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The Parliament of the Commonwealth of Australia

# Making a difference

Petitioning the House of Representatives

House of Representatives  
Standing Committee on Procedure

August 2007  
Canberra

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## Foreword

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

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

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

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

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

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

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

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

Margaret May MP  
Chair





## Membership of the Committee

Chair Mrs Margaret May MP

Deputy Chair Mr Daryl Melham MP

Members Hon Bronwyn Bishop MP

Mr Luke Hartsuyker MP

Mrs Trish Draper MP

Hon Roger Price MP

Ms Kelly Hoare MP

## Committee Secretariat

Secretary Judy Middlebrook

Inquiry Secretary Sonia Palmieri

Research Officers Shane Armstrong

Penny Branson

Anna Gadzinski

House of Representatives

Parliament House

Canberra ACT 2600


Email: [procedure.committee.reps@aph.gov.au](mailto:procedure.committee.reps@aph.gov.au)

Web: [www.aph.gov.au/house/committee/proc](http://www.aph.gov.au/house/committee/proc)



## Terms of reference of the inquiry

All aspects of the petitioning process.



## Terms of reference of the committee

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



# List of recommendations

## Chapter 2

### Recommendation 1

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

### Recommendation 2

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

### Recommendation 3

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

### Recommendation 4

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

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

## Chapter 3

### Recommendation 5

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

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

### Recommendation 6

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

### Recommendation 7

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

## About petitions

### Introduction

- 1.1 Petitions are essentially requests by citizens or residents for action by the House of Representatives. Petitions may ask the House to:
- introduce legislation, or repeal or change existing legislation;
  - take action for a certain purpose or for the benefit of particular persons; or
  - redress a personal grievance such as the correction of an administrative error.
- 1.2 Petitioning is an ancient practice with roots in many different systems of government. In parliaments following the Westminster tradition the practice may be traced back to the reign of King Edward I in the 13<sup>th</sup> century. The present form of petitioning was developed at Westminster during the 17<sup>th</sup> century when the rights of petitioners and the power of the House of Commons to deal with petitions were affirmed by two resolutions in 1669.<sup>1</sup> The House of Commons' traditions of petitioning were inherited by the new Australian parliament in 1901 via the colonial legislatures. More details on the history of petitioning are in Appendix B.

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<sup>1</sup> *House of Representatives Practice*, 5<sup>th</sup> edition, pp. 611-12.

## Current petitioning practice

- 1.3 The current petitioning process in the House of Representatives encompasses the following:
- Petitions (like other documents) may only be presented to the House by a Member – though in practice they are ‘lodged’ by a Member (or in the name of a Member) and in the majority of cases the terms are read out to the House by the Clerk.
  - Members may personally present petitions in the Chamber or Main Committee during ‘statements’ and they can use the opportunity to comment on the petitions. In theory, they may also present a petition in person if it relates to a matter coming before the House though this does not happen in practice.
  - Members have certain administrative duties regarding the petitions they lodge (for example, counting the number of signatories) but they cannot personally sponsor a petition or petition the House in their own right.
  - There are a number of rules set out in the standing orders and the Clerk or Deputy Clerk checks petitions for compliance before they are presented to the House. Those which do not comply with the rules are ‘out of order’ and they are not registered in the official records of the House. These rules were revised and simplified in 2001 but many petitions are still found to be out of order.
  - Once petitions are presented to the House the terms of the petitions are recorded in Hansard. It is possible for petitions to be referred to a particular committee though this is not done in practice.
  - The Clerk then refers a copy of the petition to the Minister responsible for the administration of the matter raised in the petition. It is rare that any further action is taken, though Ministers may respond by lodging a written response to the Clerk. The Clerk then announces responses to the House (also very rare).

## Enhancing the status of petitions

- 1.4 Petitions are the only means by which the individual can directly place a matter before the House and therefore have been described as 'a fundamental right of the citizen.'<sup>2</sup> While other avenues for redress of grievances now exist, ranging from formal approaches to the Commonwealth Ombudsmen or the Administrative Appeals Tribunal, to seeking media coverage of issues, only petitioning facilitates a direct link between the public and the House.
- 1.5 Petitions foster a sense of unity and purpose within a community which is publicly demonstrated when the petition is presented to the House. It has been said that petitioners tend to sign 'for community reasons, rather than for personal gain.'<sup>3</sup> In this sense, a petition provides a measure of a community's strength of feeling on an issue, and in turn, provides Members of Parliament with a 'sounding board for concerns experienced by the voting public.'<sup>4</sup>
- 1.6 Petitions are presented to the House on a very wide range of matters. So far this year petitions have been received relating to every Commonwealth ministerial portfolio, although certain portfolios such as foreign affairs and health and ageing tend to attract more petitions than others (see Appendix C for the list of petitions received in 2007).
- 1.7 While petitions clearly have great democratic potential, the reality is that petitions have been far more effective in strengthening community views on an issue than in actually having that issue heard and considered by the House.
- 1.8 In the course of this inquiry the committee has come to appreciate that over time, petitions have become less than effective mainly because of deficiencies in responding to the issues raised (by the House and/or the relevant Minister). In addition, the rules for petitioning remain a difficulty and result in an unacceptable number of petitions being 'out of order'.
- 1.9 Not surprisingly, serious concerns have been raised with the committee about the status of petitions. The submissions received to this inquiry commonly expressed the belief that, under current processes, petitions have lost the respect of the House and its Members.<sup>5</sup>

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2 *House of Representatives Practice*, 5<sup>th</sup> edition, p. 612.

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

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

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

- 1.10 Although the committee is deeply concerned by this underlying message, it is heartened by the response to this inquiry and the encouragement it has received to reform the petitioning process. Submissions clearly saw the establishment of this inquiry as 'a real step towards ensuring that petitions play their true democratic role in involving the public in the government of Australia.'<sup>6</sup>
- 1.11 The committee is keen to see the status of petitions enhanced so that they may fulfil their potential as an important avenue of communication between the public and the House. This report reflects the committee's views on the way forward.

## **The committee's principles of petitioning**

- 1.12 For the committee, the path ahead is underpinned by the following principles of petitioning:

### **1) Petitions belong to the public**

- 1.13 Petitions are the most direct form of communication between the public and the House. Despite the growth of alternative forms by which matters may be raised and grievances aired, petitions continue to serve as a community building process underpinned by the key objective of having the public voice heard. This process is important to our democratic system.

### **2) Petitions sent to the House should be addressed by the House**

- 1.14 Given that the standing orders require petitions to be addressed to the House of Representatives and to seek action by that House, the role of the House in facilitating a response should be strengthened. The House should have the capacity to respond to petitioners and advise them on the progress or outcomes of their petition.
- 1.15 The committee considers the most effective way for the House to act in relation to petitions is to establish a dedicated petitions committee.

### **3) Governments should respond**

- 1.16 Petitioners expect and deserve a response to the matters raised in their petition. The rules should be changed to encourage greater efforts by Ministers and their departments to consider the terms of petitions which are referred to them by the House, and respond to them in a timely fashion.

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



**4) Members' involvement should be enhanced and streamlined**

- 1.17 To improve the effectiveness of petitions their status must be enhanced. Members have an important role to play in raising and debating the issues and grievances contained in petitions, and facilitating a response.

**5) Rules should be relevant and fair**

- 1.18 Preparing a petition should not be excessively difficult and the rules governing petitions should not prove unnecessarily onerous. The House (both Members and House staff) must provide clear and accessible information and advice on the petitioning process.
- 1.19 While the rules themselves should be reviewed, the committee believes that a redesigned proforma, accessible from the House of Representatives website and from all Members' electorate offices, would reduce the number of petitions considered 'out of order'.

**6) Information technologies should be used more effectively**

- 1.20 Historically, the essence of the petitioning process was the ancient right of people, irrespective of their numbers, to express serious concerns to the King. This ancient tradition can and should be modernised to reflect advances in information communication technologies.
- 1.21 In particular, the committee accepts that in the 21<sup>st</sup> century, the House can no longer ignore electronic petitions. The House of Representatives website itself also requires redesigning to make it more accessible.
- 1.22 The application of these six principles will be addressed in this report, though not in the above order.



## 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/parliamentarycomintroduction/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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<sup>37</sup> 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.



## 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.<sup>1</sup>
- 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;

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<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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 weeks<sup>4</sup> 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;

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

3 *House of Representatives Practice*, 5<sup>th</sup> 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 41<sup>st</sup> 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
<b>Total</b>	<b>743</b>	<b>605,034</b>	<b>161</b>	<b>427,166</b>

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.<sup>5</sup> This process, however, has become institutionalised.<sup>6</sup> 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.<sup>7</sup> However, as GetUp notes, it is difficult to find

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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.<sup>8</sup> 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'.<sup>9</sup> 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.'<sup>10</sup>

- 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.'<sup>11</sup> 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.<sup>12</sup>

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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.<sup>13</sup> GetUp therefore recommends that only a name, state and postcode be required, considering these sufficient for statistical and fraud prevention purposes.<sup>14</sup>
- 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.

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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.'<sup>15</sup>
- 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.<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup> Importantly, these need not be the same rules. The committee therefore does not accept this suggestion.

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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.<sup>19</sup>
- 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.<sup>20</sup>
- 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.<sup>21</sup>

## Established e-petitioning systems

- 3.29 The Queensland Parliament introduced a trial e-petitions system in 2002, extending this more formally in 2003.<sup>22</sup> This initiative was part of the Queensland Government's wider program of e-democracy.<sup>23</sup>
- 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;

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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](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](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.<sup>24</sup>
- 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.<sup>25</sup>
- 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.<sup>26</sup> 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

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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.<sup>27</sup>

- 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.<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup>
- 3.40 In response to the arguments cited against internet based petitions,<sup>31</sup> 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

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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.<sup>32</sup> 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.'<sup>33</sup> 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.'<sup>34</sup>
- 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.'<sup>35</sup>
- 3.43 When the committee previously reviewed the issue of electronic petitions, it chose not to recommend their introduction to the House of Representatives.<sup>36</sup> 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.<sup>37</sup>
- 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:

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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.<sup>38</sup>
- 3.47 The committee considers that disallowing electronic petitions in the 21<sup>st</sup> 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.

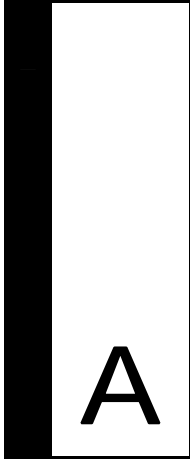
- 3.49 In relation to the specific concerns raised with e-petitioning systems, the committee makes the following observations:
- **Authentication of electronic signatures:** the committee is of the view that these problems are analogous to those of authenticating signatures on paper-based petitions. 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**





## Appendix A

### Standing orders

#### **Current standing orders**

##### **Preparing a petition**

###### 204 What must be in a petition

A petition for presentation to the House must:

- a. be addressed to the House of Representatives;
- b. refer to a matter which is within the power of the House of Representatives to act on, that is, a Commonwealth legislative or administrative matter;
- c. state the facts which the petitioners wish to bring to the notice of the House; and
- d. contain a request for the House or the Parliament to take one or more specified actions.

###### 205 How to prepare a petition

A petition must conform to the following requirements:

- a. It must be on paper.
- b. It must be legible.
- c. It must be in English or be accompanied by a translation certified to be correct. The person certifying the translation must place his or her name and address on the translation.
- d. The text of the petition must not contain any alterations.
- e. It must not have any letters, affidavits or other documents attached to it.
- f. The language used must be respectful, courteous and moderate. The petition must not contain irrelevant statements.

- g. The petition must not contain any indication that it has been sponsored or distributed by a Member of the House of Representatives. However to facilitate its lodgement, the 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.
- h. A petition from a corporation must be made under its common seal. Otherwise it will be received as the petition of the individuals who signed it.

#### 206 Rules about signatures

- a. Every petition must contain the signature and address of at least one person on the page on which the terms of the petition are written.
- b. All the signatures on a petition must meet the following requirements:
  - i. Each signature must be made by the person signing in his or her own handwriting. A petitioner who is not able to sign must make a mark in the presence of a witness. The witness must sign the petition as witness and write his or her address, and the name and address of the petitioner.
  - ii. Every signature must be written on a page bearing the terms of the petition, or the action asked for by the petition. Signatures must not be copied, pasted or transferred on to the petition or placed on a blank page on the reverse of a sheet containing the terms of the petition.

### Presentation of petitions

#### 207 Only a Member may lodge a petition for presentation

A petition for presentation to the House may only be lodged by a Member. A Member cannot lodge a petition from himself or herself.

#### 208 Responsibilities of Members

- a. Before presenting a petition to the House a Member must:
  - i. write his or her name and electoral division at the beginning of the petition; and
  - ii. count the signatories and write the number of signatories at the beginning of the petition.
- b. If presenting a petition under *standing order 209(b) or (c)*, the Member must also obtain certification by the Clerk or Deputy Clerk that it complies with the standing orders.

#### 209 Presenting a petition

A petition may be presented in one of three ways:

- a. The Clerk shall announce petitions on each sitting Monday, in accordance with *standing order 34 (order of business)*. A Member must lodge a petition with the Clerk by 12 noon on the Friday before the Monday on which it is proposed that the petition be presented.

- b. A Member may present a petition during the periods of Members' statements in the House, in accordance with *standing order 43*, and in the Main Committee, in accordance with *standing order 193*.
- c. A Member may present a petition which refers to a motion or order of the day when that motion or order of the day is moved or called on for the first time.

#### 210 Petition to comply with standing orders

The Clerk or the Deputy Clerk must check that each petition lodged for presentation complies with the standing orders, and if the petition complies he or she shall certify the compliance on the petition.

#### 211 Announcement of petitions and responses

- a. Following Question Time on each sitting Monday, the Clerk shall announce petitions and responses received. The announcement of petitions lodged for presentation shall state in each case:
  - i. the Member who lodged it;
  - ii. the identity and number of petitioners; and
  - iii. the subject matter of the petition.
- b. Following the announcement of petitions, the Clerk shall announce any ministerial responses to petitions previously presented.

### Action on petitions

#### 212 Petition referred to Minister for response

- a. After a petition is presented to the House, the Clerk must refer a copy of the petition to the Minister responsible for the administration of the matter raised in the petition.
- b. A Minister may respond to a petition by lodging a written response with the Clerk, who shall announce any ministerial responses in accordance with *standing order 211(b)*.

#### 213 Action by the House

- a. Discussion on the subject matter of a petition shall only be allowed when it is presented during Members' statements, or when the notice or order of the day to which it relates is called on in accordance with *standing order 209 (c)*.
- b. Each petition presented shall be received by the House, unless a motion that it not be received is moved immediately and agreed to.
- c. The only other motion relating to a petition that may be moved is a motion on notice that the petition be referred to a particular committee.
- d. The terms of petitions and responses shall be printed in Hansard.

## Proposed standing orders

### Definitions

[insert in alphabetical order under standing order 2]

**Petition** is a formal request to the House to take an action that is within its competence to take. A petition for presentation to the House must comply with *standing orders* 204 to 208.

**Petition terms** consist of the reasons for the petition and the request for action by the House.

### Preparing a petition

#### 204 What must be in a petition

A petition for presentation to the House must:

- a. be addressed to the House of Representatives;
- b. refer to a matter on which the House has the power to act;
- c. state the reasons for petitioning the House; and
- d. contain a request for the House to take one or more specified actions.

#### 205 Rules for petitions

A petition must conform to the following requirements:

- a. The terms of the petition must not contain any alterations and must not exceed 250 words. The terms must be placed at the top of the first page of the petition and the request of the petition must be at the top of every other page.
- b. The terms of the petition must not be illegal or promote illegal acts. The language used must be moderate.
- c. It must be in English or be accompanied by a translation certified to be correct. The person certifying the translation must place his or her name and address on the translation.
- d. No letters, affidavits or other documents should be attached to the petition. Any such attachments will be removed before presentation to the House.
- e. A petition from a corporation must be made under its common seal. Otherwise it will be received as the petition of the individuals who signed it.

#### 206 Submitting a petition

- a. A petition may be submitted:
  - i. on paper; or
  - ii. electronically.
- b. Petitions may use the published proforma.



## 207 Electronic petitions

- a. An electronic petition is a petition for which persons may elect to indicate their support ('join the petition') by electronically providing their name and postcode and signifying their intention to join the petition.
- b. The posted period for an e-petition is to be a minimum of one week and a maximum of six months from the date of publication on the House's internet website.
- c. Once published on the House's website an e-petition cannot be altered.
- d. Only one e-petition dealing with substantially the same matter and requesting the same action by the House shall be published on the House's website at the same time.
- e. Once the posted period for an e-petition has elapsed, a copy of the petition shall be printed in full and presented to the House.
- f. Every electronic petition must contain the full name and address of the principal petitioner at the top of the petition.
- g. Names must not be copied, pasted or transferred on to an electronic petition.
- h. An e-petition may not be initiated after the dissolution of the House and until the first meeting of the new Parliament.

## 208 Rules about signatures

- a. Every petition on paper must contain the signature and full address of the principal petitioner on the first page of the petition.
- b. All the signatures on a paper petition must meet the following requirements:
  - i. Each signature must be made by the person signing in his or her own handwriting. Only a petitioner incapable of signing may ask another person to sign on his or her behalf.
  - ii. Signatures must not be copied, pasted or transferred on to the petition or placed on a blank page on the reverse of a sheet containing the terms of the petition.

## Lodgement and presentation of petitions

### 209 Lodging a petition for presentation

- a. Petitions may be sent directly to the House or via a Member.
- b. A Member must not be a principal petitioner or signatory to a petition.

### 210 Presenting a petition

A petition may be presented in one of two ways:

- a. The Speaker shall present petitions and the Clerk announce them each sitting Monday, in accordance with *standing order 34 (order of business)*. Petitions must be lodged with the Table Office by 12 noon on the Friday before the Monday on which it is proposed that the petition be presented.
- b. A Member may present a petition during:
  - i. the periods of Members' statements in the House, in accordance with *standing order 43*, and in the Main Committee, in accordance with *standing order 193*;

- ii. adjournment debate in the House in accordance with *standing order 31*, and in the Main Committee in accordance with *standing order 191*; and
- iii. grievance debate in accordance with *standing order 44*.

## **Action on petitions**

### **211 Petition referred to Minister for response**

- a. After a petition is presented to the House, a copy of the petition may be referred to the Minister responsible for the administration of the matter raised in the petition.
- b. The Minister shall be expected to respond to a referred petition within 90 days of presentation by lodging a written response with the Clerk.
- c. The Clerk shall announce any ministerial responses to petitions previously presented. After the announcement, ministerial responses shall be published on the House's internet website.

### **212 Action by the House**

- a. Each petition presented shall be received by the House, unless a motion that it not be received is moved immediately and agreed to.
- b. The only other motion relating to a petition that may be moved is a motion on notice that the petition be referred to a particular committee.
- c. The terms of petitions and responses shall be printed in Hansard.
- d. The Standing Committee on Petitions shall consider petitions and report any recommended actions to the House.

### **221a Standing Committee on Petitions**

- a. A Standing Committee on Petitions shall be appointed to receive and process petitions, and to inquire into and report to the House on any action to be taken in response to them.
- b. The committee shall consist of seven members: four government and three non-government.

## Form of a paper petition

### TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES

This petition of certain citizens/residents of Australia:

*Here select the word that applies*

\*draws to the attention of the House:

*Here present a matter(reasons for the petition) on which the House has power to act, that is, a Commonwealth legislative or administrative matter*

\*We therefore ask the House to:

*Here make a request for the House to take, or not take, a specific action*

*Note: the reasons and the request together comprise the terms of the petition and should be no longer than 250 words.*

### ADDRESS AND SIGNATURE OF PRINCIPAL PETITIONER

*Here provide the full name and contact details of the principal petitioner*

\*Name: \_\_\_\_\_

\*Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ \*Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone \_\_\_\_\_

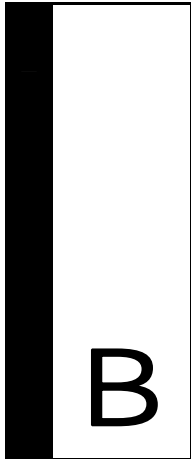
### SIGNATURE OF OTHER PETITIONERS

*Here provide signatures of other petitioners*

*Signature	Name	*Postcode
1		
2		
3		
4		
5		
6		

*\* indicates required field*





## Appendix B

### Historical development

- 1.1 Petitions have a fascinating history and date from at least Roman times. Roman citizens were entitled to send written pleas, requests and complaints to their emperor. The term petition was, however, unknown in Roman law. The term used was supplication, derived from the Latin verb 'supplicare', which means 'to fall on one's knees before someone', 'to grovel' or 'to plead'. This term also denoted the request of a citizen for a statement on a legal dispute, which the emperor answered in the form of a written opinion (rescriptum).<sup>1</sup>
- 1.2 Petitions were common to a great variety of forms of social and political organisation:

...from Egyptian building workers in pharanonic times to illiterate Ecuador Indians in 1899; from anti-Catholic English women in 1642 to French workers asking for the repeal of the *livret ouvrier* in 1847; from Italian peasants complaining about noble banditry in 1605 to Brazilian slaves vindicating their rights against owners in 1823; from western European early modern guild members to German Democratic Republic workers demanding improvement of economic efficiency, or voicing consumer demands...<sup>2</sup>
- 1.3 In a parliamentary context, the Tynwald – the legislature of the Isle of Man – provides a very long-standing example of petitioning. The

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1 'From the history of petition law', <http://www.landtag.sachsen.de>, accessed August 2007

2 Lex Heerma Van Voss, *Petitions in Social History*, 2002, p. 1.

parliament was established by the Vikings when they settled on the island in the 9<sup>th</sup> century. Each year on Tynwald Day, any citizen could approach Tynwald Hill and present a petition for redress of grievance. Any member of the Tynwald could then request it to consider the petition. This ancient tradition of presenting petitions each year at Tynwald Hill continues today and select committees may be established to consider the terms of petitions.

- 1.4 From the perspective of the House of Representatives, the history of procedures for petitioning begins with petitioning in Westminster – first to the King and later to the House of Commons. The right of petitioning the Crown and Parliament for redress of grievances can be traced to the rule of King Edward I (1272–1307). Petitions were submitted to the House of Commons in writing, sorted by ‘Receivers’ and heard by parliamentary committees known as ‘Triers’. The parliamentary records of 1305 show that nearly five hundred petitions were presented in that year and those petitions were heard by four separate Triers. Petitions were from individuals, groups outside of Parliament and from groups within Parliament.<sup>3</sup>
- 1.5 Where petitions became an accepted tradition, they could evolve into a mechanism which not only catered for the wishes of individuals, but also was used to initiate general legislation. Petitions deemed suitable by the House of Commons, for example, became statutes and in the 14<sup>th</sup> and 15<sup>th</sup> century, a large proportion of statutes originated as Commons’ petitions. Judges drafted such statutes by combining a petition with its response from the King.<sup>4</sup> The origins of petitioning are reflected in the procedures for private bills in the House of Commons, which, while now uncommon, are still raised by means of a petition.<sup>5</sup>
- 1.6 The status of petitioning in the parliamentary context has long been highly valued and protected. It is one of the most ancient and fundamental rights of citizens. As the distribution of justice and wealth became important aspects of ruling, rulers could hardly deny their subjects the right to approach them to implore them to exercise justice, or to grant a favour.<sup>6</sup>
- 1.7 By 1625, the right to petition was so entrenched that a person called ‘Montague’ (presumably, Mr Montague) was arrested by the Serjeant-

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3 Sir Gilbert Campion, *An Introduction to the Procedure of the House of Commons*, 1947, p. 11.

4 Sir Gilbert Campion, *An Introduction to the Procedure of the House of Commons*, 1947, p. 11.

5 Erskine May, *Parliamentary Practice*, 23<sup>rd</sup> edition, p. 969.

6 Lex Heerma Van Voss, *Petitions in Social History*, p. 1.

at-Arms 'For a great contempt against the House, in publishing a book traducing persons for petitioning the House.'<sup>7</sup>

- 1.8 In 1669, the right to petition the House of Commons was expressed in the following two resolutions:

That it is the inherent right of every Commoner of England to prepare and present petitions to the House in case of grievance; and the House of Commons to receive them.

That it is the undoubted right and privilege of the House of Commons to adjudge and determine, touching the nature and matter of such petitions.<sup>8</sup>

- 1.9 Before the middle of the 19<sup>th</sup> century there were few procedural restrictions on raising debates by means of presenting petitions. They were a method of introducing subjects to the House. But the practice of using petitions to initiate debate could also be used for obstructing other kinds of House business. A series of standing orders introduced in 1842 (and later amended) discouraged this practice and the history of petitioning as a more formal proceeding dates from this time.<sup>9</sup>

- 1.10 Petitions generally take one of two general forms: they seek either to amend legislation or general administrative practices, or, alternatively, to redress local or personal grievances. Whatever form or context, petitions were usually written in a deferential style, showing that the petitioner did not intend to question the established power structure. In the House of Commons, rules were developed to enforce this. In 1817, several petitions were presented which 'prayed' for the reform of Parliament,

but (they were) expressed in language so indecent, and so insulting to the character and dignity of the House of Commons, that they were, after the reading of them, refused to be admitted to lie on the table. On this occasion, the Speaker laid it down as a rule of the House, (t)hat a Member,

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7 Journals of the House of Commons, vol. i, pp 805-6, cited in John Hatsell, *Precedents of Proceedings in the House of Commons*, vol I, p. 299.

8 Erskine May, *Parliamentary Practice*, 23<sup>rd</sup> edition, p. 933. See also *House of Representatives Practice*, 1<sup>st</sup> edition, p. 689. These resolutions were part of a group, the remainder of which related to a serious quarrel between the Houses. The whole group was later expunged from the Journal of the House at the request of the King. There is no indication that the resolutions themselves were rescinded by the House. The words are recorded in John Hatsell, *Precedents of Proceedings in the House of Commons*, 1818, vol. 3, p. 240, citing *Grey's Debates*, Vol. I. p. 209].

9 Erskine May, *Parliamentary Practice*, 23<sup>rd</sup> edition, p. 932.

before he offers to present a petition, should know what it contains ... and that he should be able to state to the House, 'That it contained nothing which in his judgment was intentionally offensive.'<sup>10</sup>

- 1.11 The use of petitions as a basis for legislation was also seen in countries like Germany, Russia and Japan. Even where rulers laid claim to absolute power, petitions were used by the people to influence legislation.<sup>11</sup>
- 1.12 The right to petition was the basis for associated rights in Western countries from the 18<sup>th</sup> century. In particular, the right to petition brought about the right to assemble in order to draw up, discuss and sign the petition. In 1779, Lord George Gordon introduced a petition against the relief of anti-Catholic measures in the British Parliament and took 14,000 supporters with him to Parliament to deliver the petition.<sup>12</sup> In the United States, the 1894 and 1932 marches of unemployed veterans on Washington were legitimised as the presentation of petitions.
- 1.13 Understanding the potency of petitions, many rulers sought to forbid or restrict them. In pre-Revolutionary France, petitions were considered illegal. Despite their establishment as a fundamental right in England, in 1648 the Long Parliament disallowed petitions submitted by more than 20 individuals. Under Charles II, petitioning to convene Parliament was punishable as high treason and James II had bishops confined to the Tower for petitioning against religious policies.<sup>13</sup>
- 1.14 These attempts on the right to petition led to its being included in the Bill of Rights in 1689.<sup>14</sup> In the 18<sup>th</sup> century, the right to petition was included in listings of individual liberties like the Bill of Rights of most American states and the *Déclaration des droits de l'homme et du citoyen* of 1791. Today, while the 'right to petition', *per se*, is not mentioned in the United Nations Universal Declaration of Human Rights, the related freedoms of assembly and right to 'take part in the government' are.

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10 John Hatsell, *Precedents of Proceedings in the House of Commons*, 1818, vol. 3, p. 240.

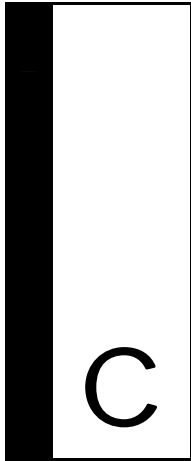
11 Lex Heerma Van Voss, *Petitions in Social History*, 2002, p. 3.

12 Charles Tilly, *Popular Contention in Great Britain 1758-1834*, 1995, p. 160.

13 Lex Heerma Van Voss, *Petitions in Social History*, 2002, p. 4

14 'That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.'





## Appendix C

### Petition requests

<b>“Your petitioners therefore request the House...”</b>	<b>No. of petitions</b>	<b>Signatures</b>
<b>Agriculture, Fisheries and Forestry</b>		
To:		
<ul style="list-style-type: none"><li>Prohibit the establishment of a nuclear irradiation facility or X-Ray or Electron beam irradiation facility at any location in Australia;</li><li>Ban the import, export and sale of irradiated food in Australia</li><li>Call on the Australia New Zealand Food Standards Council and the Australian New Zealand Food Authority to amend Standards A-17 and 1.5.3—Irradiation of Foods in the Food Standards Code to ban food irradiation outright in Australia and New Zealand.</li></ul>	1	225
<i>12 February 2007</i>		
<b>Arts and Sport</b>		
To:		
(a) Acknowledge the need for any firearms legislation enacted by the State, Territory or Federal Parliaments of the Commonwealth to be based upon robust, peer-reviewed evidence and to incorporate the New Zealand consultative model.	1	990
(b) Recognise international sports shooting events other than Olympic and Commonwealth events.		
(c) Ensure that legislation provides our sports people are on a level playing field with international competitors.		
<i>18 June 2007</i>		
<b>Communications, Information Technology and the Arts</b>		
To investigate the need for an Australia Post outlet at the Timbarra Shopping Centre in Berwick <i>12 February 2007</i>	1	678
To investigate the need for an Australia Post agency at the Parkhill Shopping Centre in Berwick <i>12 February 2007</i>	1	267
To review Australia Post’s stance and support the provision of a PostPoint merchandising unit in the premises of the Balmain East Newsagency <i>26 February 2007</i>	1	218

<b>“Your petitioners therefore request the House...”</b>	<b>No. of petitions</b>	<b>Signatures</b>
To review the <i>Telecommunications (Low-Impact Facilities) Determination 1997</i> under which such telecommunications infrastructure is erected <i>26 March 2007</i>	1	34
To oppose any further attempts by the Liberal Party and Nationals to sell Telstra <i>26 March 2007</i>	1	17
To support the replacement of the CDMA base station to provide mobile coverage in Buchan (Victoria) and district communities <i>26 March 2007</i>	1	536
To reject any further sale of the Commonwealth’s shares in Telstra and that the annual profits be used for the benefit of all Australians <i>21 May 2007</i>	1	19
To vote against any legislation to allow further sale/privatisation or Private/Public/Partnership (PPP) of Telstra <i>28 May 2007</i>	1	16
<b>Defence</b>		
To retain the 16 <sup>th</sup> Air Defence Regiment at the Woodside Barracks in the Adelaide Hills <i>12 February 2007</i>	1	1916
To disengage from planned involvement in the development, testing or operation of the United State’s Ballistic Missile Defence system and ensure that the Pine Gap joint communication facility will not be used in the Ballistic Missile Defence system. If this means closing this base, so be it. <i>21 May 2007/28 May 2007</i>	3	619
<ul style="list-style-type: none"> <li>• To put an end to the purchase and use of all uranium-containing weapons;</li> <li>• To allow scientists to freely investigate the human and environmental costs of the use of such weapons;</li> <li>• Immediately commence an independent study of all civilians in conflict zones and Australian combatants, to investigate the nature and extent of radiation and heavy metal sickness;</li> <li>• Grant immediate compensation for all combatants affected by radiation and heavy metal;</li> <li>• Commence an immediate clean up at the US, UK and Australian Government’s expense, of all areas contaminated with depleted uranium (DU) residue;</li> <li>• Provide information for the public on the sites were DU was used in Australia prior to 1990, and evidence of subsequent clean up efforts (if any);</li> <li>• Immediately end negotiations over the use of Australian land for weapons testing. <i>21 May 2007/28 May 2007</i></li> </ul>	2	143
To persuade the Minister for Defence to reverse the decision to disband the Richmond based Air Command Band by January 2008 <i>21 May 2007/18 June 2007</i>	2	90
<b>Employment and Workplace Relations</b>		
To ensure that the Howard Government:		
<ul style="list-style-type: none"> <li>• Guarantees that no individual Australian employee will be worse off under proposed changes to the industrial relations system</li> <li>• Allows the national minimum wage to continue to be set annually by the independent umpire, the Australian Industrial Relations Commission</li> <li>• Guarantees that unfair dismissal law changes will not enable</li> </ul>	4	1207

<b>“Your petitioners therefore request the House...”</b>	<b>No. of petitions</b>	<b>Signatures</b>
<p>employers to unfairly sack employees.</p> <ul style="list-style-type: none"> <li>• Ensures that workers have the right to reject individual contracts and bargain for decent wages and conditions collectively.</li> <li>• Keeps in place safety nets for minium wages and conditions.</li> <li>• Adopt Federal Labor’s principles to a fair system based on the fundamental principles of minium standards, wages and conditions, safety nets, an independent umpire, the right to associate and the right to collectively bargain.</li> </ul> <p style="text-align: right;"><i>12 February 2007/26 March 2007/21 May 2007</i></p>		
<b>Environment and Heritage</b>		
<p>To call on the Government to take Japan to the International Court of Justice on behalf of our country and other smaller countries in the South Pacific who are impacted by Japan’s slaughter.</p> <p style="text-align: right;"><i>12 February 2007</i></p>	1	25
<p>To call on the Howard Government to:</p> <ul style="list-style-type: none"> <li>• Take all steps to prevent an increase in Japan’s “scientific research” quota at the International Whaling Commission meeting to be held in the Caribbean in June 2006;</li> <li>• Take all necessary legal steps to ensure Australian laws creating an Australian Whale Sanctuary in the Southern Ocean and making it an offence to kill or injure whales in Australian waters;</li> <li>• Challenge the legality of Japan’s abuse of the “scientific research” exemption to the ban on commercial whaling by taking a case to the International Tribunal for the Law of the Sea.</li> </ul> <p style="text-align: right;"><i>12 February 2007</i></p>	1	18
<p>To heed our expectation that the National Government will become proactive by way of legislation, example and international leadership in achieving a major reduction in the production of CO<sub>2</sub> and other atmospheric pollutants; in requiring resource consumption compatible with renewable certainties; and in countering the headlong drive for ‘economic development’ which threatens our survival.</p> <p style="text-align: right;"><i>26 March 2007</i></p>	1	34
<p>We further expect that the National Government will devote its massive surplus to this end, rather than to transient expedients and that it will join other nations committee to the survival of the species, irrespective of the self indulgent stances adopted by less ethical nations.</p> <p style="text-align: right;"><i>26 March 2007</i></p>		
<p>To establish one Federal body to control all inland waters associated with, and including the Murray River. That this single body will replace the Murray Darling Basin Ministerial Council. That this single body will change the fundamental water sharing rules to increase the “Living Murray” water flow to ensure that the yield and consumption of fresh water is managed at a sustainable level across the entire Murray Darling Basin, and to ensure that inefficiencies in the system are mitigated, and more economical and water efficient solutions are instigated to minimise wasteful irrigation practices.</p> <p style="text-align: right;"><i>26 March 2007</i></p>	1	2403
<p>To reject any plans to send water from the Northern Rivers of the State of New South Wales to Queensland</p> <p style="text-align: right;"><i>21 May 2007/28 May 2007/18 June 2007</i></p>	3	329
<p>Legislate to commit Australia to the international effort to cut greenhouse gases by Immediately ratifying the Kyoto Protocol/ and help preserve the environment for present and future generations</p> <p style="text-align: right;"><i>21 May 2007</i></p>	2	66

<b>“Your petitioners therefore request the House...”</b>	<b>No. of petitions</b>	<b>Signatures</b>
To put in place the necessary legislation and funding to commence the Research and Development of Solar Power immediately <i>21 May 2007</i>	1	12
<b>Families, Community Services and Indigenous Affairs</b>		
To increase Federal Government Supported Accommodation Assistance Program funding so that services are able to meet unmet demand and be better resourced to help homeless persons and persons at risk of homelessness in and around Parramatta. <i>26 March 2007</i>	1	2270
To ensure that Centrelink is accountable for its actions in relation to assisting rather than hindering clients and their families who are seeking to establish their own small business while still on Commonwealth benefits <i>21 May 2007</i>	1	53
To amend the laws of the Commonwealth of Australia to: <ul style="list-style-type: none"> <li>• give full legal recognition to the marriage of David Douglass Mills and Evan Peter Gallagher equal to that given to valid different sex marriages;</li> <li>• extend full legal recognition to same sex marriages on the basis as that given to valid different sex marriages; and</li> <li>• remove all remaining distinctions between the recognition given to same sex couples and that given to different sex couples <i>18 June 2007</i></li> </ul>	1	81
<b>Foreign Affairs</b>		
To initiate a resolution to: <ul style="list-style-type: none"> <li>• urge the Chinese Communist Party to release all Falun Gong practitioners and to give full access without impediment to the Coalition to Investigate Persecution of Falun Gong in China (CIPFG) to conduct an independent investigation into all jails 610 offices, labour camps, detention centres and related hospitals in China;</li> <li>• establish a Senate Committee into the allegation of organ harvesting;</li> <li>• inform and discourage Australian citizens from travelling to China for organ transplants, and prevent companies, institutions and individuals providing goods and services and training to China’s organ transplant programmes until such time as the CIPFG is satisfied that no organs have been taken by force against the will of the donor. <i>12 February 2007/26 March 2007</i></li> </ul>	4	689
To: <ul style="list-style-type: none"> <li>• pay close attention to the safety of Australians, including Falun Gong practitioners, who face terrorist attacks by Jiang Zemin’s faction within the Chinese Government to help prevent such terrorist activities.</li> <li>• Co-operate with authorities in South Africa to thoroughly investigate [an] incident and bring to justice those responsible for this attempted murder <i>12 February 2007</i></li> </ul>	1	22800
To order the Australian military command within East Timor to arrest two fugitives [Major Alfredo Reinado and Commander Vicente Railos] so that they can be brought to trial for their alleged crimes. <i>12 February 2007/26 February 2007</i>	2	71

<b>“Your petitioners therefore request the House...”</b>	<b>No. of petitions</b>	<b>Signatures</b>
To act immediately to bring David Hicks home to face an Australian court/To have David Hicks repatriated to Australia to be dealt with in accordance with Australian law and jurisprudence/To bring David Hicks home <i>26 March 2007 &amp; 21 May 2007</i>	3	454
To condemn the statements made by the Iranian President; call on the Australian Government to: <ul style="list-style-type: none"> <li>• Refer the incitements to, genocide by President Ahamdinejad and other Iranian leaders to the appropriate agencies of the United Nations for account;</li> <li>• Initiate in the International Court of Justice an inter-state complaint against Iran, for its criminal violation of the Convention on the Prevention and Punishment of the Crime of Genocide; and</li> <li>• Urge the United Nations to act against Iran’s threats towards the State of Israel; and</li> <li>• Affirm the principle that no country should be allowed to call for the elimination of another. <i>26 March 2007/21 May 2007/18 June 2007</i></li> </ul> To support Taiwan’s efforts to participate in the WHA and the WHO. <i>26 March 2007</i>	3	2044
	1	4093
<b>Health and Ageing</b>		
To vote no on the <i>Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill 2006</i> in order to protect the dignity of all human life and thus promote a humane, ethical and civilised Australian society <i>12 February 2007</i>	1	175
To oppose the sale of Medibank Private <i>12 February 2007/21 May 2007</i>	2	108
To improve our health system by reintroducing the Commonwealth Dental Scheme/to restore funding to public dental health; reduce waiting times for public dental health services; and train more public dentists. <i>12 February 2007/ 26 February 2007/26 March 2007/ 21 May 2007/28 May 2007/18 June 2007</i>	8	7383
To ensure that mammograms are free to all woman in Australia regardless of age or medical history. <i>26 March 2007/21 May 2007</i>	3	70
To ensure that Belmont Medicare Office is reopened as a matter of urgency. <i>26 March 2007/ 21 May 2007</i>	2	25
To take immediate action to guarantee the replacement of general practitioners/address the chronic shortage of doctors in the Shortland electorate (including Lake Macquarie and Hunter region) <i>26 February 2007/26 March 2007/21 May 2007</i>	4	162
To: <ul style="list-style-type: none"> <li>• Increase the number of undergraduate university places for medical students;</li> <li>• Increase the number of medical training places; and</li> <li>• Ensure Australia trains enough doctors, nurses and other medical professionals to maintain the quality of care provided by our hospitals and other health services in the future <i>21 May 2007/18 June 2007</i></li> </ul>	3	3034
To ensure that: <ul style="list-style-type: none"> <li>• Australian plasma is not shipped offshore for processing;</li> <li>• Blood products will not become unaffordable or unavailable to those</li> </ul>	2	2018

<b>“Your petitioners therefore request the House...”</b>	<b>No. of petitions</b>	<b>Signatures</b>
<p>people in Australia with rare blood disorders;</p> <ul style="list-style-type: none"> <li>• Australia maintains self-sufficiency in blood and blood products; and</li> <li>• Australia’s voluntary blood donation system is not undermined.</li> </ul> <p style="text-align: right;"><i>21 May 2007/18 June 2007</i></p> <p>To amend the <i>Fringe Benefits Tax Assessment Act 1986</i> so that:</p> <ul style="list-style-type: none"> <li>• Local governments operating aged care facilities are able to qualify for fringe benefits tax exemptions granted to public benevolent institutions for employees involved in the aged care facility; and</li> <li>• Fringe benefits exemptions applying to public employers delivering health services in hospital-based settings also apply to public employers providing health services in other settings.</li> </ul> <p style="text-align: right;"><i>21 May 2007</i></p>	1	1021
<p>To oppose the Howard-Costello plan to increase the cost of prescription drugs for Australians</p> <p style="text-align: right;"><i>21 May 2007</i></p>	1	16
<p>To support affordable access to new treatments for multiple sclerosis by the inclusion of Tysabri in the Pharmaceutical Benefits Scheme as a matter of urgency.</p> <p style="text-align: right;"><i>21 May 2007</i></p>	1	161
<p>To ensure the Howard Government opposes the extension of pharmacies to major retail supermarkets and note that a failure to do so would:</p> <ul style="list-style-type: none"> <li>• Lead to the closure of many community pharmacies, the majority of whom are hard working small businesses;</li> <li>• The loss of jobs among the 30,000 assistants currently employed in community pharmacies;</li> <li>• Put at risk the 80 million free services provided by community pharmacies to the Australian community, many of who cannot afford the cost of going to the doctor due to the decline in bulk billing; and</li> <li>• The reduction in training and career opportunities for people who have chosen pharmacy as their career.</li> </ul> <p style="text-align: right;"><i>21 May 2007</i></p>	1	2886
<p>To ensure no changes are made to current Medicare funding of In-Vitro Fertilisation treatments as proposed by the Howard Government</p> <p style="text-align: right;"><i>28 May 2007</i></p>	1	8
<p>To reject any attempt to limit Medicare coverage of abortion</p> <p style="text-align: right;"><i>28 May 2007</i></p>	1	319
<p>To introduce a National Dental Health Scheme, as a matter of urgency, to be funded by a 1% levy of taxable income, this amount to be added on to the Medicare Levy.</p> <p style="text-align: right;"><i>28 May 2007</i></p>	2	2382
<b>Immigration and Multicultural and Indigenous Affairs</b>		
<p>To support the motion of the 1998 Synod of the Anglican Diocese of Melbourne that regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life; and calls upon the Federal government to review such procedures immediately</p> <p style="text-align: right;"><i>12 February 2007/26 February 2007/ 21 May 2007</i></p>	3	61
<p>To:</p> <ul style="list-style-type: none"> <li>• Review our Commonwealth Immigration Policy to ensure the priority for Christians from all races and colours, especially from persecuted nations, as both immigrants and refugees.</li> </ul>	39	1520

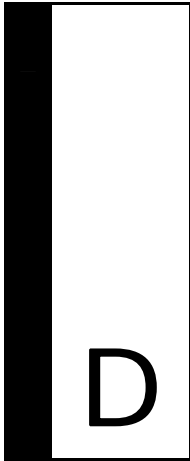
<b>“Your petitioners therefore request the House...”</b>	<b>No. of petitions</b>	<b>Signatures</b>
<ul style="list-style-type: none"> <li>Adopt a ten-year moratorium on Muslim immigration, so an assessment can be made on the social and political disharmony currently occurring in the Netherlands, France and the UK, so as to ensure we avoid making the same mistakes; and allow for a decade for the Muslim leadership and community in Australia to reassess their situation so as to reject any attempt to establish an Islamic nation within our Australian nations.  <i>21 May 2007/28 May 2007/18 June 2007</i></li> </ul>		
<p>To draw to the attention of the Minister for Immigration and in turn the federal government the need to use the currently mothballed Port Hedland Detention Centre as residential accommodation <i>28 May 2007</i></p>	1	145
<p>To implement the National Strategies to Advance Reconciliation to help put right the legacy of the past by:</p> <ul style="list-style-type: none"> <li>Recognising that pre 1778 Australia was owned, occupied and ruled for many thousands of years by Aboriginal and Torres Strait Islander peoples.</li> <li>Recognising that since 1778 Aboriginal and Torres Strait islander people have suffered removal of their sovereignty, dispossession and dispersal from their land and the forcible removal of their children.</li> <li>Leading that part of the nation which needs to do so to ‘apologise and express its sincere regret for the injustices of the past’ so that the other part may ‘accept the apologies and forgive’;</li> <li>Re-invigorating the strategy to redress the notorious disadvantage of Aboriginal and Torres Strait Islander people in areas such as health, education and employment opportunities, and imprisonment rates;</li> <li>Renewing national commitment to the appreciation of and respect for, Aboriginal and Torres Strait islander cultural practices;</li> <li>Re-affirming support for the reconciliation process as outlined in The Australian Declaration Towards Reconciliation and the Roadmap for Reconciliation;</li> <li>Re-committing the nation to eradicating racism, injustice and inequality from our communities. <i>18 June 2007</i></li> </ul>	2	297
<b>Industry, Tourism and Resources</b>		
<p>To reject any nuclear reactors or high level nuclear waste dumps being built in the Wide Bay region <i>12 February 2007</i></p>	1	18
<p>To urge Government members to:</p> <ul style="list-style-type: none"> <li>Table all environmental evidence and other studies supporting the proposal to build a nuclear reactor in Western Australia;</li> <li>Identify which bodies in Western Australia have been consulted over such a proposal;</li> <li>Advise on what consultation has taken place with the community in Western Australia over the proposal;</li> <li>Identify all the sites in Western Australia under consideration for the construction of this nuclear reactor; and</li> <li>Advise what safeguards will be put in place to prevent terrorist attacks against nuclear facilities in Western Australia.</li> </ul> <p style="text-align: right;"><i>26 February 2007</i></p>	1	30

<b>“Your petitioners therefore request the House...”</b>	<b>No. of petitions</b>	<b>Signatures</b>
To consider reversing the decision to close the Court House Museum (at the Steiglitz Historic Park) and to restore the associated funding for on-going tourists works in the township <i>28 May 2007</i>	1	533
To exclude Lake Macquarie and the Hunter region as potential nuclear power station sites as these would be high risk generators with disastrous consequences should an accident occur. To oppose the proposal to build 25 nuclear power plants in Australia. <i>26 March 2007 &amp; 21 May 2007</i>	2	377
<b>Local Government, Territories and Roads</b>		
To:		
<ul style="list-style-type: none"> <li>• Require the National Capital Authority (NCA) to withdraw Amendment 53.</li> <li>• Require the NCA to work with the ACT government to guarantee existing access for community and cultural groups to the Albert Hall.</li> <li>• Require the NCA to protect and maintain the heritage value of Albert Hall and its precinct and conduct a heritage study of the area.</li> <li>• Require the NCA to consult directly with residents local and national cultural groups about options for any future development of the Albert Hall Precinct.</li> <li>• Require the NCA to wait for the traffic study before making changes to Flynn Drive and Commonwealth Avenue.</li> </ul>	2	3374
<i>21 May 2007/28 May 2007</i>		
To examine the measures that can improve the condition of Main North Road [between Clare and Gawler, South Australia], install overtaking lanes, seal the road shoulders and incorporate edge lines. <i>18 June 2007</i>	1	3957
<b>Prime Minister</b>		
To take legislative action to protect the dignity and values of the Australian National Flag by making it an offence to burn or desecrate the National Flag or to sell flag burning kits. <i>18 June 2007</i>	1	100
<b>Speaker</b>		
During any time that there is a Commonwealth Exceptional Circumstances declaration of drought in place for any region within the Commonwealth, the following be added to the prayers said under standing order 38: “Lord God, we pray that during this period of exceptional circumstances and need, you would send rain on this land.” <i>28 May 2007</i>	1	58
<b>Special Minister of State</b>		
To move the following motion: that this petition be referred to a committee for consideration to take necessary steps by the members to renounce their allegiance jointly to a foreign power or the validity of the upcoming election will be absolutely void within the meaning of s.44(i) and s.44(ii) if the Constitution <i>12 February 2007</i>	1	1
<b>Transport and Regional Services</b>		
To establish an Airport Development and Aviation Noise Ombudsman who will:		
<ul style="list-style-type: none"> <li>• Investigate residents’ complaints fairly and impartially;</li> <li>• Communicate with residents promptly and honestly;</li> </ul>	1	137



<b>“Your petitioners therefore request the House...”</b>	<b>No. of petitions</b>	<b>Signatures</b>
<ul style="list-style-type: none"> <li>• See that airport companies abide by the law. <span style="float: right;"><i>28 May 2007</i></span></li> </ul> To reject the unsolicited proposal of a land swap of valuable Commonwealth land (at Jandakot Airport, Western Australia) hosting a metro community airport for a rural swampy paddock	1	15
<i>26 March 2007</i>		
<b>Veterans’ Affairs</b>		
To:		
<ul style="list-style-type: none"> <li>• Administer and pay Carer’s Allowance to Carers of Veterans through the Department of Veterans’ Affairs.</li> <li>• Provide a health programme for carers of Veterans to cover all aspects of their well being.</li> <li>• Provide transport assistance to veteran’s carers for their return trip home when the veteran is hospitalised and does not return with them.</li> <li>• Provide relief from parking fees for Carers when visiting hospitalised veterans.</li> <li>• Subsidise accommodation to enable the carers to stay nearby the veteran if their veteran is hospitalised away from their home town.</li> <li>• Increase the amount of respite available to Carers of disabled veterans.</li> <li>• Remove the abolition of payment of the Carer’s Allowance which ceases after a period of six weeks if the Carer’s veteran is required to stay in care outside of his home.</li> </ul>	4	121
<i>12 February 2007/26 March 2007/ 18 June 2007</i>		
To overturn the original decision not to award the Victoria Cross to Private John Simpson Kirkpatrick who is a symbol of the self-sacrifice, mateship and all those values that Anzacs now stand for and Australians treasure.	1	414
<i>21 May 2007</i>		





## Appendix D

### Previous inquiries on petitions

- 1.1 The Standing Committee on Procedure has had a longstanding interest in the petitioning process, evidenced in the number of reports presented on the subject. The following is a brief synopsis of these reports and their recommendations.

#### Days and hours<sup>1</sup>

- 1.2 This made significant recommendations relating to the form and content of petitions, as well as aspects of their processing. It was recommended that:
- the announcement of petitions lodged for presentation be made by the Chair following Prayers on Wednesday or Thursday (whichever is the broadcast day) and Members be required to lodge petitions for presentation by 6pm on the evening previous to that meeting;
  - the announcement include the number of signatories for each petition and the aggregate number of signatures for identical petitions and these figures be included in the Votes and Proceedings and *Hansard*;
  - the counting of signatures be the responsibility of the Member lodging the petition and it be the duty of the Member to affix to the petition the number of signatories together with the Member's signature;

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<sup>1</sup> *Days and hours of sitting and the effective use of the time of the House* PP 108 (1986).

- petitioners be required to state their addresses on the petition following their signatures;
- the petition proforma distributed to assist those drafting petitions provide for the inclusion of addresses and contain lines numbered consecutively;
- a petition obviously promoted by a Member which includes his address or photograph be ruled out of order;
- Ministers be given the option to respond to petitions and the response be forwarded to the Clerk, acknowledged at the end of the petitions announcement and printed in Hansard, and
- resources be made available by the Department of the House of Representatives for the assessment of the primary (administrative) and secondary (research) value of petitions stored at Australian Archives and that appropriate storage and disposal arrangements be developed and implemented.

- 1.3 The Government accepted a number of these recommendations. It did not, however, agree that the Chair should make the announcement rather than the Clerk. The Government stated that the 'reading of petitions by the Clerk is long-established practice and does not in any way diminish its importance.'
- 1.4 The committee also recommended that a Business Committee should consider, and where appropriate, make recommendations to the House about whether petitions should be referred to House committees. The Government did not agree with this recommendation, stating that programming ought to remain the prerogative of the Government.

#### Certification of petitions not in the English language<sup>2</sup>

- 1.5 This report recommended an amendment to a standing order not amended since 1901 which permitted a Member to certify the accuracy of a petition not written in the English language. The committee noted the possibility of difficulties should a dispute arise over the terms of a translation. The committee recommended an amendment to the standing orders to require terms of petitions not in the English language to now be accompanied by a certified translation. This amendment did not prevent a Member from

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2 *The ringing of bells and the Chamber precincts in the New Parliament House Certification of petitions not in the English language* PP 149 (1988).

certifying a translation if they felt qualified to do so. The recommendation was adopted by the House on 4 May 1989.<sup>3</sup>

#### Responses to petitions<sup>4</sup>

- 1.6 This 1990 inquiry was concerned with improving follow up procedures for petitions. The committee argued that 'for all practical purposes, only the Government is in a position to provide useful responses to most petitions.'<sup>5</sup> This notwithstanding, the committee felt that the failure of ministers to provide responses points to a need for the House to order that Ministers respond to petitions referred to them by the House and to impose a time limit on the receipt of those responses.
- 1.7 The committee therefore recommended that:
- petitions received by the House be referred to the appropriate minister;
  - ministers respond to petitions within 21 sitting days of their referral by the House;
  - a minister not be required to respond to a petition which is in the same terms as one presented previously;
  - ministerial responses be lodged with the Clerk who would arrange the printing of responses in *Hansard*; and
  - any petitions referred to a committee not require a ministerial response unless it is specifically requested by the House or the committee.
- 1.8 None of these recommendations were adopted by the House.
- 1.9 The committee did not recommend changes to the process by which petitions may be referred to general purpose standing committees. The committee felt that 'reference of a petition to a committee would obviate the requirement for a response from the Minister unless such response is specifically required by the House or the committee'.<sup>6</sup>

#### About time<sup>7</sup>

- 1.10 This report recommended amendments to the routine of business, including the timing for presentation of petitions to follow ministerial statements.

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3 House of Representatives, *Votes and Proceedings*, 4 May 1989, p. 1163.

4 *Responses to petitions* PP 267 (1990).

5 *Responses to petitions* PP 267 (1990) p. 7.

6 *Responses to petitions* PP 267 (1990) p. 9.

7 *About time: Bills, questions and working hours – Inquiry into the reform of the House of Representatives* PP 194 (1993).

- 1.11 The government response agreed with the amended routine of business, subject to a few minor changes. Petitions were to follow Questions without notice.

*Review of reports which have not received a Government response*<sup>8</sup>

- 1.12 The committee reiterated recommendations made in its *Responses to petitions* report and requested a Government response.

*Ten years on: A review of the House of Representatives committee system*<sup>9</sup>

- 1.13 In this report, the committee noted that while petitions may stand referred to general purpose standing committees, none had been so referred. The committee felt that referring petitions to committees would provide them with an indicator of public opinion on topical issues.
- 1.14 Recommendation 10 of the report was therefore that standing orders be amended to provide for petitions to stand referred to general purpose standing committees for any inquiry the committee may wish to make.
- 1.15 The recommendation was not adopted by the House.

*It's your House*<sup>10</sup>

- 1.16 In this inquiry, the committee presented an in-depth appraisal of the state of petitions to the House of Representatives and made four significant recommendations:
- that the standing orders governing petitions be amended to make them clearer and more accessible;
  - that Members be permitted to present petitions during Members' 90 second statements in the House or 3 minute statements in the Main Committee;
  - that an annual report be prepared setting out petitions presented and ministerial responses to them; and
  - that standing orders be amended to provide for petitions to stand referred to general purpose standing committees for any inquiry the committee may wish to make.
- 1.17 The Government endorsed the first two recommendations.<sup>11</sup> The Speaker noted in his response to the first recommendation that while

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8 *Review of reports of previous procedure committees which have not received a Government response* PP 350 (1996).

9 *Ten years on A review of the House of Representatives committee system* PP 91 (1998).

10 *It's your house: Community involvement in the procedures and practices of the House of Representatives and its committees* PP 363 (1999).

the Clerk of the House was undertaking a complete revision of the standing orders, any changes to those relating to petitions would 'be limited to improving clarity and simplicity. Changes of substance to the standing orders are matters for the House.'

- 1.18 The second recommendation was also adopted and Members have been able to present petitions during Members' statements since 2001. At the time, the Government noted that:

The option for Members to present and support petitions on the floor of the House or Main Committee raises the issue that Members may be seen to give some petitions more favourable treatment than others. However, these are matters that Members are best placed to decide.<sup>12</sup>

- 1.19 While the Speaker agreed with the committee's third recommendation to present an annual report outlining petitions presented and ministerial responses to them, the Government did not. The Government considered that such a report was outside the procedure committee's functions under the standing orders.
- 1.20 In response to the committee's final recommendation on petitions that they be referred to general purpose standing committees the Government considered that these committees did not have sufficient time and resources to consider the terms of petitions.

#### Learning from overseas parliaments<sup>13</sup>

- 1.21 Following its 2005 study tour, the committee briefly outlined the petitioning process in the Scottish Parliament, noting that this visit had changed the committee's opinion of e-petitioning and the role of petitioning. While the committee did not make any recommendations in this report, it foreshadowed its intention to revisit the petitioning process in a separate inquiry.

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11 <http://www.aph.gov.au/house/committee/proc/reports/cominv/govtresp.pdf>  
pp. 1-2, accessed 6 July 2007.

12 <http://www.aph.gov.au/house/committee/proc/reports/cominv/govtresp.pdf>  
pp. 1-2, accessed 6 July 2007.

13 *Learning from other parliaments: Study Program 2006* PP 179 (2006).





# E

## Appendix E Standing order comparisons

Table 1 Comparison of the House of Representatives' petition lodgement requirements with those of other Australian state and territory parliaments\*

Requirements under House standing orders	NSW	Vic	Qld	WA	SA	Tas	NT	ACT
<i>Lodging a petition</i>								
To be lodged by Member only	✓	✓	✓	✓	✓	✓	✓	✓
<i>Members' responsibilities</i>								
Member must write own name and that of electorate	Sign	Sign	✓	Sign	✓	✓	✓	Sign
Member must count and record number of signatories			✓	✓	✓	✓		✓
Member must certify petition complies with standing orders	✓	✓	✓		✓	✓	✓	✓
<i>Presenting a petition</i>								
Member may lodge petitions with Clerk before presentation	✓	✓	✓		✓	✓	✓	✓
Member may present petitions during Members' statements		✓		✓**		✓**		
Members may present a petition referring to a motion or order of the day when that motion or standing order is moved or called on								✓
<i>Compliance with standing orders</i>								
Clerk or Deputy Clerk certifies compliance	✓	✓	✓	✓	✓	✓	✓	✓
<i>Announcement of petitions and responses</i>								
Clerk announces petitions and any ministerial responses	✓	✓	✓		✓			✓

Source *Standing orders of each jurisdiction*

Notes \* *State upper houses not included*

\*\* *Members present petitions*

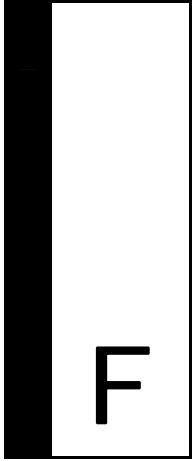
Table 2 Comparison of the House of Representatives' petition preparation requirements with those of other Australian state and territory parliaments\*

Requirements under House standing orders	NSW	Vic	Qld	WA	SA	Tas	NT	ACT
<i>Contents of a petition</i>								
Must be addressed to the House		✓	✓	✓				✓
State the facts and contain a request to take one or more specified actions	✓	✓	✓	✓	✓	✓	✓	✓
<i>Preparing a petition</i>								
Must be on paper and be legible	✓	✓	✓**	✓	✓	✓**	✓	✓
Must be in English or be accompanied by a translation certified to be correct	✓	✓	✓	✓	✓	✓	✓	✓
Must not contain any alterations	✓		✓				✓	✓
Must not have any letters, affidavits or other documents attached to it	✓	✓	✓	✓		✓	✓	✓
Language must be respectful, courteous and moderate	✓	✓	✓	✓	✓	✓	✓	✓
Must not contain irrelevant statements	✓						✓	✓
Must not contain any indication that it has been sponsored or distributed by a Member					✓	✓		✓
A petition from a corporation must be made under its common seal	✓	✓	✓	✓	✓	✓		✓
<i>Rules about signatures</i>								
Must contain the signature and address of a least one person on each page	✓	✓	✓	✓	✓	✓	✓	✓
Each signature must be made by the person signing in his or her own handwriting and written on a page bearing the terms of the petition	✓	✓	✓	✓		✓	✓	✓
Provisions for petitioners not able to sign	✓	✓	✓	✓		✓	✓	✓
Signatures must not be copied, pasted or transferred	✓	✓	✓	✓	✓	✓	✓	✓

Source *Standing orders of each jurisdiction*

Notes \* *State upper houses not included*

\*\* *Can also be electronic*



Appendix F  
Submissions 1 to 7

Received  
J. Harris



PARLIAMENT OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

PARLIAMENT HOUSE  
CANBERRA ACT 2600  
TEL: (02) 6277 4111  
FAX: (02) 6277 2006  
EMAIL: Clerk.Reps@aph.gov.au

OFFICE OF THE CLERK OF THE HOUSE  
29 September 2006

Mrs Margaret May MP  
Chair  
Standing Committee on Procedure  
Parliament House  
CANBERRA ACT 2600

Dear Mrs May

Thank you for your letter of 15 August 2006 inviting a submission from the Department of the House of Representatives to the committee's inquiry into the petitioning process.

The attached submission has been prepared in consultation with departmental staff. It draws on material from submissions to previous inquiries undertaken by the committee, particularly the one on community involvement in the procedures and practices of the House and its committees which culminated in the presentation of the report *It's your House*.

I would be happy to elaborate on matters raised in the submission if it would assist the committee.

Yours sincerely

A handwritten signature in black ink that reads 'I C Harris'.

I C HARRIS  
Clerk of the House

## **Inquiry into the petitioning process — Submission by Department of the House of Representatives**

### **Summary**

The Department welcomes this inquiry. It sees it as an opportunity for the committee to

- affirm the petitioning process as a feature of a democratic parliament;
- note changes that have occurred in the nature of petitions;
- assess the present arrangements for dealing with petitions, and
- consider possible changes to the arrangements.

Petitioning is an ancient right of citizens. These days there are often more effective means of pursuing individual grievances, which was the historical purpose of petitions. While some petitions continue to raise particular grievances which the House is asked to act upon, a substantial proportion could be classified as advocating a position on major issues of the day, including overseas issues or conflicts, government policy initiatives and social and moral concerns. The reality is that in many cases there is little that the House can do to effect the changes sought. Despite this reality, it is very important that the House affirms the right of citizens to place relevant concerns before it.

The rules which apply to preparing a petition for presentation to the House were simplified in 2001 as a result of recommendations by the Procedure Committee. General information about petitioning is more widely available than previously, partly because it is disseminated through the parliamentary website. There is however little evidence of a lower incidence of out-of-order petitions being received.

The 2001 amendments to the standing orders also provided Members with the option of presenting petitions personally during Members' statements in the Chamber and the Main Committee. This has worked well, with Members regularly exercising the option, although the majority of petitions are still received by the House through the well established procedure of the Clerk's announcement after Question Time on Mondays.

There continues to be very little evidence of any formal action being taken subsequently to a petition being received by the House. Each petition is referred to the appropriate Minister but formal responses from Ministers are rare.

Areas in which changes could be considered include:

- improved web-access to the petitions pro-forma;
- allowing Members to present petitions personally on a wider range of occasions;
- automatic reference of petitions to standing committees;
- the establishment of a petitions committee, and
- the introduction of electronic petitioning.

Each of these options has attractions – in part to do with facilitating access, an important goal. The challenge is to avoid or minimise the possibility of the process being devalued and being used as another front in the wider ongoing party-political contest.

Members of the Procedure Committee will be well placed to make judgments about the value and practicality of all options, and the Department will be pleased to provide any further assistance the committee may wish.

### **Purpose of petitions**

The ability to petition Parliament has been described as ‘a fundamental right of the citizen’ and ‘the only means by which the individual can directly place grievances before the Parliament’.<sup>1</sup> However, today a plethora of ombudsmen-like and administrative review mechanisms exist to deal with individual grievances, and public grievances may be raised via local Members in the many opportunities available to them, such as Members’ statements, private Members’ business and grievance debate, not to mention various forums outside the Parliament.

The fact that petitioning survives in coexistence with these methods may imply that there is more to the process than meets the eye. Antiquity may be the main preservative: in the words of Redlich, petitions are ‘the oldest of all parliamentary forms, the fertile seed of all the proceedings of the House of Commons’.<sup>2</sup> It is perhaps their existence as an ancient right as well as the recognition by citizens of the symbolic value of speaking directly to the Parliament which ensure that petitions survive.

The committee has commented on the benefits of petitioning in its report *It’s your House*<sup>3</sup>. The committee would have useful additional evidence of the value of petitions if it were able to obtain insights into the views of the citizens who participate in the process as well as those who choose not to, although this would probably be a major undertaking.

While acknowledging that there will be different perceptions about the value of the petitioning process, the Department believes that the right to petition the House is indeed fundamental and that it should be affirmed.

Before outlining options for change, this submission comments on the preparation and sources of petitions, their receipt, processing and presentation, and subsequent action on them.

### **Preparation of petitions – sources**

A glance at the *Hansards* for the early years of the Commonwealth Parliament suggests that there may have been more involvement by small, community-based groups such as church congregations than may be the case today when many petitions seem to originate from

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<sup>1</sup> *House of Representatives Practice*, 5th edn, 2005, 612.

<sup>2</sup> quoted in *House of Representatives Practice*, 5th edn, 2005, 611.

<sup>3</sup> House of Representatives Standing Committee on Procedure, *It’s your House: Community involvement in the procedures and practices of the House of Representatives and its committees*, October 1999, paras 2.49–52.

organised campaigns by non-government organisations or political, or semi-political, interest groups. The Department does not monitor this aspect of the process but the committee may find some value in itself examining the extent to which petitions originate spontaneously as stand-alone initiatives by independent citizens or alternatively as elements of broader ongoing campaigns by particular groups<sup>4</sup>.

Attachment 1 is a summary of petitions presented on the last three sitting Mondays. It gives a good indication of the wide range of petitions received and shows the emphasis on matters of public or government policy.

One of the outcomes of the committee's *It's your House* report was the adoption of 'clearer, simpler and more accessible'<sup>5</sup> standing orders governing petitions. The Department does not maintain statistics which would indicate the ratio between in-order and out-of-order petitions. However the impression of long-serving staff is that the number of out-of-order petitions reaching the Table Office has not diminished. The most common technical defect is confusion between the House and the Government—that is, instead of being addressed to the Speaker and Members, many petitions are addressed to Ministers or the Government. A second common problem is that petitions may outline a grievance, but not call for any action (as required by the standing orders).

Following recommendations of the Procedure Committee in its 1985 *Days and hours* report, the arrangements for processing petitions were tightened in 1988 and presentation became a weekly, rather than a daily, event.

A significant change was the prohibition on any indication on a petition that it had been sponsored or distributed by a member of the House<sup>6</sup>. In practice however the intent of this requirement is easily defeated by the preparation of documents which contain the terms of the petition and provisions for signatures, but with instructions that the lines showing sponsorship be cut off or the covering sheet be removed after the signatures have been obtained.

So as not to disadvantage petitioners who had prepared their petitions before the stricter provisions came into effect, the Leader of the House, as an interim measure,<sup>7</sup> tabled petitions which were out of order under the tighter regime. The practice of tabling out-of-order petitions as documents has however become institutionalised, although the documents are not individually described in the *Votes and Proceedings* as they were at the onset and the terms are not recorded in *Hansard*.

The fact that the 'interim measure' was used on eleven occasions in 2005 and five occasions in the first half of 2006 suggests that there is still a relatively high level of petitions which are not prepared in accordance with the requirements of the House. The Department's view is that although such petitions are out of order it is consistent with the ideal of being open to the views of citizens for devices such as tabling by the Leader of the House to be used – at least this allows the views of signatories to reach the House in some manner.

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<sup>4</sup> The record number of signatories on a petition since the numbers have been recorded was set in 2000 – the subject concerned the GST and beer.

<sup>5</sup> *It's your House*, recommendation 1.

<sup>6</sup> But a petition may show a member's name and an address to which it may be returned for presentation.

<sup>7</sup> HR Deb (19.5.1988) 2674.

It would be possible for the House to require that proposed petitions be submitted prior to signatures being obtained so that their technical validity could be checked. That would certainly help reduce the proportion of out of order petitions, but such a requirement would not sit easily with the thought that petitions can be prepared and coordinated by any citizen in a more spontaneous way.

House *Infosheet No 11* has detailed information on petitions, including a pro-forma that can be used to develop a petition. Useful as this is, it is only accessible after some navigation through the House website or by other inquiry. Accessibility to the community would be improved by a button being placed on the first screen on the House site – *and see below*.

### **Receipt, processing and presentation of petitions**

The procedures for dealing with petitions once they have left the hands of the petitioners have changed since the department made its last submission on this matter in June 1999 to the inquiry which resulted in the *It's your House* report. The House adopted amended standing orders relating to petitions with effect from early 2001 as a result of recommendations in that report. The new provisions remained substantially the same when the redrafted and reorganised standing orders were adopted with effect from November 2004.

The 2001 amendments added the option of Members presenting petitions personally during Members' 90-second statements in the House and 3-minute statements in the Main Committee. Until then, the standing orders had allowed only one exception to presentation per announcement by the Clerk: if the petition referred to a motion or an order of the day, it could be presented when that item was called on or read for the first time.<sup>8</sup> There is no ready record of this provision ever being used, although it has been mentioned in discussions between members and staff.

The petitions process as it stood before 2001 is summarised in Figure 1. The expanded process following the *It's your House* changes is shown in Figure 2.

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<sup>8</sup> Standing order 114 as at the last sitting before 2001.



Figure 1—Petitions process before 2001

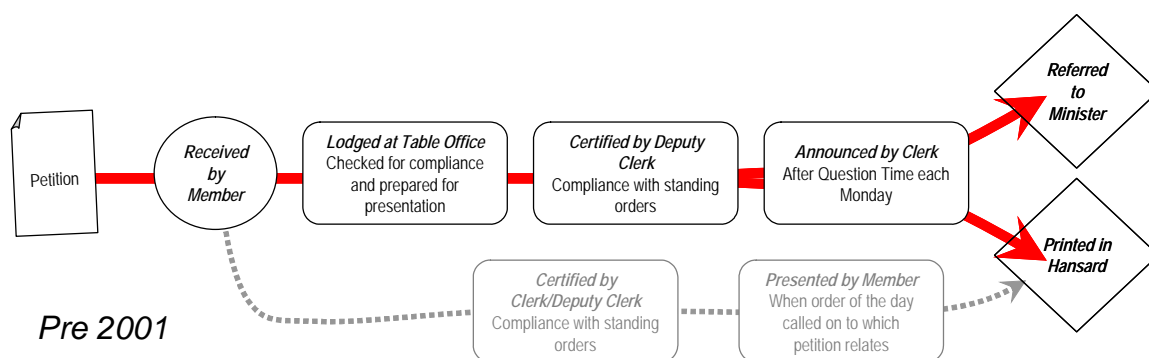
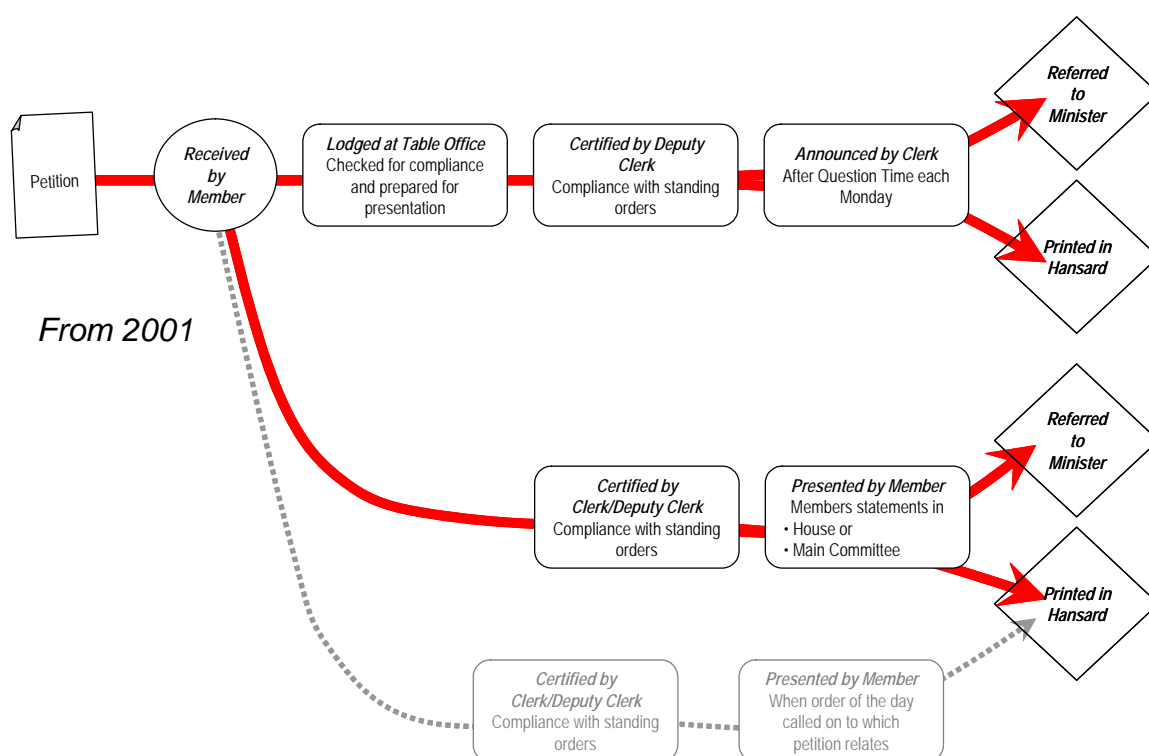


Figure 2—Petitions process from 2001



Members have made relatively low-level but regular use of the ability to present petitions personally during Members' statements. Table 1 shows annualised figures from which no clear pattern emerges. Nevertheless, the procedure continues to be used and may be seen as a valuable opportunity for private Members to represent the people.

Table 1—Presentation of petitions during Members' statements

	2001	2002	2003	2004	2005	2006*
<b>All petitions received by House</b>	<b>250</b>	<b>319</b>	<b>369</b>	<b>471</b>	<b>235</b>	<b>119</b>
Presented during statements						
in House	5	4	11	5	6	3
in Main Committee	1	6	7	8	1	8
<b>Total presented during statements</b>	<b>6</b>	<b>10</b>	<b>18</b>	<b>13</b>	<b>7</b>	<b>11</b>
Percentage presented during statements	2.4%	3.1%	4.9%	2.8%	3.0%	9.2%

\* to 30 June

There has been a little confusion among some Members about the scope of the additional options. There have been cases where a Member has mistakenly believed that petitions could be tabled during speeches made in the adjournment debate both in the House<sup>9</sup> and the Main Committee.<sup>10</sup> There have also been cases where Members have not obtained certification of compliance with the standing orders, as required by standing order 208, before presenting a petition during a statement—this imposes a small complication in that if the petition is discovered to be out of order after it has been presented, the official records like the *Votes and Proceedings* and *Hansard* must be adjusted to show it as a document, rather than a petition.

As can be seen from Table 1, the majority of petitions continue to be presented in the usual manner, that is by the Clerk's announcement in the House after Question Time each sitting Monday.

When Members lodge petitions they are delivered to the Table Office where they are examined for compliance with the standing orders, certified by the Deputy Clerk and the Clerk's announcement prepared. The Table Office also provides the terms of the petitions to Hansard staff for inclusion in *Hansard* and prepares and dispatches the letters referring petitions to Ministers after the announcement has been made.

Most petitions are lodged by Members but occasionally petitions are received directly through the mail. In such cases, the Table Office approaches an appropriate Member to formally lodge the petition as required by standing orders 207 and 208. The committee may wish to consider the rationale behind SO 207—and consider amendment of the standing order 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. This would be a significant change from the long-established requirement that petitions can only be presented by members but it would reduce the percentage of member-generated petitions.

### **Subsequent action on petitions**

It has been longstanding practice to record the terms of each petition in *Hansard*. The practice of referring each petition to the responsible Minister was established by a change to the standing orders in 1972 following criticism of the lack of follow-up procedures.<sup>11</sup> Continuing concern at inaction led to the provision in 1988 for Ministers' responses to be made and reported to the House. The facility is rarely used.<sup>12</sup>

Further comments on subsequent action are made in the following section of this submission.

### **Possible changes to the petitioning process**

The department respects the principle that petitioning is a fundamental right of citizens, and one which should be affirmed. Even if many petitions raise problems the House has no prospect of solving itself, it is important that the House is willing to receive the properly expressed views or concerns of the community. The existing requirements for preparation

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<sup>9</sup> HR Deb (28.6.2001) 29022; (26.9.2002) 7430–1; (20.3.2003) 13121.

<sup>10</sup> HR Deb (27.3.2003) 13928–30; (18.9.2003) 20583–5.

<sup>11</sup> *House of Representatives Practice*, 1st edn, 1981, 693.

<sup>12</sup> A total of twenty responses had been received in the eighteen years to 30 June 2006.

seem fair to petitioners while reflecting the constitutional role of the House. The arrangements for presentation to the House are, from the department's point of view, working well.

It is, however, important that the House keep such practices under review and consider options for change. An awareness of the possibilities for change is particularly important in respect of processes involving citizens. Changes which can improve the value of the process to citizens without detracting from its substance and without exposing it to manipulation would be welcome.

*Accessibility—improved web access to petitions pro forma?*

Through its infosheet on petitions and by staff members' willingness to speak to any person inquiring about a petition, the department seeks to ensure that knowledge about petitions is available as widely as possible, so that the risk of signatures being collected and petitions sent in but being found to be out of order is reduced. Nevertheless the details about petitions are not prominent for the public on the House website, and would be improved by the provision of a 'button' on petitions on the first page for the House.

A petitions pro forma is available for access by Members under the 'Chamber proformas' link in the H of R Chamber Documents content block, on the Senators' and Members' Services portal.

*Personal presentation by Members — can the 2001 changes be taken further?*

The department's submission to the *It's your House* inquiry in 1999 referred to a number of alternative processes, including presentation in person by the petitioners or a Member. The first of these alternative processes was exemplified in a proposal contained in a private Member's notice of motion. This was either to allow petitioners to present petitions at the Bar of the House and read the prayer to the House or to allow Members lodging petitions to read the prayer to the House. The submission noted that the first element of the proposal was somewhat inconsistent with the principle of the House being a deliberative body of elected representatives whose role was themselves to speak for their constituents. Both elements were seen to have potential overhead costs in terms of valuable House time.

The option of allowing Members to present petitions during Members' statements has neatly avoided the potentially large cost in House time of adopting the private Member's proposal—that is, the objective of the change to allow Members to read petitions have been achieved, but no additional time has had to be allocated to achieve this.

The Committee could consider whether the ability for members to present petitions personally should be extended, for example to allow presentation during adjournment or grievance debates. The advantages of this would be that members would have more opportunities to present petitions, and they could make longer speeches on the issues. A disadvantage would be that the presentation of petitions would be further diffused and possibly, should the facility be used extensively, the procedure seen as very routine.

### *Automatic reference to standing committees?*

The standing orders could be amended to provide for the automatic referral of all petitions to relevant committees. The advantages of this are that it would, as a minimum, allow a group of Members with some subject expertise or familiarity to see indications of the views or concerns of citizens, and the committees could take some sort of appropriate action. It would presumably be necessary for committees to have discretion as to whether they took any action on petitions which stood referred to them. The downside is that expectations could be raised but not fulfilled if, because of other priorities or perceptions committee members may have about the true value of some petitions or about their ability to do anything useful about them, petitions might not receive very much consideration. It is clear that many petitions appear to be the products of relatively well organised campaigns and that, many address matters which the House has little or no prospect of changing. To take no action on such petitions could expose a committee to criticism, yet effective or meaningful action may not be practicable.

In New Zealand all petitions are referred to committees automatically. Each committee has discretion with respect to the action it takes. It is common for committees to ask petitioners to make written submissions, but committees are not obliged to do this. Written submissions may also be invited from other sources, such as government departments, and oral evidence may be taken. Substantive reports may be made. If petitions have been received concerning a bill which has also been referred to a committee the report on the bill may also deal with the petitions. In other cases stand- alone reports may be made. It is also possible for a committee to report very quickly and briefly to the effect that it has no matters to draw to the attention of the House in respect of a petition. No time limits are put on committees in these matters. A recent development has been petitioners apparently seeking to reopen court cases which had led to their conviction – committees are understandably very cautious in such matters. Predictably, many petitions are referred to the Foreign Affairs Defence and Trade Committee.<sup>13</sup> – and see <http://www.parliament.govt.nz> –*and see below*.

### *A petitions committee?*

Instead of automatic reference to standing committees a specialist committee could be charged with responsibility to look at all petitions. This would enable a group of members to develop familiarity and expertise with petitions and make the necessary recommendations or decisions. One of the challenges here would be the very wide range of subjects raised by petitioners, including many which reflect party-political differences. This approach is followed in Scotland. Its Public Petitions Committee has been active in promoting the petitioning process at meetings away from Edinburgh. Petitions are lodged by citizens, and not through members and it appears that petitions are presented to the committee, not referred to it by the House. The committee has a well established method of operation – for example hearing from petitioners in person, referring petitions to the executive or to other committees and even writing to members about them. The committee can inform petitioners of responses received and invite their further views. The committee usually meets once each fortnight and the record shows some meetings lasting for over 1.5 hours, with consideration being given to new and current petitions and decisions made about each. One of the interesting points is that the committee has raised the issue of the resubmission of petitions and recommended that a petition substantially similar to one which has closed should not be received within one year of the closure. The committee's annual report for 2005-06 records that it considered 122 new

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

petitions and heard evidence from 51 petitioners, and that 41 e petitions had been submitted - <http://www.scottish.parliament.uk> - and see below.

### *Models*

The range of models for committee activity in relation to petitions is shown in the following examples (details are taken from the official sources in each case):

#### New Zealand<sup>14</sup>

People can request that the House take action on a matter of public policy or law, or to address a personal grievance, by presenting a petition to the House, through their local member of Parliament. The petition is referred to the appropriate committee, which decides whether to seek submissions from affected people or organisations. If the committee reports to the House with recommendations, the Government must respond within 90 days.

#### Canada (House of Commons)<sup>15</sup>

The rules of the House require that the Government reply to a petition within 45 calendar days of its presentation. If such a petition remains without a response at the expiration of this time, a committee of the House, designated by the Member presenting the petition, is required to look into the reason.

#### UK (House of Commons)<sup>16</sup>

... a copy of the Petition, once printed, is sent to the appropriate Government department. Any observations made by a Minister in reply are printed and circulated as a Supplement to the Votes and Proceedings and a copy is sent to the Member who presented the Petition. There is no obligation on the Minister to make observations. If no observations are to be made, this fact will also be communicated to the presenting Member. Copies of Petitions and observations are also sent to the relevant select committee of the House.

#### Scotland<sup>17</sup>

The public petitions process is a key part of the Scottish Parliament's overall commitment to openness and accessibility. It allows individuals, community groups and organisations to participate fully in the democratic process, by raising issues of public concern with the Parliament and allowing members to consider the need for change. Any person or group may submit a petition to the Parliament. Once petitions are submitted, they are considered by the Public Petitions Committee (PPC).

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<sup>14</sup> New Zealand Parliament, *Fact Sheet—Parliament Brief: Select Committees*, available online at <http://www.parliament.govt.nz/en-NZ/PubRes/About/FactSheets/> [accessed 30 August 2006].

<sup>15</sup> Canada House of Commons, *Detailed Article: Compendium: Procedure Online—Petitions*, available online at [http://www.parl.gc.ca/sites/compendium/web-content/c\\_d\\_petitions-e.htm](http://www.parl.gc.ca/sites/compendium/web-content/c_d_petitions-e.htm) [accessed 31 August 2006].

<sup>16</sup> UK House of Commons, *Public Petitions to the House of Commons*, available online at [http://www.parliament.uk/parliamentary\\_publications\\_and\\_archives/publicpetitions.cfm](http://www.parliament.uk/parliamentary_publications_and_archives/publicpetitions.cfm) [accessed 31 August 2006].

<sup>17</sup> Scottish Parliament, *Guidance on the Submission of Public Petitions*, available online at <http://www.scottish.parliament.uk/business/petitions/guidance/index.htm> [accessed 31 August 2006].

## Wales<sup>18</sup>

... the Table Office will refer the petition to the Assembly Minister or, if appropriate, committee, with responsibility for the matter covered by the petition, who will consider the petition and seek advice as appropriate from the relevant section of the Assembly Government staff. The main petitioner shall receive a written response from the Minister, with a copy sent to the Petitions Clerk, receiving Assembly Member (if any) and the Members' Library.

... The Assembly or any of its committees may resolve to debate the contents of the petition, or a Member may wish to utilise Standing Order 34 in order to Table a No Named Day Motion regarding the petition.

## India (Lok Sabha)<sup>19</sup>

Every petition after presentation by a member, or report by the Secretary-General, as the case may be, stands referred to the Committee on Petitions. No discussion or debate is permitted on the presentation of a petition.

...

The Committee on Petitions examines every petition which, after presentation to the Lok Sabha, stands referred to it. It is the function of the Committee on Petitions to report to the House on specific complaints made in the petitions after taking such evidence as it deems fit. The Committee also suggests remedial measures, either on the specific case under review or in a general way, to prevent such cases in future. The Rules empower the Committee to direct that the petition be circulated, either in extenso or in a summary form, to all members of the House. In practice, however, the Committee directs circulation of only those petitions which deal with Bills pending before the House. In the case of petitions on matters of general public interest, the Committee examines the suggestions made therein, and calls for formal comments from the Ministries concerned, takes evidence of the petitioner, where necessary, and the officials of the Ministry, before making suitable recommendations in its report to the House.

The Procedure Committee would be aware from its recent study tour of how some of these models work in practice. The committee might find value in seeking further practical evaluations from, for example, Canada, New Zealand and India.

The challenge will be to assess the extent to which any other model or combination of arrangements might be adapted to the needs of the House. A long-established national parliament in a federation like Australia, for example, is likely to face quite different issues in respect of petitions than a devolved parliament like Scotland's that is still establishing itself – compare, for example the range of subjects shown at Attachment 1 with the emphasis on health and community care, planning and education issues reported for the Scottish Parliament.

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<sup>18</sup> National Assembly for Wales, *Guidance on public petitions procedure*, available online at <http://www.wales.gov.uk/organipochamberbusiness/petitions-e.htm> [accessed 31 August 2006].

<sup>19</sup> Indian Parliament: Lok Sabha, *Parliamentary Procedure: Abstract Series: Petitions*, available online at <http://164.100.24.208/ls/abs%20series/petitions.htm> [accessed 31 August 2006].

### *Government action*

It is not clear how Ministers could effectively be compelled by the House to respond to petitions without the process being reduced to a pro forma exercise, especially given that many petitions are recurrent—that is, a formulation in much the same words being presented on subsequent occasions, and given the highly political nature of many petitions.

### *New media*

The broadening of the media through which citizens may petition the House—also explored in the department’s previous submission—remains a field for vigorous debate. In short, on the one hand the House risks appearing antediluvian by not embracing the expanded opportunities for community involvement afforded by new technologies, while on the other hand the ‘Wild West’ ethos which characterises so much of communication in cyberspace carries some risk to the integrity of any House procedure which is exposed to it.

The adoption of electronic petitioning can be considered in the light of the perceived importance of petitioning itself. If petitioning is seen as heavily symbolic, an ancient right, even if rarely an immediately effective process, then it is perhaps of less moment if all of the digital signatures on an electronic petition are not authentic or if the details of the petition are altered somewhere along the line. If, however, the process is seen in terms of real persons raising immediate or tangible grievances which may be acted upon then authentication becomes a more significant issue.

As we understand it, although the Senate Standing Orders do not refer to electronic petitions, in practice such petitions are received. The Senator lodging the petition must present a print-out of the terms of the petition and the electronic signatures and sign a certification as to the authenticity of the document. A copy of the certification is shown at [Attachment 2](#). Anecdotal comment is that the percentage of such petitions is not high, but that some of them may have larger numbers of signatures than traditional petitions.

The Queensland Parliament has had a system of e-petitions since 2002. As we understand it the system was introduced at the behest of the government as part of a wider program. A Member must agree to be the sponsor of the petition, the terms are agreed between the Member and the person/group involved, checked by House staff and then posted for a period of between 1 week and 6 months on the Queensland Parliament’s website. The document eventually presented is a print-out of the e-petition after it is closed for signature. This model places a member at the heart of the process from the beginning. It has been reported that 36 petitions with 9975 signatures were received in the period August 2002 to April 2004.<sup>20</sup>

E petitions are permitted in the Scottish Parliament. Detailed guidelines and proformas are available, and supporters of a petition can add their names and addresses on line, see who else has supported it and join an on-line discussion about it. Petitioners are allowed to gather support from anywhere around the world. Petition are not presented by members but sent in directly by the organisers. – see <http://epetitions.scottish.parliament.uk>.

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<sup>20</sup> Hogan, M, Cook, N and Henderson, M. 2004. The Queensland Government’s e-democracy agenda. A paper prepared for the Australian Electronic Governance Conference, Centre for Public Policy, University of Melbourne, Melbourne, Victoria, 14 – 15 April 2004.

The department supports the principle that making the House more open to the people is an institutional obligation. However, it acknowledges that just as email, still to mature as a means of communication, has added significantly to workloads, the adoption of electronic petitioning could impose a significant burden on resources, and it would be important to assess the advantages and disadvantages carefully and to focus on the importance of delivering other than superficial outcomes. The view of the department is that the medium on which a petition is set out is only one issue. Other significant issues are the basic view to be taken of petitions and the process for their presentation and any further consideration of them.

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The department will be pleased to support the Committee in any way in its further consideration of these matters.



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**ATTACHMENT 1**

<b>Number of Subject</b>	<b>Number of Petitions</b>	<b>Signatures</b>
<b>WHEAT SALES - SINGLE DESK POLICY</b> Supporting the single desk wheat policy	1	339
<b>PHONE BOX - CANN RIVER</b> praying that a public phone box not be removed from Cann River.	1	280
<b>BROADBAND - FLAGSTAFF HILL</b> Availability of ADSL Broadband in Flagstaff Hill, S.A.	1	137
<b>COMMUNICATIONS - FREE TO AIR TV/RADIO</b> free-to-air radio and television access for all Tasmanians	1	3,216
<b>ABC CLASSIC FM - MANSFIELD</b> Installation of a repeater station within the Shire of Mansfield.	1	450
<b>DEFENCE TRAINING FACILITIES - SHOALWATER BAY</b> Rejecting proposals to locate a joint military training facility with USA at Shoalwater Bay, QLD.	1	1,562
<b>EDUCATION FUNDING - INDEPENDENT COLLEGES AUST</b> Rejecting applications of public funding from Independent Colleges of Australia Pty Ltd	1	800
<b>INDUSTRIAL RELATIONS – WORK CHOICES</b> Ensuring that no employee will be worse off under the new industrial relations system	4	970
<b>EMPLOYMENT CONDITIONS - AWA INDIVIDUAL CONTRACTS</b> that employers to provide fair working conditions.	1	47
<b>INDUSTRIAL RELATIONS - WORK CHOICES</b> Repealing the Work Choices legislation and replace it with just laws.	2	574
<b>INDUSTRIAL RELATIONS - FAIR SYSTEM</b> praying that a fair industrial relations system be provided for workers.	7	519

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**KYOTO PROTOCOL - RATIFICATION**

Support for the Avoiding Dangerous Climate Change (Kyoto Protocol Ratification) Bill 1 112

**WHALING - PROTECTION IN AUSTRALIAN WATERS**

Protecting the whale population in Australian waters 2 767

**NUCLEAR REACTOR - WESTERN AUSTRALIA**

proposal to build a nuclear reactor in Western Australia 2 1,490

**INTERNET PORNOGRAHPY – LIBRARIES/CHILDCARE CENTRES**

Installation of mandatory Internet pornography filters in public libraries and in childcare centres. 1 9

**FAMILY DAY CARE SCHEMES - FUNDING**

Family Day Care funding changes 1 67

**CHILD CARE - OUT OF SCHOOL HOURS CARE**

Removal of cap on Outside School Hours Care places 1 11

**TIWI LAND COUNCIL - INQUIRY**

commission an into matters relating to the Tiwi Land Council. 1 493

**MILLENNIUM DEVELOPMENT GOALS - INCREASE**

Increasing Australia's Millennium Development Goals for overseas aid. 1 11

**FALUN GONG**

Supporting the International Coalition to Investigate the Persecution of Falun Gong. 32 15,283

**GUANTANAMO BAY - CLOSURE**

Calling for the closure of the military detention facility at Guantanamo Bay. 1 43

**MIDDLE EAST - CONFLICT**

Calling for a non-partisan stance in relation to the Middle East conflict. 2 133

**ISRAELI - PALESTINIAN CONFLICT**

Demand that Israel cease attacking Palestinians. 2 343

**ISRAELI - LEBANON CONFLICT**

demand that Israel cease its attack on Lebanon. 2 360

**MEDICARE - IVF FUNDING**

changes to Medicare funding for IVF 1 13

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**BREAST CANCER - FREE MAMMOGRAMS**

free mammograms for all women 3 329  
irrespective of medical history.

**DENTAL HEALTH - COMMONWEALTH DENTAL SCHEME**

re-introducing the Commonwealth Dental 3 193  
Scheme.

**PHARMACEUTICAL BENEFITS SCHEME - HERCEPTIN**

that Herceptin be included on the 6 33,169  
Pharmaceutical Benefits Scheme.

**HEALTH - GPS**

replacement GPs in the Shortland electorate 1 32

**HEALTH - DOCTOR SHORTAGE**

shortage of doctors in the Lake Macquarie 2 64  
and Hunter areas.

**FOOD LABELLING - COUNTRY OF ORIGIN**

imported food be labelled with the name of 1 3  
the country in which it was grown/produced.

**PHARMACY - ADELONG**

an application to open a pharmacy in Adelong. 1 414

**MEDICARE OFFICE - CITY OF CASEY**

praying for a Medicare office in the 1 530  
City of Casey, Victoria.

**MEDICARE - MORISSET**

praying for a Medicare office in 1 89  
Morisset.

**DETENTION CENTRES - PINKENBA**

Conversion of an Army stores site into 2 267  
an immigration detention centre.

**POWER PRODUCTION - ALTERNATIVE METHODS**

alternative methods for producing power 1 126

**NATIONAL FLAG - BURNING**

Burning the Australian flag 1 3,086

**SYDNEY AIRPORT - MASTER PLAN**

review of the Sydney Airport Master Plan 1 617

**SUPERANNUATION - SMALL BUSINESS**

small business exemption to changes 1 3,207  
to superannuation.

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**TOTALS 96 70,155**

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ATTACHMENT 2

**Certification of an Electronic Petition**

I certify that the attached petition of (number) signatures requesting (subject matter) has been published in electronic form and that the signatories have attached their signatures with the full text of the petition visible as they did so.

(If needed: I also certify that multiple signatures have been removed to reflect an accurate count of petitioners).

This is a true and accurate petition to the Senate.

Senator (Name)

SUBMISSION TO THE HOUSE OF REPRESENTATIVES PROCEDURE  
COMMITTEE

FROM

CATHOLIC WOMEN'S LEAGUE AUSTRALIA INC.

39 Wakefield Street, Adelaide, South Australia

27<sup>TH</sup> OCTOBER 2006

Prepared by:  
CWLA Inc Social Issues Convenor  
Mrs Betty Roberts OAM  
11 Sharps Road  
LENAH VALLEY TASMANIA 7008

Catholic Women's League Australia Inc. recognizes petitions as a valuable part of the democratic process.

In answer to specific questions we list the following comments:

1. The present guidelines for the preparation of a petition are clear and comprehensive but have some restrictive aspects (see 3,4 & 5 below)
2. The rules regarding form and content seem adequate.
3. 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.
4. A petition should be tabled and made available to interested members for study and comment.
5. Other Members of the House should be able to respond to a petition.
6. 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.
7. The space allowed for identification, address and signature is cramped and needs to be expanded.
8. It is important to ensure that petitions are genuine and not fraudulent.

Electronic petitions could prove difficult to verify.

There is no indication of what consequences apply for submitting a falsified document.

We agree with Chair of Committee Margaret May that "Petitions have a long history and are one of the ways that various groups in the community can directly advise the parliament what they think about an issue".

Petitions are a valuable means of alerting MPs that their constituents want something done on a particular matter.

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Comments on the Review of Petitions, by Miss Margaret Clinch, 30/10/2006

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1. Introduction

The essential role of elected members of Parliament is to represent the needs and wishes of the people of Australia. With strong political dependence on the (two)party system, it can be difficult for the messages of constituents to get through. Respect for the very important petition process has declined

Petitions have floundered because of dependence on much respected, but largely unwritten understandings. Community depends on the petition process. In times of urgency, and when community feeling is strong, people should be able to know the petition is an effective democratic tool.

2. Background of author

This brief submission is based on extensive experience with petitions to the Northern Territory government. As a major member of a 10 year old community organisation promoting good town and rural planning, I have found the petition process abused, petitions ignored, and petitioners insulted. Our petitions have varied from about 1500 signatures to 6500, and more recently, close to 10,000 signatures.

Politicians, including relevant Ministers, have said things like:

"Anyone can sign a petition"

"Nobody in Alice Springs signed it." (A petition on Darwin Harbour)

"I'll bet it mainly tourists signing"

"It was a mischievous petition"

I will add that our petitions are scrupulously composed, and non-adults and visitors excluded from the count.

We get no/ no meaningful written feed back from our petitions. There may be a short parliamentary response, but I cannot remember any cases where this was favourable.

Although these are Territory experiences, the principle applies that :

**ALL GOVERNMENTS SHOULD RESPECT PETITIONS FROM THEIR  
CONSTITUENTS AND RESPOND MATURELY.**

Constituents do not agree that an election gives a mandate to the government for all actions for the life of a Parliament.

I have also recently had experience with very efficient Get-Up email petitions, to the Commonwealth which appear to have had a big impact.

### 3. Ongoing

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.

The status of petitions should be re-established in our democracy.

The rules should be clear.

The introductory words should be modern and respectful, and no longer demeaning.

All conforming petitions should be formerly presented to Parliament. Hostile local members should not be able to refuse them.

Politicians should not be able to ignore them, deride their content, and/or insult petitioners. They should be taken respectfully, and seriously for consideration, as any elected politician should do. This does not mean that all petitions will be successful.

### 4. Some Terms of Reference Questions Addressed

Petitions should all be received and examined by the Parliament, not just sent directly to the relevant Minister.

There should be a fully documented process for receiving and dealing with petitions, so that they cannot be ignored, or lightly treated.

Petitions should have a better chance of being effective than they have now. There should be a requirement for consultation with the organisers of the petition. If it is localised, the local member should be involved. The petition should be a precursor to genuine consultation on the issues involved. If a petition is rejected, the petitioners should be informed of genuine, and not 'token' reasons.

There should be a formal written response from the Government to petitions, addressing the issues in a detail. Prime Ministers, Ministers, and local members, as elected members, should be obligated to participate seriously in this process. It should be left in bureaucratic hands.

The lobbying process has a strong impact on government outcomes. The petition process is an open community bases process. It should be at least as effective as lobbying. Petitioners most often sign for community reasons, rather than for personal gain.

All petitions should be archived, rather than destroyed.

Electronic petitions should be facilitated, because they are usually raised on matters of major significance throughout the nation. It should be possible to regulate them for double listing.



#### 4. Conclusion

Petitions have long played an important role in the democratic parliamentary system. Loss of political respect for them has rendered them less efficient. Good representative government in the last ten years, has been suffering from a lack of reference to the wider electorate on many issues. The media and lobbyists have gained great influence.

The balance must be restored, and bringing back the status of petitions is a significant part of this. There needs to be a restoration of status, and definition of formal process, so that the electorate which Parliament represents, is respected.

This is an important role for the Procedures Committee.

Thank you for this opportunity to submit. Please acknowledge receipt.

M A CLINCH

October 30, 2006



Committee Secretary  
Standing Committee on Procedure  
House of Representatives  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600  
AUSTRALIA

Dear Committee,

We are pleased to submit to the Standing Committee on Procedure's Inquiry into the Petitioning Process.

GetUp! is a not-for-profit, independent, online-based, political campaigning organisation formed just over a year ago with the aim of facilitating the participation of Australians in the democratic process.

Now with over 150,000 members GetUp! has become a significant and visible force in Australia's social and political landscape demonstrating the overwhelming desire of many Australians to engage with their elected representatives. Examples of our most recent petitions can be found at:

- Climate Change: [http://www.getup.org.au/campaign.asp?campaign\\_id=51](http://www.getup.org.au/campaign.asp?campaign_id=51) : 60,000 petitioners
- Children in Detention: [http://www.getup.org.au/campaign.asp?campaign\\_id=30](http://www.getup.org.au/campaign.asp?campaign_id=30) : 104,700 petitioners
- Northern Territory Land Rights: [http://www.getup.org.au/campaign.asp?campaign\\_id=36](http://www.getup.org.au/campaign.asp?campaign_id=36) : 30,000 petitioners

GetUp! utilises cutting edge technology to engage in an instantly responsive, reciprocal, and inclusive dialogue with its members; and then to facilitate a dialogue between the membership, politicians, the Parliament and the Government. This dialogue frequently takes the form of petitions as well as email and letter writing campaigns and telephone campaigns.

## **2.0 The existence of an effective and easily accessible petitioning process is a hallmark of a democratic Government.**

A parliament that takes seriously its role as elected representatives of the community must, in our opinion, listen to and respond in a timely manner to, the concerns of its citizens. In a

situation where citizens are not encouraged to petition parliament, or where petitioning is an inaccessible and difficult process, the gulf between citizens and their representatives widens, eroding the 'representative' nature of parliament and increasing the perception of parliament as governing from above rather than by consensus.

### **3.0 Internet petitions**

As an online organisation - our initial comment addresses the requirement of the House of Representatives that petitions be presented in paper format only.

Firstly, we make the point that the Australian Senate accepts online petitions - defining 'signature' to include an online signature. This disparity between the two houses of Parliament is unnecessary and confusing.

The spread of political comment and information via the internet is a rapidly increasing phenomenon. Political parties here, and in other Western democracies make full use of the internet for campaigning, information, provision of services and other purposes. The vast majority of Australian Members of Parliament and Senators have personal homepages and many provide blogs and the opportunity for online communication and feedback.

Australia has an estimated 5.1 million household internet subscribers (ABS) and an estimated 61% of adults use the internet (ABS). GetUp believes that the online petitions provide an accessible and contemporary way for Australians to have their views heard, and reflects the manner in which young people in particular communicate their political opinions.

It is our experience that information about a particular issue on which we may be campaigning spreads via the internet and by word of mouth or through the media prompting those who may not have previously known of GetUp! to access our website and participate in the campaign. Anecdotally, we have received feedback from individuals - often elderly, or living in remote areas - that they have been prompted to access the internet to participate in GetUp! campaigns about which they feel strongly.

With the internet freely available in libraries, schools, churches and community centres it appears clear that internet petitions are now more accessible in practical terms than paper petitions. Internet petitions are extremely cost effective to organise, disseminate, collect and deliver, and of course reach many more people in a short amount of time. They are also time and cost efficient for the staff whose task it is to receive and process the petition, and for anyone who might wish to analyse the information therein.

An internet petition provides several indicators of public sentiment about a particular issue. At GetUp! we have found that the speed of dissemination of a petition is an accurate gauge of

the intensity of feeling in the community. Were these indicators to accompany petitions on their presentation to the house, it would surely add value and meaning to the petition and provide Parliament with a meaningful measure of public opinion.

### **3.1 Concerns about internet petitions:**

The Information sheet regarding petitions to the House of Representatives lists two reasons for disallowing internet petitions: concerns about difficulties in verifying signatures, and ensuring a petition has not been altered.

Our online petitioning process at GetUp! is configured to reject more than one attempt to sign a petition from the same email address. We have also implemented automated and manual procedures to audit this verification process, and also for removal of the odd obscenity.

GetUp is not aware of any cases where Internet-based petitions – or indeed paper petitions - have been altered. However, we also believe that Internet based petitions are less susceptible to tampering than regular paper-based petitions for the reason that they are more tightly controlled.

Paper based petitions are often on photo-copied forms distributed by community groups through networks of volunteers, shops, and at events. There are multiple potential 'points' at which tampering could, in theory, occur.

On the other hand, Internet based petitions have one point of data entry and collation through a web-based form - the data itself is only accessible to GetUp staff and access is monitored. We believe this system – where the petitioning process is coordinated by a reputable and accountable organization – has data integrity benefits over the ad-hoc system employed in by paper-based petitioners in the past.

### **4.0 e-petitions**

An alternative or complement to internet petitions, and a complement to paper petitions is the e-petition process used in Scotland, and recently introduced in Queensland and being trialled in Tasmania. In this process Parliament effectively 'runs' the petition from its website - although the petition is initially set up by the concerned parties.

In our view there are several excellent facets to this process:

It is time and cost effective for the petition organisers - thereby allowing small community and special interest groups or individuals access to the petitioning process equal to that of better funded or larger organisations.

The information provided on the Scottish Parliament and Queensland Government websites is excellent and easily accessible. It is easy to see what petitions are or have been presented, to sign a petition, see what stage in the procedure they are at, what the official response has been, and what further action, if any, has been recommended or taken.

We discuss the issue of response to petitions further below - however we feel that the ability to 'track' a petition in this manner is a commendable feature of the e-petition process. The transparency and immediacy offered by this is participatory for the petitioners, signatories and observers.

#### **4.1 Concerns**

GetUp has with concerns a Parliament managed e-petition process, primarily regarding privacy issues. The process would potentially enable Government agencies to collect and store information about petitioners, their opinions, their internet use, personal details and other information. In the internet age, the question of privacy and dissemination of information is constantly under discussion, and it would be beholden upon Government to put in place the most rigorous safeguards possible to avoid the storage and collection of information.

GetUp does not support any online petitioning process which does not have explicit assurances that all information collected would be used only for the purposes for which it was intended. The Government, public service or indeed any political party must not be given access to any emails addresses or other personal identifiers as part of the petitioning process.

Of course, under the current procedures with paper petitions, Government already has access to petitioners' names, addresses and opinions should they wish to access this information. See our point below about the collection of petitioners' addresses for further comment on this issue.

#### **5.0 Requirement for signatory's address**

The House of Representatives requires that signatories to a petition provide their full address. We view this as an unnecessary collection of information and an invasion of privacy. We feel that the requirement to provide an address serves as a disincentive for individuals to participate in the petitioning (and therefore the democratic) process and do not require these details from our members. The name, state, postcode and comments of the petitioner is sufficient to provide statistical information, and guard largely against duplications and fraud. Once again - the Australian Senate does not require that signatories provide their full address, nor does the Scottish Parliament.

## **6.0 Response to petitions**

There is no requirement in the Australian House of Representatives standing orders (211(b)) for a Minister to respond to a petition. We consider this to be an unacceptable situation, and strongly believe that it should be incumbent upon Ministers to show that they have read the petition and considered the request therein, and to provide a written response that addresses the concerns of the petitioners. Further, it is imperative that a time for Minister's responses be mandated - 14 days would be an acceptable guide. Alternative procedures which would allow for responses to petitions are considered below.

In order to prevent this process from becoming overly onerous, there should be a bona fide filter to exclude vexatious or insubstantial petitions from this the procedure outlined above.

## **7.0 Member to present a petition**

Once again, this requirement appears redundant and needlessly bureaucratic, particularly when there is a parallel requirement that Members not introduce a petition. The procedure of finding and approaching a Member to table or present a petition is one which no doubt deters many small groups or individuals from exercising their democratic right to petition parliament.

We question the need for separate (and different) petitioning procedures in the Senate and House of Representatives and call for the ability to petition the Government of Australia in its entirety. *We feel that a petitioner should be able to address a petition to the Australian Parliament in general.*

There are, no doubt, several other alternative processes which would improve matters for petitioners in Australia. *One that has been discussed amongst our membership is for time to be allocated each fortnight or month for petitioners to present their petition publically to Parliament and to address the issues if required, and for the petition to then be referred to the appropriate Minister for a mandated response.*

## **8.0 Alternatives to the Australian Petitioning process - Scottish Parliamentary petitioning process**

An excellent feature of the Scottish Parliamentary petitioning process is the Petitioning Committee - which goes some way to addressing the two concerns raised above regarding responses to petitions, and the requirement for a petition to be tabled by a Member.

The **mandatory responses** to petitions required in Scotland are detailed and freely available for all to access and view. This encourages democratic participation, with a petition of limited signatures receiving consideration, along side those with thousands of responses.

The fact that the Scottish Public Petitions Committee (PPC) is required to carry out its **meetings in public** is perhaps the most desirable aspect of the process. It is the often-expressed opinion of our members that transparency in Government is sorely lacking in Australia, and this would go a long way towards restoring the transparency and openness that is the right of Australian citizens.

The public nature of the process in Scotland would also serve to mitigate against frivolous and vexatious petitioners - a boon to those administering the process. The fact that not every petition is referred to a responsible Minister should reassure the House that an effective filtering process is taking place. It is notable that the Scottish process allows for petitioners to be questioned or asked to present more information as part of the consideration by the PPC.

Should the House decide to establish such a Parliamentary based system, it must not limit the petitioning process to this model. Indeed, groups must be able to petition the Parliament online and offline in a range of ways, and should be encouraged to do so. GetUp would not support the introduction of the Scottish model if it were at the expense of other non-Parliament based e-petitioning processes.

## **General Comments**

In general, the petitioning process in Australia should be freed of any unnecessary bureaucratic red tape and overly restrictive requirements, whilst of course retaining the ability of Parliament to exclude offensive petitions, or those that address issues not relevant to Federal Parliament.

At present the effect and presentation of the process is exclusionary and off-putting for potential petitioners, and the form of petition required is needlessly restrictive and acts to deter those petitioners who are perhaps less literate or less well resourced.

In contrast to the Scottish Parliament website, information about how to petition Parliament is difficult to find on the Australian site. 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, yet discouraged by having to 'cross the ts and dot the Is' to the level required at present.

To conclude, we ask that in its discussions the Committee bear in mind that the historic right to petition parliament is a crucial and central part of our democratic process.

It is GetUp's experience that many Australians feel increasingly excluded from the ongoing discussion and debate carried out in Parliament – and that an effective petitioning process is one way to redress this imbalance. The petitioning process in Australia requires significant changes, and we further submit that once this is achieved, an information campaign should be launched to inform Australians of their rights to petition, and of how to go about petitioning Parliament,

As Australia's first example of a user-driven, online campaigning organisation, and with the experience of presenting several petitions to Parliament, we feel we are in a unique position to contribute to your inquiry. We would welcome the chance to address the Committee orally should the opportunity arise, and will be happy to offer our assistance in any other way if required.

Thank you for your consideration,

***Brett Solomon***

Brett Solomon  
Executive Director



## Submission No. 5

Received 8/2/07 

### **Submission** House of Representatives Standing Committee on Procedure Inquiry: The Petitioning Process

A personal submission from Ms Rosalind Berry, Victoria

#### **Introduction:**

The right of a member of the public to petition those in power, whether clan chieftain, lord of the manor, monarch or Parliament goes back many hundreds of years. It used to be done in person with decisions made then and there. We, the petitioning public, no longer expect such a result but we do hold strongly to the belief that our petitions matter and should be treated with respect by those in government.

Over the years I have been involved with many petitions, signing them and getting others to do so. This is because I view the act of petitioning as a way of passing on my deep-felt concerns, on a range of subjects, to those who have the power to do something to alleviate these concerns. Unfortunately, it seems all too often that the petitions with all their hopeful signatures are, as someone once told me, 'a waste of time and paper'. They seem to disappear into the bowels of Parliament House and, although we know they are presented to the House by the relevant Member, there is little or no feedback

I believe that the setting up of this committee is a real step towards ensuring that petitions play their true democratic role in involving the public in the government of Australia.

#### **The importance of petitions**

1. They give petitioners a form of involvement in the democratic process.
2. They are useful as a sounding board for concerns experienced by the voting public.
3. They act as a limiting agent for governmental decisions which are **not** in the national interest.
4. They provide useful information on matters which may have 'slipped under the radar' to the detriment of a government department.

I would like to expand on this last point. For over four years I have been involved with the *Rural Australians for Refugees* and a wider network of organisations supporting asylum seekers and refugees. During this time I wrote many letters and signed a number of petitions relating to immigration issues including the effect of detention on children, the psychological effects of long-term detention and the deportation of Iranian Christians and the recent proposed amendments to the Migration Act. Each petition gave specific information about the effects these departmental decisions were having on the detainees. Yet the petitions (and my letters on the same subjects) were ignored or answered by bland regurgitation of policy statements. I suggest that if the Department of Immigration and Multicultural Affairs had taken note of the information in the many letters and petitions it received about the processing and treatment of detained asylum seekers, the 'culture change' would have happened earlier and without the extremely critical publicity which surrounded those much-needed changes.

**Possible changes to the petition process.**

The effectiveness of petitions could certainly be improved. Perhaps erroneously, there is a view by the public that Parliamentarians are dismissive of petitions unless they are of a huge size. This suggests that the views expressed in petitions with fewer signatures are of less interest to politicians.

I note that there is a difference between the two Houses in regard to on-line petitions. I would like to see the validity of such on-line petitions accepted in both Houses. I am sure that it would be possible to weed out fraudulent signatures.

The idea of a special committee with responsibility to look at all petitions seems to me to be an excellent one and I was particularly interested to read about the procedure followed in Scotland. 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. I presume that these would then be passed on to a relevant committee, Minister or other M.Ps. 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 reaction to their petition. I am sure that this would satisfy Australian petitioners.

I note that in India a similar Committee on Petitions has the responsibility to report specific complaints to the House. I assume this would be after investigation into the validity and severity of a complaint. This would certainly add to the respect given to petitions but increase the workload of the committee. It would be up to the committee members to decide which complaints to bring to the notice of the House. This could mean that decisions were made according to party-lines so the make-up of such a committee would be of the utmost importance.

Thank you for allowing me to put in this late submission.  
I wish your committee all the best for your deliberations on this matter and I will be very interested to read the final report.

Rosalind Berry

## Submission No. 6

Trevor Kerr  
16 Walsham Road  
Blackburn VIC 3130

Tel: (03) 9877 6138  
Email: trevork@optusnet.com.au

Thursday, 11 January 2007

To: House Standing Committee on Procedure  
Re: **Inquiry into the petitioning process**

This is a personal submission. I have no connection with political parties or other organised groups.

I support the aims of the process and I believe Parliament will welcome the results of this inquiry.

First, I wish to comment on the proposal from Mr Roger Price (House Hansard of 16 February, 2005, page 201) that the proponents of any petition could have the right to present their requests on the floor of the Chamber. I believe this should be put aside, as it is impractical and would distract from the business of Parliament. It could not allow equal access of all petitioners, due to geographical constraints, and this inherent inequity would diminish our democratic institutions. Also, the standards of personal demeanor that are accepted by elected representatives could not be imposed on visitors.

But, the essence of the proposal has great merit, and the question therefore arises that modern technology could help.

Some possibilities are:

1. Petitioners could be given a virtual presence on the floor, or in a committee, through video-conference linkages. This would overcome distance, and give wide access, but a significant investment would have to be made into foolproof technology. The administration of this avenue would contain significant difficulties, being a physically separated arm of Parliament.
2. Electronic petitions could be accepted.
3. A future Petitions Committee could set a cut-off, and greatly reduce the number of eligible petitions to be given the option of presentation in person. As example, say petitions with more than 10,000 signatures could be presented in person at the Committee. This would imply a process that would elect a spokesperson, and that would require involvement of the AEC. I cannot do the costing, but there would have to be significant recurrent expenditure to support a new committee that is properly equipped to do its work.

It is apparent (to me) that a greater deficiency in our democratic procedures is the lack of positive identification of electors. An individual is subject to verifiable checks on identity for many mundane civil tasks. At present, voting requires only a verbal assent that is recorded as a tick on a page. If I was asked to sign a petition, on paper or electronically, I would like to be assured that all the other signatures are *bona fide*, and appear only once. I would like to think that the designers of the Access Card have begun to plan how voters may use the card to record their presence at polling booths. And if not, why not?

T.Kerr: January 11, 2007

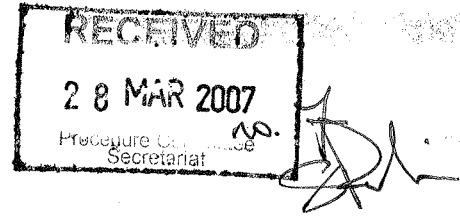
In the meantime, the innovation of pre-poll voting seems to be successful. It could be possible to build on this, by using the model for electronic petitions. The AEC could be responsible for registration of petitions, the listing of current petitions and supervising the petitioning interface by granting a one-time access code for use by the voter. Those localities without AEC offices could have the same facilities of electronic petitioning at libraries and civic centres.

In conclusion, this is a splendid opportunity to bring many more citizens into the democratic process, and give them valid voices in the years between general elections. But, my very strong view is that no advance can be made until the Parliament demands, and obtains for its constituency, a national identification register.

Yours sincerely,  
Trevor Kerr  
(submitted as attachment to email)

**Submission No. 7**

Phillip J Grimshaw, po box 2654 mansfield Q 4122 www.grimshaw.net.au



Response to the House Standing Committee  
on Procedure -

Inquiry into the petitioning process

Due 27 October 2006

P J Grimshaw

[phil@grimshaw.net.au](mailto:phil@grimshaw.net.au)

Oct 2006

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Phillip J Grimshaw. po box 2654 mansfield Q 4122 www.grimshaw.net.au

## **Cover Letter**

Committee Secretary  
House of Representatives Procedure Committee  
Parliament House  
Canberra ACT 2600

Dear Sir/Madam,

I thank you for providing community members with the opportunity to respond to the inquiry into the petitioning process. This is an important issue.

As one of many Australians who rely on the use of internet technology in our daily lives, it is fitting and highly appropriate that the very traditions of government and representation as mapped out by our forebears some nine hundred and forty years ago, embrace 21<sup>st</sup> century technology.

I urge the committee to embrace what I have called e-petitions and look forward to a future where Australians can use the internet to reach and maintain the oldest traditions of our form of government.

This submission has been emailed to the nominated address:  
[procedure.committee.reps@aph.gov.au](mailto:procedure.committee.reps@aph.gov.au)

Yours sincerely

Phillip J Grimshaw. B.App.Sci, M.Litt.  
Author, publisher

## **1. Abstract:**

This document responds to the inquiry in the the petitioning process as resolved by the House Committee on 10 August 2006. It puts forward an argument of support for e-petitioning based in a model similar to what is already in place in Queensland.

## **2. Why e-Petitions?**

As Australia races into the new century, it is obvious to many that we must tread carefully so that all community members continue to have access to the machinery of government. The pace of change continues unabated. With the passage of time, we observe the need for government to be better equipped to deal with the pace of change in society.

It may have been adequate for paper based petitions back in the 13-14<sup>th</sup> century – life was somewhat calmer than it is today. Governments did not have to maintain a global perspective while at the same time retaining a local focus on the needs and wants of the citizens. Things have changed a lot since then.

Today, Government needs all the tools it can amass to stay on top of community wishes, wants and aspirations. Traditional paper-based petitions are often too slow and too clumsy. In many instances, Government needs tools to assist it in making decisions and defining laws that better reflect community needs but in less time.



### **3. Some Traditions**

As most are aware, petitions are a very old tradition in our form of government. It is an ancient right that has its roots in the English Bill of Rights - - the Right of Petition. Like our US cousins, their Constitution is based on the same traditions as ours – the Magna Carta, the English Bill of Rights and the English Petition of Rights.

The English Bill of Rights (1689) gave to all 'the right of the subjects to petition the king' and that 'all prosecutions by the king for such petitioning are illegal'.

We all have a responsibility to maintain such fine traditions. However, as a society, we also have a responsibility to engage technology to maintain these traditions in a manner which befits the current and future time frame, that is, embrace and augment these traditions.

The importance of petitioning has remained a constant for hundreds of years. Individuals may have different opinions on this topic, but it is a reality, across all the great democracies of the world today, that petitions are a key component of the process of government.

Some might argue there are other more effective means of pursuing grievances. But this is not the point. Petitions retain key attributes which are important to our accepted form of government. They must be retained at all costs.

However, traditions like petitions need to embrace the future while retaining their past. The e-Petition provides this mechanism.

#### **4. The Queensland Model**

Queensland has had e-Petitions in place since 2002. It is an easy system for the citizen to use and it fosters a rapport between the citizen putting forward the petition and the sitting member who sponsors it.

The strength of this model is that it provides easy access for the community at large to consider a petition and decide to support it or not. It does of course assume the citizen has access to the internet – but this is becoming more and more common with the passing of every day.

The sitting member is at the heart of the process – this is a good thing. After all – the sitting member is there to represent the interests of the citizen.

Further, citizens effectively 'sign the petition' in cyberspace by first recording their details. Once these details have been recorded, that citizen is free to 'sign' any petition in the future. Some might argue that authentication is an issue for concern. But I know there are solutions to address these concerns. After all – the Government is already using internet-based means of statistics collection as evidenced by the recent census. And no doubt in time, the Government will announce internet-based voting on polling day. The same sorts of challenges apply to each and every one of these rights and obligations of the citizen.

The Queensland model should be looked at as a platform for reference. That is to say, I am not suggesting it be adopted necessarily as it stands, but at least consider it and secure insight from how well it works.

Queensland is not the only place where e-Petitions have been embraced. The Scottish parliament have e-Petitions.

## **5. The Challenge for Representation**

It is reasonable to conclude that the pace of life in the 21<sup>st</sup> century is somewhat faster than it was when petitions were first introduced some 600 years ago. This presents us with a number of challenges – specifically – effective representation in a world which moves at a faster pace.

Petitioning reinvigorated as an internet-based mechanism provides all citizens with a means of pursuing renewed ways of being involved in the political process. It is a two way process as well. It provides the Houses of Parliament with a new means of securing feedback from the citizens at large. Greater exposure to the issues of the day can only be a good thing for the Houses of Parliament.

Done effectively, e-Petitions make for better representation for all citizens. This means expanded involvement from the community – and this can only be a good thing. Further, it contributes to minimizing the chance that Government can be criticized for being 'out of touch' with the citizens.

One of the other benefits seen in the Queensland e-Petitions environment is that the citizen can see how a petition is going at any point in time – this is something that is not available via traditional petitions. This of course has benefits for the elected members of the house also.

## **6. Conclusion**

This submission has attempted to capture and convey some key attributes of the e-Petition idea. As individuals, we all share the burden of making sure that the adoption of technology is on terms which are favorable to all members of the community.

And lest we forget – the role of government and in turn the rule of law and its instruments is to make sure there is a balance between the freedoms of the individual and the benefits to the community. But all this is premised on effective and timely input from the citizens. Petitions are a core component of this landscape. e-Petitions bring this key tool in line with current technology and community aspirations.

I urge the Committee to consider the arguments presented here in the hope that e-Petitions become a part of the Australian political landscape.