

Relevant and fair rules

- 3.1 Petitions are often rendered ineffective by the system of rules and regulations for petitions to the House.
- 3.2 In Miss Margaret Clinch's view, clearer petitioning rules are required to re-establish the status of petitions in our democracy. She states:
- The status and processes of the petition system need to be more properly defined, so that people know they can depend on them, politicians treat them seriously, and the major parties respect them.¹
- 3.3 This chapter considers the existing rules applying to the petitioning process and proposes solutions to reduce the number of petitions the House currently defines as inadmissible ('out of order'). In addition, the committee proposes improvements to the House of Representatives website and the introduction of e-petitioning.

Current rules

- 3.4 Standing orders 204 to 206 require that a petition for presentation to the House:
- be addressed to the House of Representatives and its Members;
 - refer to a matter the House of Representatives is able to act on, such as a Commonwealth legislative or administrative matter;
 - include a request for the House or Parliament to take action;
 - state the facts of the issue;

¹ Miss Margaret Clinch, Submission no. 3, p. 2.

- be legibly written and presented on paper with no further attachments, in the English language or with a certified translation;
- be written in respectful, courteous and moderate language;
- contain the signature and address of at least one person;
- contain the terms of the petition on every signed page; and
- not contain signatures which are copied, pasted or transferred onto the petition or written on the reverse of a petition.²

3.5 The underlying intention of these rules is to ensure petitions can be authenticated. A petition's authenticity protects both the petitioner and the House.³ The House must be confident that those who sign are 'real individuals' who support the subject of the petition.

Out of order petitions

3.6 Petitions that do not conform to the standing orders are considered to be 'out of order'. Petitions, for example, addressed to Ministers and the Government, rather than the Speaker and Members, or which fail to contain a request for the House to take action, are considered out of order.

3.7 While the committee is keen to address the problem of petitions being out of order because they fail a technical test, it is noted that some petitions *should* be disallowed before they are ever presented to the House. These include petitions which are unlawful (see paragraph 3.23 below) or otherwise offensive or inappropriate. The committee considers that the proposed Petitions Committee should have the discretion to disallow such 'petitions'.

3.8 In relation to petitions ruled out of order on technical grounds, an analysis of 14 such 'petitions' from a sample period of sitting weeks⁴ shows that:

- five did not include a full address (but rather indicated only the petitioner's suburb);
- four were not addressed to the House of Representatives;
- four had incomplete petitioning terms or did not include the terms on each page signed by petitioners;
- two had differing terms on the same petition;
- two did not state any facts;

2 See Appendix E for a comparison of these rules with those in other Australian jurisdictions.

3 *House of Representatives Practice*, 5th edition, p. 613.

4 12 to 21 June 2007.

- one sought no particular remedy;
- one did not concern an issue that the Australian Government could act on; and
- one included an attachment.

Table 3.1 Comparison of petition numbers and signatures in the 41st Parliament

Portfolio	In Order petitions		Out of order petitions	
	Number of petitions	Number of signatories	Number of petitions	Number of signatories
Agriculture, Fisheries and Forestry	7	17,750	0	0
Arts and Sport	4	2,391	2	7,881
Attorney-General	15	12,672	12	49,755
Communications, Information Technology and the Arts	30	13,522	7	2,166
Community Services	2	2,283	3	2,511
Defence	16	4,998	7	20,844
Education, Science and Training	14	7,836	3	602
Employment and Workplace Relations	70	41,690	9	164,765
Environment and Heritage	42	20,634	4	1,842
Families, Community Services and Indigenous Affairs	30	42,532	6	5,160
Foreign Affairs	164	120,883	33	21,180
Health and Ageing	170	199,002	52	119,611
Human Services	5	7,366	0	0
Immigration and Multicultural and Indigenous Affairs	106	19,093	9	2,899
Industry, Tourism and Resources	4	690	0	0
Justice and Customs	1	15	0	0
Local Government, Territories and Roads	4	20,274	2	850
Prime Minister	11	14,148	3	310
Special Minister of State	1	1	0	0
Trade	1	17	3	206
Transport and Regional Services	19	22,399	1	750
Treasurer	17	20,008	3	20,444
Veterans' Affairs	10	14,830	2	5,390
Total	743	605,034	161	427,166

Source Chamber Research Office, 21 June 2007

3.9 Since 1988, out of order petitions have been tabled by the Leader of the House. This was initially an interim measure to prevent disadvantage to petitioners who had prepared their petitions before stricter rules had come

into effect.⁵ This process, however, has become institutionalised.⁶ Out of order petitions are usually tabled as documents by the Leader of the House on the last Thursday of a block of sittings. As documents however, the terms of the 'petition' are not forwarded to the relevant Minister and therefore there is no possibility of follow up action.

3.10 As evident in table 3.1, 743 petitions have been presented so far this Parliament in accordance with the standing orders, but a further 161 have been submitted out of order – that is, 18 per cent of all petitions submitted to the House are out of order. Moreover, 41 per cent of signatures to petitions have been made on out of order petitions. That so many petitioners are signing out of order petitions which will never be referred to a Minister for further action provides great cause for concern. Remedial action is clearly required.

Reducing the number of out of order petitions

3.11 The committee is of the view that a number of measures need to be taken to reduce the unacceptably high number of out of order petitions. These would include:

- reviewing the current requirements in the standing orders with the object of further simplifying them;
- improving the House of Representatives website on petitions to educate the public about the requirements and processes and to include details of a contact person from the Department of the House of Representatives responsible for providing advice on petitioning matters (the staff of the petitions committee could have this role);
- providing a much clearer proforma from which to model petitions;
- changing the requirement that petitioners provide their name and full address, in line with privacy concerns (though the full contact details of the 'principal petitioner' would be necessary); and
- introducing e-petitioning.

The House website

3.12 The House of Representatives has published an *Infosheet* on petitions, available on its website and in hard copy from the Department's Chamber Research Office.⁷ However, as GetUp notes, it is difficult to find

5 HR *Debates* (19.5.1988) 2674.

6 Mr IC Harris, Clerk of the House of Representatives, Submission no. 1, p. 3.

7 <http://www.aph.gov.au/house/info/infosheets/is11.pdf>

information on petitions quickly on the website.⁸ The organisation further notes that the 'tone of the information once found is not welcoming, transparent or encouraging – rather it serves to give pause to citizens wanting to present a petition'.⁹ The Clerk of the House suggests that information on petitions could be made more prominent on the House's website by placing 'a button on the first screen of the House site.'¹⁰

- 3.13 As a means of reducing out of order petitions, the Clerk also suggests that it would be helpful to have proposed petitions submitted to a parliamentary officer 'so that their technical validity could be checked.'¹¹ If a petitions committee is established, this could be one of its roles, advised by the Clerk where necessary.
- 3.14 The committee strongly endorses improvements to the House of Representatives website and recommends that the Department of the House of Representatives create a specific page on petitions.

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).

Layout of the proforma

- 3.15 The House of Representatives currently produces paper and electronic versions of a petition proforma to assist petitioners. The layout of the proforma, however, was of some concern. The Catholic Women's League Australia (CWLA) suggested that the space allocated for petitioner details be expanded to increase the amount of effective space on each sheet.¹²

8 GetUp, Submission no. 4, p. 6. At present, a petitioner would need to know to look under the heading 'The House at Work' from the House of Representatives main page.

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

10 Mr IC Harris, Clerk of the House of Representatives, Submission no. 1, p. 4.

11 Mr IC Harris, Clerk of the House of Representatives, Submission no. 1, p. 4.

12 CWLA Submission no. 2, p. 1.

- 3.16 The committee agrees that the proforma requires further development. The production of a stand alone document, accessible from the new webpage, would make it easier for petitioners to assemble petitions and would also increase the space for signatures.
- 3.17 The proforma would be streamlined if only the principal petitioner were required to provide full contact details and other signatories be required to provide only postcode details (see 'Privacy requirements' below). In the context of the proforma layout, many more signatures would then fit on each page. The redesigned proforma should be made available in all Members electorate offices as well as on the website.

Privacy requirements

- 3.18 GetUp questioned the need for the House to receive the name and address of a petitioner, expressing the view that this requirement amounts to an invasion of privacy and serves as a disincentive for individuals to participate in petitioning.¹³ GetUp therefore recommends that only a name, state and postcode be required, considering these sufficient for statistical and fraud prevention purposes.¹⁴
- 3.19 The committee accepts that privacy concerns continue to evolve. In the past, the intention of requiring addresses (introduced in 1988) was to assure the House that the person signing a petition was in fact a 'real individual'. Today, names and addresses are no longer used to verify signatures. Indeed, the 'existence' of a person can be checked with a name and postcode. In addition, privacy concerns have become more pressing with the possibility of contact details being posted on the internet and easily 'Googled'.
- 3.20 The committee therefore recommends that persons signing a petition be required to provide only their name and postcode. The principal petitioner, however, should still provide full contact details including a street address on the front page of the petition.

13 GetUp, Submission no. 4, p. 4.

14 GetUp, Submission no. 4, p. 4.

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.

Language of petitions

- 3.21 Miss Clinch suggested that the standing orders be amended to require that the language of petitions be 'modern and respectful, and no longer demeaning.'¹⁵
- 3.22 The committee agrees that the language required for a petition should not be obsolete and demeaning. The requirement should be simply that the language used should be 'moderate'.
- 3.23 Petitions which contravene existing Commonwealth legislation, such as the *Racial Discrimination Act 1975*, should not be considered in order. As outlined in the previous chapter, a petitions committee could identify any unlawful petitioning terms and negotiate more appropriate terms with the principal petitioner.

Different rules for Senate and House?

- 3.24 Two submissions make note of the difficulty experienced in preparing petitions given the different requirements of the House of Representatives and Senate.¹⁶ The GetUp submission suggests the two houses should not have different requirements for petitions given these may cause some confusion amongst petitioners and may act as a disincentive to initiate petitions.¹⁷ The GetUp submission therefore suggests that petitions be directed to the Parliament as a whole.
- 3.25 While the committee understands this suggestion, there is an overriding problem in implementing it. The Constitution establishes the two houses as separate bodies which each have the ability to make rules about the order and conduct of business and proceedings.¹⁸ Importantly, these need not be the same rules. The committee therefore does not accept this suggestion.

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

16 Ms Rosalind Berry, Submission no. 5, p. 2; GetUp Submission no. 4, p. 2.

17 GetUp, Submission no. 4, p. 2.

18 The Constitution, Section 50.

New media and petitions

- 3.26 Rapid advances in technology are having an impact on Parliament and the political process. Most Members and Senators now have their own websites and interact with constituents in entirely new ways, including through e-mail and personal websites and blogs. Inevitably, these new media have had an impact on the petitioning process.¹⁹
- 3.27 Comprehensive electronic petitioning systems have now been introduced in the Scottish, German, Queensland and Tasmanian parliaments. The British Government recently announced its endorsement of e-petitioning in the House of Commons, following the model introduced in November 2006 to petition the Prime Minister.²⁰
- 3.28 In addition both the Australian Senate and the Northern Territory Legislative Assembly now accept electronic petitions. In each case, the Senator or Member is required to certify the authenticity of an electronic petition. It is understood that electronic petitions do not constitute a high proportion of petitions presented to the Senate, although a number have been signed by larger numbers of signatories than traditional petitions.²¹

Established e-petitioning systems

- 3.29 The Queensland Parliament introduced a trial e-petitions system in 2002, extending this more formally in 2003.²² This initiative was part of the Queensland Government's wider program of e-democracy.²³
- 3.30 A petitioner wishing to submit an e-petition must seek the sponsorship of a Member of the Legislative Assembly. The endorsement of a Member is required for e-petitions to ensure such petitions are not frivolous or contrary to the standing orders. A sponsoring Member is permitted to request changes to an e-petition before submitting it to the Clerk.
- 3.31 Once a petitioner has secured the support of a Member, the petitioner completes an e-petition request form which outlines the:
- wording of the petition;

19 Media commentators, including *Radio National's* Fran Kelly, have recently remarked on the political potency of internet petition campaigns. See for example, *Insiders*, ABC Television – 15.07.07 <http://www.abc.net.au/insiders/content/2007/s1978836.htm>.

20 See <http://petitions.pm.gov.uk>.

21 Mr IC Harris, Clerk of the House of Representatives, Submission no. 1, p. 19.

22 'E-Petitions' available at: http://www.parliament.qld.gov.au/EPetitions_QLD/HTML/InformationBrochure.pdf, accessed 6 July 2007.

23 See 'e-Democracy in Queensland' available at: http://www.getinvolved.qld.gov.au/be_informed/democracy/edemocracy.html.

- period it will be hosted on the Queensland Parliament website (between 1 week and 6 months);
 - eligibility requirements of petitioners (including the requirement that a person may only join an e-petition once and may not use a false name); and
 - details of the sponsoring Member and principal petitioner.²⁴
- 3.32 On acceptance of the conditions of use, an individual receives a random identification number which must be recorded on the petition, along with his or her name, address (including postcode) and email address.²⁵
- 3.33 Once the Member and principal petitioner are satisfied with the terms of the petition, the Member submits the form to the Clerk of the Parliament, who examines the petition to ensure it is consistent with the standing orders. Compliant petitions are then hosted on the Queensland Parliament website for the period indicated on the e-petition request form. The Parliament does not promote the petition in any way; it merely facilitates the petitioning process by hosting the petition on its website. It is the responsibility of the principal petitioner to raise community awareness of his or her petition.
- 3.34 When the e-petition's period for hosting on the Queensland Parliament website has expired, the petition is removed and the Clerk of the Parliament presents the petition to the Parliament in the name of the sponsoring Member at the first available opportunity. As with paper petitions, the Government is not obliged to respond to e-petitions tabled in Parliament.
- 3.35 As noted by Mr Phillip Grimshaw, the Queensland model also allows citizens to view the status of petitions and monitor whether any response has been provided.²⁶ A 2003 online survey of the Queensland Parliament's e-petitioning system found that 72 per cent of respondents returned to the e-petitions website to view the ministerial response.
- 3.36 The Tasmanian House of Assembly follows the same guidelines and processes, and uses the same software as the Queensland Parliament. The only major difference between the Queensland and Tasmanian systems is the issue of Government responses. In Tasmania a Government response

24 The public are advised that any breach of these conditions amounts to a contempt of parliament which is a punishable offence.

25 These contact details are not made publicly available on the website, but are kept by the Queensland Parliament's Table Office.

26 Mr Phillip Grimshaw, Submission no. 7, p. 7.

to each petition is required to be laid before the House within 15 sitting days of its communication to the Premier.²⁷

- 3.37 The Scottish Parliament formally introduced an e-petition system in February 2004. Petitions are hosted on the parliamentary website for an agreed period of between four and six weeks. Each petition has its own online discussion forum, enabling discussion of the petition and related issues. Petitioners may seek support for their petition from anywhere around the world. Petitions are not presented by Members of the Scottish Parliament but are sent to the Public Petitions Committee (PPC) by the organisers. Detailed guidelines and proformas are available from the PPC. Once the period for hosting the e-petition has expired, it is processed and examined by the PPC.
- 3.38 The German Bundestag introduced a system similar to that used in Scotland in September 2005.²⁸ While the Bundestag receives a high number of petitions, e-petitions do not yet constitute a large proportion of petitions presented.

Internet based 'petitions'

- 3.39 In addition to electronic petitions hosted on parliamentary websites, GetUp referred to internet based 'petitions' which are essentially campaigns hosted by a third party (for example, GetUp), that seek to foster debate and issue awareness.²⁹ While in a procedural sense these are not petitions to the House, GetUp argued that this kind of petition has become:
- more accessible than paper petitions given (particularly young) Australians' take up of the internet, and its availability in libraries, schools, churches and community centres;
 - cost effective to organise, disseminate, collect and deliver; and
 - more effective in reaching many people in a short amount of time.³⁰
- 3.40 In response to the arguments cited against internet based petitions,³¹ the organisation was keen to reassure the committee of the automated and manual procedures it has in place to verify signatures and ensure petitions are not altered. It suggested that these mechanisms were in fact more rigorous than those currently in place to ensure the veracity of paper

27 Tasmanian House of Assembly, standing order 73.

28 J. Wakefield, 'Petitioning the Parliament by mouse' *BBC News*, September 2005.

29 GetUp, Submission no. 4, p. 2.

30 GetUp, Submission no. 4, p. 2.

31 See for example CWLA, Submission no. 2, p. 1.

based petitions.³² Given that signatures and addresses are not validated on paper petitions, Getup has a good point.

E-petitioning in the House of Representatives?

- 3.41 There are strong proponents of e-petitioning particularly in those parliaments which successfully use the practice. Electronic petitions are seen as a reflection of societal changes in modern information communication technologies. They are also seen as a way of enhancing the democratic process. As Mr Phillip Grimshaw noted, 'Government needs tools to assist it in making decisions and defining laws that better reflect community needs but in less time.'³³ E-petitions are therefore considered a means of reinvigorating traditional and administratively cumbersome processes. On this, the Clerk of the House of Representatives agreed noting 'that making the House more open to the people is an institutional obligation.'³⁴
- 3.42 The ease with which members of the public can indicate support for a particular issue was also identified as a great advantage. Miss Clinch submitted that electronic petitions should be accepted because 'they are usually raised on matters of major significance throughout the nation.'³⁵
- 3.43 When the committee previously reviewed the issue of electronic petitions, it chose not to recommend their introduction to the House of Representatives.³⁶ The committee identified two major difficulties with e-petitions:
- verification of signatures and ensuring a petition had not been altered after people had signed it; and
 - the lack of any face to face soliciting of signatures, which the committee saw as a valuable means by which to involve people in debate on an issue.³⁷
- 3.44 Perhaps both these concerns have become outdated. Technological advances are relevant to the first and the increasing role of the internet as a forum for debate and communication addresses the second point.
- 3.45 Two related concerns have also been raised regarding the introduction of e-petitions:

32 GetUp, Submission no. 4, p. 3.

33 Mr Phillip Grimshaw, Submission no. 7, p. 4.

34 Mr IC Harris, Clerk of the House of Representatives, Submission no. 1, p. 12.

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

36 *It's Your House*, PP 363 (1999) pp. 13.

37 *It's Your House*, PP 363 (1999) pp. 12-13.

- **The role of the House in 'promoting' petitions:** there is some concern that an e-petitions system transfers the responsibility for promoting a petition from the petitioners to the Parliament. It has been noted, for example, that the e-petitions pages on the Queensland Parliament's website do not make an explicit distinction between hosting and promoting e-petitions and that there is a facility by which people may email links to other e-petitions. This would seem to contravene the spirit of petitioning in the sense that the responsibility for generating support on an issue should remain with members of the public.
- **The role of Members:** e-petition systems introduced in Australia have, at their heart, the involvement of Members. This has been seen as an integral way of certifying the authenticity of petitions. As with paper-based petitions, this has the potential to imply a Members' support for and sympathy with the terms of the petition (with which he or she may disagree) rather than with the right of individuals to petition the House.

Committee conclusions

- 3.46 Since the committee's previous report on the subject, developments both overseas and in Australia have changed the position of e-petitions to the extent that the committee needs to reassess its position. As an example, the Member for Chisholm remarked in a question to the Speaker, that the fact that e-petitions may be presented in the Senate and not the House of Representatives puts Members at a disadvantage.³⁸
- 3.47 The committee considers that disallowing electronic petitions in the 21st century essentially denies a growing number of petitioners the opportunity to air their grievances. New information communication technologies, notably the internet and email, can generate huge support on issues. The mere fact that a person has not set up a booth outside the local supermarket should not render that petition any less meaningful: 'real individuals' also use the internet. The committee accepts the reality of modern lobbying and campaigning and its inevitable impact on the petitioning process.
- 3.48 The committee is particularly enthusiastic about the prospect of increasing transparency in the petitioning process with the introduction of e-petitioning. All stages of the process – opening, closing, presenting and responding – will be publicly recorded and monitored on the website. The committee would expect this transparency to have the follow on effect of encouraging more Ministers to respond to the matters raised in petitions.

- 3.49 In relation to the specific concerns raised with e-petitioning systems, the committee makes the following observations:
- **Authentication of electronic signatures:** the committee is of the view that these problems are analogous to those of authenticating signatures on paper-based petitions. As demonstrated by the system implemented in the Queensland Parliament, information technology has provided some means by which to prevent automatic multiple signings from, for example, the telephone book.
 - **Sponsorship of e-petitions by Members:** the committee is recommending that petitions, whether they be electronic or on paper, not require the sponsorship of a Member or lodgement by a Member (see Recommendation 3, in the previous chapter). The committee sees this recommendation as a key to enhancing the effectiveness of petitions as a direct means of communication between the public and the House and focussing Members' involvement on the representation of petitioners' grievances in the House.
 - **Promotion of e-petitions by the House:** the committee agrees that the House is the body from which a petition seeks redress and is not the body to promote the issue. However, the committee considers that by 'hosting' petitions on its website, the House is merely providing an alternative vehicle through which petitioners may reach a large number of sympathisers. An internet discussion forum, as provided by the Queensland Parliament, would facilitate community dialogue on the subject matter of the petition. The House should only need to promote e-petitions in a broad sense, as another tool with which the public can interact with the House.
- 3.50 The committee notes that the introduction of e-petitions is not intended to replace paper petitions. These would continue as they do in other jurisdictions where e-petitions are currently allowed. They continue to comprise the largest proportion of all petitions presented and to attract large numbers of signatories.

Recommendation 7

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

Margaret May MP
Chair
August 2007

