

## Improving responses to petitions

- 2.1 Petitions have been described as ineffective because few are acted upon or responded to. As noted in chapter 1, a petition that is compliant with the standing orders is referred to the Minister responsible where, according to anecdotal evidence, it remains without acknowledgement or other response.<sup>1</sup> Also, while the House can refer a petition to a committee [standing order 213(c)], this is not currently the practice of the House. In summary, under the current standing orders, the House has no way of responding to petitions or of encouraging Ministers to respond. Unfortunately, this has encouraged a view that petitions are largely a 'waste of time and paper'<sup>2</sup> or, perhaps more worryingly, that Parliament and the Executive have little regard and respect for this process.<sup>3</sup>
- 2.2 The committee does not accept that the House has no role to play in responding to petitions. Petitions are addressed to the House and its Members and, therefore, the House should have the capacity to address the concerns raised within them. It is not good enough to fall back on the argument that the issues raised are mostly in the constitutional province of the Executive and not that of the legislature. The House's role is not confined to making laws. It has many avenues available to it to consider issues raised by citizens.

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1 See Appendix A for the relevant standing orders on petitions.

2 Ms Rosalind Berry, Submission no. 5, p. 1.

3 See Miss Margaret Clinch, Submission no. 3 and Ms Rosalind Berry, Submission no. 5.

- 2.3 This chapter outlines the committee's views on how responses to petitions can be improved. In particular, the committee considers that this can be achieved by establishing a petitions committee with the capacity to process, review and respond to petitions, and inquire into and report on the subject matter raised within them. The committee expects that the petitions committee would also have the ability to refer the terms of petitions to other bodies (particularly to the specialist subject matter committees of the House) for consideration and possible inquiry.

## Current forms of action in the House

- 2.4 Chapter 1 referred briefly to current practices regarding the processing of petitions. Further details are provided below.
- 2.5 Standing order 212 allows petitions to be referred by the Clerk to the Minister responsible 'for the administration of the matter raised in the petition'. A Minister may respond in writing (and the response read to the House by the Clerk) but is not obliged to do so.
- 2.6 Ministerial responses to petitions are rare. As shown in table 2.1, since 1999 a total of 2589 petitions have been received while only three ministerial responses have been lodged with the Clerk.

Table 2.1 Ministerial responses to petitions since 1999

Year	Petitions Presented	Ministerial Responses
1999	232	
2000	289	
2001	250	
2002	319	
2003	369	Senator Kemp (24 November)
2004	471	
2005	235	Senator Coonan (5 September)
2006	276	
2007	148	Mr Ruddock (26 February)
<b>Total</b>	<b>2589</b>	<b>3</b>

Source Chamber Research Office, *Statistics*, 21 June 2007

- 2.7 A Minister may choose to use less formal methods of responding to a petition such as writing personally to the petitioners or order administrative action to be taken in response to a particular

grievance.<sup>4</sup> However these methods are not presented to the House and therefore cannot be formally recorded. Moreover, while there is no practical means by which Members of the House can know if a Minister has taken any action on the issue raised in a petition, it appears to be widely accepted that such actions are very rare.

- 2.8 As noted above, discussion on the subject matter of a petition can take place at certain periods of House proceedings, usually during Members' statements when the Member lodging the petition can explain and discuss the matters raised.<sup>5</sup> Even so, discussion on petitions in the House is rare. Provisions to enable Members to table a petition during Members' statements were adopted in 2001. Since then, only 68 of the 2068 petitions presented (3.3%) have been presented and discussed during Members' statements either in the Chamber or the Main Committee.<sup>6</sup>
- 2.9 A petition may be referred by the House or a Minister to a general purpose standing committee<sup>7</sup> and once referred the committee may inquire into and report on that petition.<sup>8</sup> No general purpose standing committee has produced a report generated from a referred petition.
- 2.10 Two presented petitions however, have resulted in the establishment of select committees to examine issues raised in petitions. These select committees were established as a result of a motion to the House by the Member presenting the petition. The first committee was established in 1963, following the Yirrkala people's lodgement of a petition praying that the House appoint a committee to hear their views before permitting excision of any land from the Aboriginal Reserve in Arnhem Land. The Member moved that the petition be printed and the motion was agreed to.<sup>9</sup> The second instance in 1970 followed the presentation of a petition praying that the export of kangaroo products be banned.<sup>10</sup> Both these examples preceded the establishment in 1987 of a comprehensive House committee system.

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4 *It's Your House*, PP 363 (1999) p. 16.

5 Standing order 213(a).

6 Chamber Research Office, Statistics, July 2007. This has not however, enabled 'debate' in the sense that other Members have not responded to the concerns raised in the petition – be it in agreement or disagreement.

7 Standing Order 213(c).

8 Standing Order 215(b).

9 *House of Representatives Practice*, 5<sup>th</sup> edition, p. 618.

10 *House of Representatives Practice*, 5<sup>th</sup> edition, p. 618.

- 2.11 All petitions, as documents, are referred to the Publications Committee after they have been presented to the House. That Committee may recommend that a petition be made a parliamentary paper although such action is unlikely in practice.<sup>11</sup> In fact, the only instance of this occurring was in 1909, when the House agreed to a motion, by leave, that a petition be printed as a parliamentary paper even though the Publications Committee had considered but not recommended its printing.<sup>12</sup>

## Overseas models for action

- 2.12 A number of parliaments overseas have established more innovative methods of pursuing petitions once presented. Table 2.2 (below) summarises some of these key methods.
- 2.13 It would appear that petitions are considered in greater depth in for example, the parliaments of Canada, Germany, New Zealand, Scotland, the United Kingdom and Wales than they are in the Australian House of Representatives. The basic difference is that most of these countries refer petitions to a committee, be it a dedicated petitions committee or a subject matter committee.
- 2.14 In New Zealand and the United Kingdom, petitions are referred to subject matter committees. The committees to which petitions are referred in New Zealand are able to take action as required, including receiving written submissions from petitioners, government departments and other sources relevant to the matter raised in the petition.<sup>13</sup>
- 2.15 In the United Kingdom's House of Commons where petitions are referred to both the relevant government department and a select committee of the House, approximately 80 per cent of petitions receive a response.<sup>14</sup> While the quality of responses is variable (some amount to no more than a page), this is clearly a much more frequent response rate than that of Ministers in Australia. The House of Commons Procedure Committee's report has recently recommended that the Government be required to respond to all public petitions

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11 *House of Representatives Practice*, 5<sup>th</sup> edition, p. 619.

12 *House of Representatives Practice*, 5<sup>th</sup> edition, p. 619.

13 See David McGee, *Parliamentary Practice in New Zealand*, 3<sup>rd</sup> edition, pp. 525-9.

14 House of Commons Procedure Committee, *Public Petitions and Early Day Motions*, May 2007, p. 15.

within two months of their presentation, and that a more regular opportunity be provided for Members to initiate debate on a specific petition.<sup>15</sup>

Table 2.2 Action taken in comparable parliaments

Country	Presented petition referred to:	Obligatory response time	Responses printed/acknowledged
<b>Canada (House of Commons)</b>	A committee designated by the presenting Member if there has been no response from Government	Within 45 days	Each petition receives an individual response After being tabled in the House, a government response to a petition is recorded in the <i>Journals</i>
<b>Germany (Bundestag)</b>	Petitions committee; the committee requests that the Executive respond to the terms of the petition; the committee then considers the statement and acts accordingly	None	All petitions are numbered and responded to
<b>New Zealand</b>	Relevant standing committee; reports to the House if/when appropriate	Within 90 days, if committee makes a recommendation	The clerk of the committee notifies petitioners of the committee's deliberations, following its report to the House
<b>Scotland</b>	Public Petitions Committee which then considers any further action to be taken	None The Committee meets every sitting fortnight	All petitions receive a written acknowledgment upon lodgement; where follow up is not pursued, a response explains why
<b>UK (House of Commons)</b>	Relevant government department and relevant select committee of the House	None If no observations are to be made however, the presenting Member is so advised	Any observations made by a Minister are printed and circulated as a supplement to the <i>Votes and Proceedings</i> and sent to the presenting Member
<b>Wales</b>	The relevant Assembly Minister or, if appropriate, the relevant subject committee	None	The Minister responds to main petitioner; copy sent to Petitions Clerk, receiving Member and the Members' Library

*Source* Clerk of the House of Representatives, Submission no. 1, pp. 9-10.

2.16 A key innovation in Scotland, Germany and India has been the development of a dedicated petitions committee. These committees are considered a constructive means by which a parliament is able to examine petitions and thereby enhance its own role in the petitioning process.

15 House of Commons Procedure Committee, *Public Petitions and Early Day Motions*, May 2007, p. 17.

- 2.17 The committee had the privilege of studying the processing of petitions by the Scottish Parliament's Public Petitions Committee (PPC) during a study tour in 2006 and Members were impressed by the role petitioning played in the democratic process. The PPC meets fortnightly when the Parliament is sitting and holds both public and private meetings.<sup>16</sup> The nine members of the committee are nominated in proportion to the representation of the various political groupings in the Scottish Parliament. The committee considers new and current petitions at each meeting and makes decisions about any further action. In so doing, the committee builds an expertise in the range of measures that can be taken on petitions, if not necessarily the broad areas of grievance raised.
- 2.18 The PPC can refer a petition to a subject committee, and where this occurs, the committee expects to be kept informed of that committee's consideration and actions in respect of the petition. The PPC may also investigate the petition itself, providing some principal petitioners the opportunity to speak to their petition and explain their grievance. The PPC, for example, has:
- heard evidence from petitioners and sought written evidence from organisations involved in the issue raised by a petition; and
  - consulted with the Scottish Executive or invited its members to appear before the committee.
- 2.19 The PPC has also made recommendations about the resubmission of petitions which address a similar grievance to a petition previously presented.
- 2.20 The PPC is not bound to undertake any action and may choose not to investigate a petition. Where the PPC takes this course however, it advises the petitioner and presents its reasons. Petitioners are thus kept informed of the progress, or lack thereof, on their petitions.
- 2.21 In India, the Lok Sabha's Petitions Committee consists of 15 members nominated by the Speaker.<sup>17</sup> A Minister may not be nominated to this committee. As in Scotland, the committee examines the merits of petitions, holds public hearings, calls for formal comments from

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16 Scottish Parliament, *How to submit a public petition*, available at: <http://www.scottish.parliament.uk/vli/publicInfo/documents/Howtosubmitapublicpetition.pdf>, accessed July 2007.

17 Committee on Petitions, <http://164.100.24.209/news/parliamentrycomintroduction/p22.htm>, accessed July 2007.

Members and, where necessary, officials from the relevant government department before making recommendations to the House.<sup>18</sup> Petitioners may also be called before the committee. The committee has produced 28 reports since 2004, which are available from the committee's website. Each report deals with a maximum of six petitions, outlining the initial terms of the petition, the committee's recommendations and any action to be taken by the government.

## Concern with the current process

2.22 Petitioners are clearly dissatisfied with the level of response to petitions. In many cases, petitioners are simply asking that their petitions, and the concerns expressed within them, be acknowledged. The Catholic Women's League Australia (CWLA), for example, submitted that:

It is simply impossible to reply to every individual, but a message acknowledging receipt of the petition should be made to the person who presented it accompanied by a comment indicating that the Minister has sighted it.<sup>19</sup>

2.23 Miss Margaret Clinch stated that in her extensive experience of petitioning, she and her fellow petitioners have received 'no meaningful written feedback.'<sup>20</sup> She wrote that all petitions deserved a 'mature' response and that they should not be 'ignored'. Ms Rosalind Berry similarly remarked that petitions 'seem to disappear into the bowels of Parliament House and ... there is little or no feedback.'<sup>21</sup> GetUp was strongly of the view that it be incumbent upon Ministers to demonstrate an awareness of the concern raised and address this in a response.<sup>22</sup> GetUp recommended that the response be provided within 14 days.

2.24 Submissions to this inquiry supported a number of processes which would enhance the role of the House in pursuing action on petitions. Miss Clinch, for example, stated that 'petitions should all be received

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18 See Mr IC Harris, Clerk of the House, Submission no. 1, p. 9.

19 CWLA, Submission no. 2, p. 1.

20 Miss Margaret Clinch, Submission no. 3, p. 1.

21 Ms Rosalind Berry, Submission no. 5, p. 1.

22 GetUp, Submission no. 4, p. 5; see also Miss Margaret Clinch, Submission no. 3, p. 2.

and examined by the Parliament, not just sent directly to the relevant Minister.’<sup>23</sup>

2.25 The opportunity for petitioners to present their petition personally to the House was also a common suggestion.<sup>24</sup> GetUp, for example, considered that time should ‘be allocated each fortnight or month for petitioners to present their petition publicly to Parliament and to address the issues if required...’<sup>25</sup>

2.26 The petitions committee model established in the Scottish, German and Indian parliaments was supported in the submissions. Ms Berry, for example, commented:

The idea of a special committee with responsibility to look at all petitions seems to me to be an excellent one ... I would personally feel that my input had been valued if the petitions were sent directly to a Petitions Committee to be discussed, investigated and recommendations made.<sup>26</sup>

2.27 A petitions committee would also satisfy the CWLA’s suggestion that petitions be made available ‘to interested members for study and comment’ and that ‘other Members of the House be able to respond to a petition’.<sup>27</sup>

2.28 GetUp was especially supportive of the Scottish PPC holding public meetings, arguing that transparency is increased in the process, further discouraging frivolous and vexatious petitions.<sup>28</sup> Moreover, GetUp expected the government would be reassured by the ‘filtering process’ of the petitions committee.<sup>29</sup>

2.29 Ms Berry also expected that any recommendations made by the petitions committee would be sent to the relevant Minister:

There would also need to be a time limit for a response to these recommendations and finally the person, organisation or community group involved would be notified of the

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23 Miss Margaret Clinch, Submission no. 3, p. 2.

24 See motion by Mr Roger Price MP, *HR Debates* (16.2.05) 150, GetUp, Submission no. 4, p. 5 and Mr Trevor Kerr, Submission no. 6, p. 1. Mr Kerr suggested that petitioners be allowed a ‘virtual’ presence.

25 GetUp, Submission no. 4, p. 5.

26 Ms Rosalind Berry, Submission no. 5, p. 2.

27 CWLA, Submission no. 2, p. 1. See also Miss Margaret Clinch, Submission no. 3, p. 2.

28 GetUp, Submission no. 4, p. 6.

29 GetUp, Submission no. 4, p. 6.



reaction to their petition. I am sure that this would satisfy Australian petitioners.<sup>30</sup>

## House action

2.30 The committee notes that under the existing standing orders, there is nothing that obliges the House to respond to petitions. This needs to be changed if petitioning is to be considered as an effective means of communicating with the House.

2.31 In the past, the committee has considered House action only in terms of referring petitions to general purpose standing committees and has made repeated recommendations to that effect.<sup>31</sup> The Government did not support the committee's latest recommendation,<sup>32</sup> stating that:

The time and resources available for committees to undertake inquiries into matters is limited. Requiring specific references ensures that committee activities are not directed to matters which are not relevant to the priorities of the House or the Government, and which have little prospect of being acted on.<sup>33</sup>

## A petitions committee

2.32 The committee remains of the view that in some cases it may be appropriate for the House to ask the relevant general purpose standing committee to consider the issues raised in a petition. However, the committee also considers that a more effective means of ensuring the House is able to act on petitions would be through the establishment of a petitions committee.

2.33 The committee envisages that the petitions committee would be another of the House's domestic committees established under chapter 16 of the standing orders. Like other such committees, it would consist of Members from both sides of the House, would be

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30 Ms Rosalind Berry, Submission no. 5, p. 2.

31 *Days and Hours* PP 108 (1986), *Ten Years On* PP 91 (1988), *It's Your House*, PP 363 (1999). See Appendix D for a synopsis of reports presented by the Standing Committee on Procedure on petitions.

32 *It's Your House*, PP 363 (1999) p. 18.

33 Government Response to the Report of the Standing Committee on Procedure "It's Your House" p. 2,  
<http://www.aph.gov.au/house/committee/proc/reports/cominv/govtresp.pdf>.

chaired by a Government Member and would be supported by senior parliamentary staff.

## Role of proposed petitions committee

- 2.34 The committee would manage all aspects of the processing of petitions including:
- maintain a petitions website (accessible from a button on the House of Representatives home page);<sup>34</sup>
  - publish and disseminate a (redesigned) petitions proforma and ensure all Members had hard copies in their offices to facilitate public access to petitioning;
  - receive all petitions and acknowledge receipt to the principal petitioner;
  - ensure petitions are consistent with the standing orders and negotiate with the principal petitioner (where necessary) to address any problems;
  - exercise a discretion to disallow petitions which are unlawful or otherwise offensive or inappropriate and notify the principal petitioner in such cases;
  - liaise with the principal petitioner regarding all stages of his/her petition;
  - arrange administrative processing including counting the signatories and arranging for presentation of petitions to the House and putting terms of petitions on the website; and
  - monitor the standing orders relating to petitions and advise the House where improvements can be made.
- 2.35 There would continue to be a range of options for the presentation of petitions. To enhance the status of petitions the committee believes they should be formally presented to the House by the Speaker (or possibly the Chair of the petitions committee). Members could however, still choose to present a petition with which they have been associated, during periods of Private Members' business.<sup>35</sup>

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34 See also section on 'the House website' in next chapter.

35 See also section on 'Member involvement' further below.

## Committee role in improving the processing of petitions

- 2.36 The petitions committee would hold regular meetings to discuss petitions and decide what should be done with each one. Options could include:
- forwarding the petition to the relevant Minister with a request that he/she consider the terms and respond appropriately;
  - recommending the House refer the terms of the petition to the relevant subject matter committee;
  - holding an informal briefing on the terms of the petition through discussions with the principal petitioner and those who could address the issues raised (Ministers, departmental officers, others as appropriate);
  - holding formal public hearings on the terms of the petition; and
  - other actions as determined by the petitions committee.
- 2.37 The introduction of a 'principal petitioner' is an important factor in making responses to petitions more effective. This concept is in use in other parliaments (including the Scottish Parliament) and essentially requires, on the first page of the petition (if there are multiple pages), an individual petitioner to provide full contact details. All communication between the petitions committee and petitioners would be through this 'principal petitioner'.
- 2.38 Once the committee had received, considered or inquired into the terms of a petition, it would report to the House. The committee could have a regular time to report on petitions received and any action taken, following, for example, the Clerk's announcement of petitions on sitting Mondays. The petitions committee would separately report to the House where the committee decides to hold a formal inquiry and produce a specific report.

## Issues regarding a petitions committee

- 2.39 In reaching the conclusion that a petitions committee should be established, the committee considered two potential difficulties, namely the cost of resourcing an additional parliamentary committee, and the concern of raising petitioners' expectations of further action.

### Resourcing a new committee

- 2.40 The committee is aware of concerns that parliamentary committees are currently under-resourced and that Members are often asked to sit on too many committees. This in turn has an effect on the ability of Members to contribute as well as they would like to each of the committees they serve on. It could therefore be argued that increasing the number of committees would simply stretch Members further.
- 2.41 The committee accepts that the establishment of a petitions committee would require additional resources or the re-allocation of resources within the House department. It remains of the view that the benefit of a dedicated petitions committee is worthy of the support of the House. The committee discussed some of the objections to this view which might arise. For example, it might be considered that a compromise could be proposed in the form of a sub-committee of the Standing Committee on Procedure to be responsible for petitions.
- 2.42 The committee strongly cautions against any proposal to merge the existing procedure committee with the proposed petitions committee for two reasons. Establishing a dedicated petitions committee should represent a conscious decision by the House and Government to give petitioning a much more prominent role and acknowledge that petitions can in fact make a difference to our democracy. To merge the proposed petitions committee with the existing procedure committee would reduce the effectiveness of both committees and their capacity to thoroughly investigate their quite separate subjects – House procedure on the one hand; individual petitions on the other. Moreover, in no parliament reviewed in this report, has a petitions committee been a subcommittee of the procedure committee.

### Raising community expectations

- 2.43 A second concern is that a petitions committee might raise petitioners' expectations that each petition would be actioned by the committee – in the petitioners' favour. Having analysed the terms of petitions presented to the House so far this year, it is clear that in a number of cases, the petitions committee would only be able to acknowledge the petition and refer its terms to the relevant Minister as is currently the case. At the very least, the principal petitioner would get an acknowledgement from the committee advising him/her that the petition had been presented to the House, considered by the committee and referred to the relevant Minister for information and possible response.

- 2.44 While any response issued by a petitions committee is a far better outcome than the current system provides, it is likely that the petitions committee would present two types of reports – regular reports recommending the referral of petitions to either a Minister or the relevant subject committee, and reports of its own inquiries into a small number of petitions. In relation to the first type of report, the petitions committee would still be able to monitor the progress of its recommended referrals, as the Scottish PPC does, and present this on the committee’s website.
- 2.45 On the basis that a petitions committee would provide a demonstrable sign that petitions continue to be a respected form of democratic participation and ought to be taken seriously by a modern House, and that a petitions committee would be able to distinguish between petitions that can be actioned by the House and those that would require further government action, the committee recommends that a petitions committee be established in the House of Representatives.

### 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.**

## Government action

- 2.46 The committee acknowledges the effectiveness of dispute resolution processes in ombudsman offices at both Commonwealth and State level.<sup>36</sup> Since the early 1970s Australia has seen the proliferation of independent bodies charged with the responsibility of investigating

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36 At the Commonwealth level, in addition to the Commonwealth Ombudsman, individuals can address a complaint to the Administrative Appeals Tribunal, the Human Rights and Equal Opportunity Commission, the Migration Review Tribunal, the Office of the Commissioner for Complaints (for complaints about Commonwealth funded aged care services), the Privacy Commissioner, the Refugee Review Tribunal, the Social Security Appeals Tribunal and the Veteran’s Review Board. Each State and Territory also has an Ombudsman and various other review agencies to address matters within the competencies of the States and Territories. See <http://www.comb.gov.au/commonwealth/publish.nsf/Content/home>.

and resolving disputes between citizens and government as an essential mechanism of accountability.

- 2.47 This notwithstanding, the committee notes the serious concerns expressed in submissions about the lack of Government action on petitions and remains disappointed that one individual will have a much greater chance of receiving a written response to his or her letter than a group of petitioners who have collectively expressed a grievance. Moreover, citizens have a historical right to directly address their representatives and this should continue to be respected.
- 2.48 The committee's previous reports have consistently sought both more timely responses and obligatory responses from Government. The committee reiterates its view that Ministers should respond to the requests contained in petitions referred to them within 90 days of their presentation to the House.

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## **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.**

## **Member involvement**

- 2.49 Under the current standing orders, Member involvement in petitioning is essentially limited to administrative processing. An exception is the presentation of petitions during Members' statements or when a petition refers to a motion or order of the day called on for the first time.<sup>37</sup> Given that petitioning is the only direct communication between individuals and the House, the committee sees four areas for improvement in Member involvement:
- enhancing opportunities for Members to represent the issues raised by petitioners (see Recommendation 3);
  - ensuring that Members need only be associated with issues they choose to support;

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37 Standing orders 209(b) and (c).

- ensuring that the public appreciate the difference between a Member supporting the views expressed in a petition and the Member initiating a petition; and
- freeing Members of their current administrative role in the petitioning process (see Recommendation 4).

## Streamlining petition administration

- 2.50 Under standing order 207, only Members may lodge a petition. This involves Members writing their name and electorate at the beginning of the petition and counting and writing the number of signatories at the beginning of the petition.<sup>38</sup>
- 2.51 Members who wish to present the petition in person during Members' statements in the House or Main Committee,<sup>39</sup> or during a relevant motion or order of the day,<sup>40</sup> must obtain certification by the Clerk or Deputy Clerk that it complies with the standing orders before presentation.<sup>41</sup>
- 2.52 Members who would prefer to have the petition presented via the Clerk's announcement on Monday (the vast majority) must ensure that the petition is lodged with the Clerk by 12 noon on the Friday before.<sup>42</sup>
- 2.53 When a petition is sent directly to the House of Representatives, the Clerk must find a Member willing to lodge the petition on behalf of the petitioners. The submission from the Clerk of the House suggests an amendment to the standing orders:
- ...to allow petitions that had not been lodged by Members to be presented by means of the Clerk's announcement without formal lodgement by Members.<sup>43</sup>
- 2.54 The proposal received support from other submissions. The CWLA submitted that 'it is entirely appropriate for a Member to present a petition but there ought to be an alternative route for the presentation of a petition to the House.'<sup>44</sup> It was similarly suggested that allowing

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38 Standing order 208(a).

39 In accordance with standing order 209(b).

40 In accordance with standing order 209(c).

41 Standing order 208(b).

42 Standing order 209(a).

43 Mr IC Harris, Clerk of the House of Representatives, Submission no. 1 p. 6.

44 CWLA, Submission no. 2, p. 1.

petitions to be accepted without formal submission by Members would make it less daunting for petitioners to assemble a petition, and would make lodging a petition easier by de-bureaucratising the process.<sup>45</sup> The proposal would also circumvent the problem of petitioners facing a 'hostile local Member' who refused to lodge a given petition.<sup>46</sup> It would also address the problem of Members feeling obliged to lodge a petition from citizens in their electorates even though they might find the sentiments in the petition objectionable.

- 2.55 Establishing a petitions committee would eliminate the need for Members to continue their administrative responsibilities in relation to petitions. As previously outlined, the petitions committee would assume responsibility for:
- counting signatures and noting the number on the front page of the petition;
  - ensuring the petition complied with the standing orders and helping to amend any problems in this respect by contacting the principal petitioner;
  - acknowledging receipt; and
  - arranging for presentation.
- 2.56 The committee also acknowledges that in lodging a petition, Members can sometimes be associated with a grievance that they do not personally support. As representatives however, Members may still feel obliged to present the petition in spite of their concerns. By allowing petitions to be received by a petitions committee, for eventual presentation by either the Speaker or the Chair of the committee, Members could be spared this particular 'conflict'.

## Enhancing a Member's representational role

- 2.57 Although the majority of petitions presented are announced by the Clerk of the House on sitting Mondays, Members are able to use other opportunities to present petitions to raise awareness of issues affecting their constituents and their local area. Standing orders 209(b) and (c) allow Members to present a petition during Members'

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45 GetUp, Submission no. 4, p. 5.

46 Miss Margaret Clinch, Submission no. 3, p. 2.



statements in the House and Main Committee (see table 2.3 below), and during a relevant motion or order of the day.

Table 2.3 Presentation of petitions during Members' statements

	2001	2002	2003	2004	2005	2006	2007*
All petitions received by House	250	319	369	471	235	276	148
Presented during statements							
In House	5	4	11	5	6	3	3
In Main Committee	1	6	7	8	1	8	0
Total presented during statements	6	10	18	13	7	11	3
Percentage presented during statements	2.4%	3.1%	4.9%	2.8%	3.0%	4.0%	2.0%

Source Chamber Research Office

Note \* to 21 June 2007

- 2.58 The submission from the Clerk of the House notes the potential for confusion that exists for Members in identifying when they are able to present petitions.<sup>47</sup> There have been instances where Members have attempted to present petitions during other opportunities for Private Members such as the adjournment debates in the House<sup>48</sup> and Main Committee.<sup>49</sup>
- 2.59 The Clerk therefore suggests that the House extend opportunities for Members to present petitions at these times. The Clerk saw a key advantage for Members in having the opportunity to make longer speeches on a given issue.<sup>50</sup>
- 2.60 Noting that the proportion of petitions presented by Members is relatively small, the committee agrees that Members should be able to present petitions from their constituents during periods of Private Members' business, including during adjournment debates in the House and Main Committee, and in the grievance debate.

47 Mr IC Harris, Clerk of the House of Representatives, Submission no. 1, p. 6.

48 HR *Debates* (28.6.2001) 29022; (26.9.2002) 7430-1; (20.3.2003) 13121.

49 HR *Debates* (27.3.2003) 13928-30; (18.9.2003) 20583-5.

50 Mr IC Harris, Clerk of the House of Representatives, Submission no. 1, p. 7.

**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.**

**Members' sponsorship of petitions**

- 2.61 On the understanding that petitions should remain in the hands of the public, the committee is concerned that Members may play a far greater role in the preparation and sponsorship of petitions than the spirit of the standing orders imply.
- 2.62 Currently a petition must not contain any indication that it has been sponsored or distributed by a Member of the House.<sup>51</sup> However, under the same standing order, a petition may show the name and address of a Member as an address to which the petition may be sent for presentation to the House.
- 2.63 This rule followed a recommendation of the Procedure Committee in its 1986 report, *Days and Hours*. At that time the committee remarked on the significant proportion of all petitions generated by Members: in line with the old rules, the terms of one particular petition had been presented on 94 separate occasions in 1985 – four Members had presented that petition 70 times.<sup>52</sup> The committee therefore recommended that petitions no longer be sponsored or distributed by Members and the recommendation was adopted by the House on 15 September 1987.
- 2.64 The submission from the Clerk of the House notes that petitions continue to be generated and circulated by Members, with the sponsorship details removed from the petition before it is submitted to the House.<sup>53</sup>

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51 Standing order 205(g).

52 *Days and Hours*, PP 108 (1986), p. 38.

53 Mr IC Harris, Clerk of the House of Representatives, Submission no. 1, p. 3. The submission notes the practice of Members circulating petitions with the terms of the prayer, provision for signatures, and instructions that the lines showing the sponsorship be cut off or that the covering sheet be removed once the signatures have been obtained.

- 2.65 While it is apparent that some Members are not entirely familiar with the rule – a number have advised the House of their involvement in collating a petition<sup>54</sup> – it is also clear that the standing order itself is inconsistent. On the one hand it expects that Members will not sponsor a petition, but it allows Members to provide their contact details so that petitioners can return a petition to his or her office for lodgement purposes. The distinction between ‘sponsorship’ and ‘distribution’ may be one not entirely understood by the public.
- 2.66 The committee therefore proposes that standing order 205(g) be deleted. The establishment of a petitions committee would remove any need for Members to add their contact details on a petition because petitions could be sent directly to the petitions committee. Members may also choose to bring a petition to the petitions committee personally on behalf of their constituents.

#### **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.**

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<sup>54</sup> See, for example, HR Deb (21.6.07) p.118, HR Deb (29.5.07) p.121, HR Deb (11.9.06) p.135, HR Deb (20.06.06) p.117, HR Deb (22.05.06) p.130, HR Deb (28.02.06) p.104.

