascribed (one of which may be the

Principal Petitioner, but neither of which may be a sponsoring MP). Once a signature is added to an e-petition, it should not ordinarily be removed.

**7.3.12.** E-Petitions should be open to all Australian residents, irrespective of place of residence.

**7.4** That the House of Representatives engages in an extensive, initial advertising campaign via television, radio, newsprint and the internet to promote the e-petition trial. The promotional campaign should be especially tailored to meet "at risk" demographics, especially younger voters (18 to 30 years), those residing in remote and regional Australia, and voters from lower socio-economic levels in the outer suburban fringes of our major urban centres. This campaign should be renewed at regular intervals

**7.5** That comprehensive quantitative and qualitative analysis of the House of Representatives e-petition trial should be conducted after three years' operation to determine its efficacy.

**7.6** That the House of Representatives consults with the Senate to encourage the establishment, in the near future, of a similar e-petition trial for that chamber.

**- End of Submission -**