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LEGISLATIVE COUNCIL
PARLIAMENT HOUSE
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7 August 2008

Ms Julia Irwin MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON
PETITIONS

received 8.8.08 jm

Dear Chair,

Electronic Petitioning Inquiry

On behalf of the President of the Legislative Council, the Honourable Sue Smith MLC I respond to your invitation to make comment in relation to the electronic petitioning system of the Tasmanian Legislative Council which currently is available.

By way of background, the Joint Select Committee on the Working Arrangements of the Tasmanian Parliament in its Report No. 12, May 2004 entitled 'E-Petitions' recommended that a process of E-Petitions be introduced on a trial basis into the Parliament of Tasmania, similar to that which operated in Queensland.

A Lower House Member of the Working Arrangements Select Committee who visited the Queensland Parliament put forward the matter as a reference to the Committee and it progressed from there.

The Working Arrangements Committee noted, in particular, concerns relating to privacy and access to the electronic database and also the matter of the potential fraudulent signing of E-Petitions. It was noted in Queensland that the privacy disclaimer made it clear that the email details are only kept for notification and then destroyed.

In our jurisdiction the Sessional Orders require the name and address of the Principal Petitioner to be published on the E-Petition. The personal details of persons who join an E-Petition are not viewable in any form on the website. Access to the electronic information is restricted to certain officers of the Legislative Council, however the information from Tabled Petitions (including Tabled E-Petitions) can be obtained from the Council's Bills and Papers Office.

The personal information within Tabled Petitions does include the name and address of the Principal Petitioner and the name, address and email address details of persons who have joined E-Petitions.

The Committee also recommended certain rules for E-Petitions. As a consequence of the Committee's recommendations the Standing Orders Committee of the Legislative Council considered the matter and agreed on 7 September 2004 to certain E-Petition Rules 1 to 17 to govern the process (copy attached). Those Rules were endorsed by the Legislative Council on 19 October 2004.

The practice has been since that time for the Legislative Council to adopt the Rules as Sessional Orders at the commencement of each new Session.

In terms of usage of the process it has not been taken up to any real extent at all in our House. In fact, since the opportunity for E-Petitions has been in place there have been only two. Of those two E-Petitions the largest number of Petitioners has been only nine. As a consequence there has been no significant financial and other resource implications for the Legislative Council.

Members are aware of the need for them to sponsor an E-Petition as the very first step in the process which is the key difference between the paper-based and electronic process. Paper Petitions are usually circulated for signatures prior to locating a sponsoring Member to present it to the House.

The number of Petitions prior to the introduction of the E-Petitions process was historically very low at any rate. It would be rare for more than two or three paper Petitions to be presented during any Session. That has not changed with the advent of E-Petitions. In fact, the traditional paper Petition process was utilised as opposed to the E-Petition process during the 2007 sitting year on more than one occasion when both Houses of the Tasmanian Parliament were dealing with the approval process for the construction by Gunns Ltd of a pulp mill in Northern Tasmania.

Our website contains all relevant details relating to E-Petitions as currently apply.

I wish your Standing Committee well in its deliberations.

Yours sincerely,

D.T. PEARCE
Clerk of the Legislative Council

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E-PETITIONS

1. An E-Petition is a Petition:
 - (a) in the correct form, stating a grievance and containing a request for action by the Council;
 - (b) sponsored by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period");
 - (c) persons may elect to indicate their support of ("join the petition") by electronically providing their name, address (including postcode) and signifying their intention to join the Petition.
2. 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 Parliament's Internet Website.
3. The Member sponsoring the E-Petition must provide the Clerk with the details of the Petition in the correct form; the posted period and a signed acknowledgment that they are prepared to sponsor the E-Petition.
4. Once published on the Parliament's Internet Website an E-Petition cannot be altered.
5. Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the Council shall be published on the Parliament's Internet Website at the same time.
6. Once the posted period for an E-Petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the Petition) and presented to the Council in the name of the Member that sponsored the E-Petition.
7. An E-Petition published on the Council's Internet Website, but not presented to the Council prior to the prorogation or dissolution of Parliament, shall be presented to the subsequent Parliament and becomes a Petition of the subsequent Parliament.
8. An E-Petition may be sponsored during any adjournment of the Legislative Council and during any period of prorogation.

9. Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in the case of incapacity from sickness.
10. A person cannot sign or join an E-Petition more than once.
11. Only the name and address of the Principal Petitioner shall be made public on the Legislative Council's website.
12. The Clerk may decline to publish an E-Petition on the website not in conformity with these Orders and shall advise the sponsoring Member accordingly.
13. The Clerk shall ensure that all Government responses to E-Petitions are posted on the website.
14. The Clerk or any Member may seek a ruling from the President of the Legislative Council relating to the conformity or otherwise of any E-Petition with these Orders.
15. The Clerk is authorised to create and maintain an appropriate internet website on which to publish E-Petitions, responses to E-Petitions and other explanatory information and do all things necessary in order to give effect to these Orders.
16. The Clerk must dispose of all electronic personal data relating to the posting and joining of an E-Petition within six months after an E-Petition is printed and presented to the Legislative Council.
17. The Standing Orders for petitions have application to E-Petitions insofar as they can be applied.