Report to the Petitions Committee on the visit by the Committee Chair to the Scottish Parliament, the House of Commons, the US Congress and a US based consultant in on-line communication for legislators.

Meetings were held with the Public Petitions Committee of the Scottish Parliament, The Clerk of the Procedure Committee of the House of Commons, The Parliamentarian of the US Congress and Mr Tim Hyson, Director of Communications and Technology Services, Congressional Management Foundation, Washington.

The Scottish Parliament

The meeting with the Clerk, Mr Fergus Cochrane, the Convenor Mr Frank MacAveety and Mr Nigel Dun,a Government member of the Scottish Parliament's Public Petitions Committee occurred at a time when the Committee is reviewing its role. It should be noted that the new Petitions Committee of the Australian Parliament came into being following the recommendation of the Procedures Committee which visited the Scottish and UK Parliaments in 2006. The insights given by the Scottish Committee's Convenor should prove valuable for the guidance of the Australian Committee.

By coincidence, on the day of my visit, for the only second time since its inception in 1999, a full debate was conducted on the floor of the Parliament on the Committee's report which followed an inquiry in response to a petition on "The availability on the NHS of cancer treatment drugs. I was privileged to observe the debate which involved the Petitions Committee Convenor, the Health Minister, the newly appointed Labour Party Leader in her first speech in that role, The Chief Minister, and the Conservative Unionist Party Leader. The debate highlighted the role of petitions in bringing an issue to the attention of the parliament and offers a case study in the way in which a petitions committee can deal with an issue

In the discussion held with the Convenor and the Clerk, it was learned that the Scottish Parliament receives around 250 petitions each year with two thirds being on-line petitions. The Public petitions Committee has a cross party membership of 9 MSPs with the present Convenor drawn from the Labour Party. The Committee meets fortnightly and accepts 8-9 petitions and reviews progress on 15-20 current petitions. For online petitions, the Committee leaves these open for 6-8 weeks depending on the flow of responses. The web site hosting on-line petitions is outsourced and interestingly it allows comments on the issue to be added as well as signatures. The petition also includes 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.

In reviewing the system of on-line petitioning, the Convenor suggested that they would prefer to host the site in house as he suggested the system at present is "quite rough". The Convenor suggested that the UK Prime Minister's petition site and the site used by the Bundestag were a generation ahead of the original Scottish system. As the first statutory body in the world to adopt on-line petitioning which has been in operation since 2004, the views expressed are sure to become part of the Scottish Parliament's review of on-line petitioning which commenced in June 2008.

I should also note the Scottish Parliament has made a submission to the Australian Parliament's Petitions committee which I am sure will be valuable to us in deciding on the best system to adopt for on-line petitioning.

The Scottish system does not require citizenship or residence as a requirement for eligibility to sign an on-line petition. Indeed a current petition calling for Scottish Independence has taken thousands of signatures from people of Scottish descent around the world!

On-line petitions are checked by a facility of the service provider which can check for duplicate URLs however these do not necessarily represent duplicate signatures. Checking also picks up D Duck and M Mouse signatures as well as signatures purported to be those of serving members of the Scottish Parliament.

The Scottish Parliament's Committee is however of the belief that the vast majority of on-line signatures are genuine and no more subject to abuse than paper petitions. In fact the use of electronic checking may assure the Committee that an even greater proportion of signatures are genuine.

While progress of on-line and paper petitions can be tracked on the Scottish Parliament's website, the Convenor felt that a more interactive system would better serve petitioners. It was also felt that the system should provide the opportunity for the constituent member for each petitioner could be advised of the signing and may choose to respond by email to the individual petitioner should the petitioner consent to this option. Also the petitioner may be asked if they would like to be notified of any action being taken although this would require a major upgrade in the system's capability which would come at a high cost. I pointed out that The Australian Committee's website was attempting to keep petitioners informed of progress in a similar way to that operating in Scotland. The Convenor said that the Committee was dedicated to providing maximum response to petitioners even considering the very high number of 1 million hits per month to its website from a population of less than 6 million. This translates into 100,000 e-signatures and 3,000 on-line comments.

In a similar way to the Australian system which is to a degree modelled on the Scottish system, hearings may be held in which the petitioners present their case, as well, Ministers or their departmental representatives may be called before the Committee to ensure accountability for responses.

It was also noted that Committees of the Scottish Parliament operate as legislation committees which play a major role in framing legislation. The Public Petitions Committee therefore has a role in referring petitions to committees as input to legislation.

The Convenor, Frank MacAveety saw 2 challenges for petitions committees, firstly how to make the work of the committee relevant to the process of government and secondly, how to engage with those least engaged in the political process. While petitions can be seen as a place to go when you have a grievance, this is best achieved when the intent of the petition is aimed at a shift of policy.

This was well illustrated by the petition reported on the day of my visit to the Scottish Parliament. The petition dealt with a complex policy issue, a terminally ill cancer patient was

not able to access a drug because it was not covered under the National Health Service. While the family was prepared to meet the high cost of the drug, the patient would not be able to access treatment under the NHS because they supplied their own drug.

As can be imagined, the case generated great public support and lead to a review of the policy on the supply of drugs for cancer patients. Mr MacAveety pointed to a current petition dealing with crimes involving knives and the public and media campaign which had arisen from the posting of the petition. According to Mr MacAveety, public hearings should deal with issues that the public feel strongly about. Mr MacAveety and Mr Cochrane welcomed the opportunity to take part in a tele-conference with the Australian Committee to discuss these issues. I understand this will take place later this month.

House of Commons:
By contrast with the Scottish Parliament, the House of Commons approach to e-Petitions is more conservative. At my meeting with Mr Mark Hutton, the Clerk to the Procedure Committee of the House of Commons, Mr Hutton offered the view that the Scottish model was not the best for either on-line petitions or a Petitions Committee. In a report on e-petitions tabled in March 2008, the Procedure Committee in its recommendations include a continued role for constituency MPs as a facilitator of e-petitions. This could be seen as MPs guarding their role as a gateway to the parliament however Mr Hutton pointed to the shear volume of petitions and signatories using the Prime Ministers e-petition facility. With over 29,000 petitions and 3 million signatories, concerns were expressed about handling such large numbers. Mr Hutton added the committee's concern that the work load would be too great and that it would set up expectations that could not be met. Committee members wanted to preserve the involvement of MPs in petitioning and importantly, did not want to undermine the role of constituent members.

The preferred UK model requires an MP to facilitate each petition, with the MP being consulted and must agree to facilitate. Constituency MPs will be told of the numbers of constituents signing but may not be given addresses. The MP can email those signatories who agree to be contacted.

UK petitions now require a response from the relevant Minister within 2 months of lodging. The Procedure Committee sees no need for a special petitions committee but would itself maintain a supervisory role with the system. The committee could make minor changes without changing standing orders.

Mr Hutton raised the objections expressed to the committee including the question "is this the right way to communicate with the public", "are we just doing it just because we can" and made the observation that some members never present petitions. Mr Hutton suggested that the German system was very much a complaint system dealing with issues otherwise dealt with by an ombudsman. Mr Hutton agreed that the Scottish system was meeting expectations although he was aware of petitions presented as school projects and not necessarily genuine petitions. Mr Hutton (or his successor) agreed to assist the Australian Parliament Petitions Committee by way of a teleconference at a future date.

My conclusions reached from my meeting with Mr Hutton was that the House of Commons was proceeding with caution with e-petitions. The Procedure Committee was aware of that electronic communication was growing at a rapid rate and that parliaments would be expected to deal effectively with this form of communication.

The two further meetings held in Washington bear out the concern that parliaments must develop the means to respond to growing volumes of personal electronic communication.

US Congress:
I met with Mr John Sullivan, Parliamentarian (Clerk) to the US Congress and Ms Elizabeth Woodworth, Assistant Parliamentarian. Mr Sullivan provided a briefing on his role and developments in on-line petitioning in the US Congress. Mr Sullivan advised that the US accepts hybrid, ie written and on-line petitions. The nature of the Congress where most legislation is voted on a cross party basis leads to the preference for petitioning directly to legislators. The right of citizens to petition Congress is enshrined in the First Amendment and there is therefore no prescribed form for petitions - hence an e-petition must be acceptable although the Parliamentarian may rule some petitions out of order. The House rules allow for a Congress member to lodge petitions.

Of greatest importance in considering the impact of petitions is the number of signatures. The congress is concerned with authenticating e-signatures and considers this important in accepting e-petitions. Acceptable authentication is not possible at present.

With as many as 500,000 constituents in each district, the task for individual members is enormous. E-petitions and other emailed correspondence have become a time consuming task for members of Congress and US Senators. With elections every two years this places strain on the resources available to representatives. E-petitions are seen as a key measure of public opinion and most representatives allocate a substantial amount of their staff resources to deal with petitions.

In seeing how this demand was addressed I met with Mr Tim Hysom, Director for Communication and Technology Services for the Congressional Management Foundation. The Foundation is a non-partisan, not for profit, non-government organisation. Since its establishment in 1977, the CMF has worked with Members and Senators to improve the management of office services through publications and research, consulting services to Senators and Members and staff training. The CMF has developed a special interest in e-communication and each year presents the "Gold Mouse Report" which judges the best web sites on Capitol Hill. In 2005 the CMF published its report, "Communicating With Congress, How Capitol Hill is Coping with the Surge in Citizen Advocacy", a follow up report is to be released in January 2009.

Mr Hyson was able to provided valuable insights into the demands on Member's staff arising from the flood of e-mail and E-petition communication. Mr Hysom pointed out that during the then current financial bail out legislation, the Capitol Hill computer servers went down. Members have become heavily reliant on standard responses being sent as e-mail replies. Due to the lower level of party discipline this means that every member must generate a unique response to almost every issue.

Given the nature of the US legislative system, Mr Hysom sees petitions as playing a key role in influencing the position of Members before a policy gets to become legislation.

Conclusions:

Having met with representatives from three different parliamentary systems, it is clear that recent years have seen rapid growth in personal electronic communication in all its forms. E-petitioning has been part of this expansion. The three systems studied have because of their nature developed different strategies to deal with the change. In selecting the best approach for the Australian Parliament it will be important to determine the views of Members as to which direction to take.

There are two main alternatives. The Scottish model which impressed the Australian Parliament Procedure Committee sees an active role for a Petitions Committee in presenting petitions as well as providing a forum for petitioners and a means of feedback to petitioners. While this involves the resources of a parliamentary committee and in a way bypasses individual members, its leaves open the opportunity for members to sponsor petitions and to respond to petitioners in their own electorate.

The system favoured by the House of Commons seeks to preserve the role of individual members and concentrates its approach on the mechanics of handling the increased numbers of petition signatures as a product of e-petitioning.

The independent role of legislators in the US leads to a similar approach. E-petitions in the US will continue to focus on individual representatives who will maintain responsibility for responses. In that case the workload will continue to fall on the individual member.

For a national parliament such as the Australian Parliament, where national issues are the main focus of policy, a means of addressing the parliament as a whole can be seen as desirable.

The Convenor of the Scottish Parliament Public Petitions Committee described its role as providing a "Public Gateway to parliamentary and policy development areas." This approach should be explored by the Australian Parliament to meet the challenge of increased use of on-line methods of communication and to enhance the working of our parliamentary democracy.