

Inquiry into Introduction of an Electronic Petitioning System for the House of Representatives – Submission by the Clerk of the House

Introduction

The experience of the House with petitions and the petitioning system then operating in the House were outlined in my submission to the 2006 – 07 inquiry into the petitioning process by the House of Representatives Standing Committee on Procedure. Following the inquiry, in the 42nd Parliament, a number of changes have been introduced to the petitioning system of the House. Importantly, the Standing Committee on Petitions has been established to receive and process petitions and to inquire into and report to the House on any matter relating to petitions and the petitioning system. In addition, the opportunities for Members to present petitions have been increased; there have been a number of changes to the rules for admissibility for petitions; Ministers are now expected to respond to petitions within 90 days; and the public can now lodge petitions for presentation either directly with the Petitions Committee or via a Member.

This submission addresses the committee's terms of reference in the context of the current petitioning framework in the House.

Different models of electronic petitioning and their effectiveness in facilitating electronic petitioning of the House of Representatives

The essence of an electronic petitioning system is that a Parliament or House will accept for presentation petitions which have been compiled on line. Some parliaments are beginning to accept electronic petitions. Two main 'models' can be identified: first, a House can support the creation and submission of electronic petitions by developing and hosting a web-based system for this purpose; or second, in what may be termed a minimal option¹, a House can accept hard copies of petitions created elsewhere. It could also be possible for a 'dual' or 'hybrid' model to operate, with both options available—but the department is not aware if such a model is operating in practice.

The UK House of Commons Procedure Committee which has recently completed an inquiry into e-Petitions has recommended the introduction of a petitioning system for the House of Commons based on the first model (henceforth cited as E-petitions report). *Prima facie*, that model would seem more likely to facilitate electronic petitioning than the second. A parliamentary website would be readily accessible to potential petitioners and the host Parliament could be seen to be giving priority to and promoting electronic petitioning. If it were the wish of the House, there could also be greater interaction with petitioners, with email notification to signatories of the presentation of a petition or the receipt of a Ministerial response to a petition.

¹ House of Commons Procedure Committee e-Petitions First Report of Session 2007-08, 6 April 2008, p 18.

This *prima facie* view receives some support from the parliamentary experience with electronic petitioning, although e-petitioning is not widespread in parliaments or comparable institutions.²

The Queensland and Scottish parliaments have implemented electronic petitioning based on the first model. There has been a clear take up of electronic petitioning in these jurisdictions and the volume of electronic petitions has been manageable. Details are set out below. In addition, the department understands that a limited number of electronic petitions has been presented to the Australian Senate despite its acceptance of electronic petitions based on the second model for several years.

The Queensland Parliament has had an E-Petitions process in place based on a dedicated parliamentary website/ system since August 2002, initially on a trial basis for a year. From 2003 to 21 December 2007, there were 817 petitions in total with 901,232 signatories, of which 162 petitions were electronic petitions (20%) with 241,144 signatories (27%).³

The Scottish Parliament first accepted e-petitions in 2004. As at 18 March 2008, it had received 200 electronic petitions.⁴

To assist the Committee the potential advantages and disadvantages of the two models are summarised and the details set out in Table 1. The table draws heavily on the UK House of Commons Procedure Committee report. In brief, the minimal model is a low risk and low cost approach, and can be readily implemented. The alternative approach is more likely to facilitate electronic petitioning but there are costs (outlined later) and risks which would need to be carefully managed. Implementation of the 'dual' option would be similar in complexity to implementing the parliamentary web-site model, and would allow existing sources of electronic petitions to continue using their own sites to host petitions.

² E-petitions report, p 8.

³ Finnimore, S. E-Petitions – the Queensland experience. Presentation for ANZACATT Seminar, Hobart, January 2008.

⁴ e-Petitions report, p 8. The Scottish Parliament requires petitioners to have explored other avenues for redress before the petition is allowed.

Table 1 Potential advantages and disadvantages of parliamentary electronic petitioning systems

Model	Advantages	Disadvantages
Electronic petitions created and submitted through parliamentary web-based system	The primary and historical role of parliaments in the petitioning process would be reinforced.	Cost
	The House could exercise some control over the authentication or validity of signatures and ensure the terms of the petition were not altered.	Risk to reputation if public expectations of the outcomes from petitioning were raised and not met
	There would be scope to provide an enhanced petitioning service <ul style="list-style-type: none"> – petitions that would otherwise be out of order would be able to be amended in advance to be in order – petitioners could receive email notification of Ministerial responses to petitions. 	Increased risk – potential for breach of data security
	The image of parliaments could be enhanced as a result of their willingness to engage with the community.	Risk to reputation if petitioning system were slow or unreliable Extended implementation time frame Existing sources of electronic petitions may prefer to continue to use their own sites.
Electronic petitions not created/ submitted through a parliamentary web system	Low cost	Petitions can be accepted from variety of sources
	Can be implemented quickly	Potential for increased number of out of order petitions.
	Low implementation risk	Parliaments could be seen not to be giving priority to electronic petitioning.

Changes required to the practices and procedures of the House in implementation of an e-petitions system

Very few changes to the practices and procedures of the House would be required to implement the 'minimal' model. The approach adopted by the Senate, as detailed in a Senate guide on petitions, is set out below.

The Senate standing orders make no special reference to *electronic* or *online* petitions, but they are taken to apply to all petitions whether written on paper or in cyberspace.

Although it is in order to lodge a petition for which the signatures have been collected by e-mail, the common practice of copying and forwarding e-mails to multiple addressees, and the tendency of recipients to add comments (thereby changing the *text* of the petition) makes this problematic. The most successful approach has been to post the text of the petition on an Internet page and invite people to *sign* the petition by submitting their names and e-mail addresses.

Petitions that are posted and signed electronically are accepted if the Senator certifies that they have been duly posted with the text available to the signatories. In presenting an electronic petition, the Senator lodges a paper document containing the text of the petition and a list of the signatures submitted.⁵

By contrast, if the House were to host a dedicated electronic petitioning website/ system, a number of changes would be required to the practices and procedures of the House. The department suggests, at least as an initial principle, that such changes should be based on fitting the electronic petitioning system within the existing framework of petitioning applying in the House, rather than fundamentally changing the petitioning arrangements. This seems to be the approach proposed by the UK House of Commons Procedure Committee and adopted in Queensland. The UK Procedure Committee proposed that the rules of admissibility (as opposed to stylistic requirements) for e-petitions should be substantially the same as for traditional petitions.⁶ It also suggested a central role for Members in relation to e-petitions as for traditional petitions. In Queensland, e-petitions and traditional petitions are complementary, with Sessional Orders now providing for the two types of petitions⁷.

Changes to the Standing Orders

The standing orders would need to be amended to provide for electronic petitions - there would need to be provision for electronic petitions in standing order (SO) 204—rules for the form and content of petitions; SO 205—rules for signatures; and SO 206—rules for lodgement. The department could assist in drafting these revised orders.

⁵ Brief Guides to Senate Procedure, No. 21, Petitions.

⁶ E-petitions report, p 21.

⁷ Finnimore, p 2.

Electronic petitioning process – Practical considerations

There would also need to be changes to related arrangements to accommodate the electronic petitioning process. The Queensland Parliament distinguishes four key stages in the electronic petitioning process:

- opening an e-petition
- joining (or signing) an e-petition
- closing a petition
- disposal of details and deletion of an e-petition.⁸

Matters needing to be considered in relation to each of these stages are now outlined.

Opening an e-petition

Check for conformity with standing orders—Prior to publication of the text of the electronic petition to the website for collection of signatures, it would be important to check the text for compliance with the standing orders. This will protect the House from hosting petitions which contravene the standing orders and ensure that hosted petitions can be approved for presentation to the House. The Standing Committee on Petitions has authority under SO 206 to check petitions lodged for presentation for compliance with the standing orders and the department would support this authority extending to e-petitions. In practice, such checking would need to be devolved to the committee secretariat (perhaps with clearance if necessary by the committee chair and deputy chair) to prevent delays that would result because of the need to await meetings of the committee. As for paper petitions, the principal petitioner would be able to liaise with the committee secretariat on the terms of the petition. If the text of the petition were rejected, the subject and name of the petitioner, rather than its full text, could be given some visibility on the website.

How long should a petition remain open for signatures—The Queensland Parliament provides for a minimum of one week to a maximum of six months from the date of publication on the Parliament's internet website. In proposing the petition subject and text, the principal petitioner also submits a 'hosting period'. The UK House of Commons Procedure Committee report proposed a maximum period of four months. In Scotland, the electronic petition is open for four to six weeks.

Managing identical or similar petitions—The Queensland Parliament provides that only one E-petition dealing with substantially the same grievance and requesting substantially the same action by the House shall be published on the Parliament's internet website at the same time. In Scotland, petitions which are the same or substantially similar and which are lodged by or on behalf of the same person or organisation during the same parliamentary session are considered inadmissible unless more than a year has passed since the original petition was considered.

Joining an electronic petition

What personal data should 'signatories' be required to provide—The standing orders require paper petitions to contain the signature and full name and address of a principal petitioner and the names and signatures of signatories. Each signature must be made by the person

⁸ Finnimore, p 2.

signing in his or her own handwriting. Because of the potential ease for bogus names to be added to an e-petition, the department considers that more information than just a signatory's name should be provided for an e-petition, to allow for some verification of signatures. The UK House of Commons Procedure Committee has proposed that signatories provide their names, postal addresses and postcodes, and email addresses, however, only the name of the e-petitioner would be publicly visible on the website. This is also the approach adopted in Queensland. In Queensland a paper copy of the petition is printed in full for presentation, including the names, addresses and email addresses of all signatories. Printed copies are available on request to the public.⁹

What arrangements for ensuring the authenticity of signatures should apply—The standing orders do not require the authenticity of signatures to paper petitions to be verified, but the department supports some level of verification of signatures in the case of e-Petitions. The UK Procedure Committee report proposed that once the e-Petition had been submitted, the principal petitioner would receive an email asking him or her to confirm that he or she had sent the petition, thereby checking that the email address was genuine. A similar procedure would be followed for e-signatories and the names of e-signatories would not be added to e-petitions until signatories had confirmed signature of petitions. The system would identify duplicate names and addresses and would prevent someone signing a petition more than once. This is the approach adopted by the 10 Downing Street E-Petitions site. There is no technical detail in the Procedure Committee report about the system and the process, but presumably it would be automated—and would add to the cost of the system. The UK Procedure Committee report also suggested that checking address details against electoral roll data would be a further check, but would be resource intensive. Signatures are not checked in Queensland.

What arrangements should apply to prevent spamming or 'mass-joining' of E-petitions—The Queensland Parliament's system automatically generates a unique ID to be used by each person seeking to 'sign' an E-petition. The ID must be submitted when 'signing on' to the petition and can be used only once. The procedures proposed by the UK Procedure Committee for checking of signatures would prevent spamming.

Closing an electronic petition

The electronic petition would be automatically closed to additional signatures when the 'open' period came to an end.

The petition would then be presented to the House, either electronically (and the committee would need to consider a suitable mechanism and electronic archival arrangements) or in hard copy form, and be recorded in the Votes and Proceedings and the Hansard as currently occurs. The e-petition as presented should include the full name and address of the principal petitioner and the names of signatories, consistent with the requirements of the standing orders for paper petitions.

Paper petitions can be presented by the Chair of the Petitions Committee or by Members. The e-petitioning process should also allow this to occur. In opening a petition, the principal petitioner could choose to have the petition presented by a Member or by the Petitions Committee. If he or she chose presentation by a Member, the principal petitioner could also be required to obtain the agreement of a Member to present the petition.

⁹ Finnimore, p 6.

The system could also provide for the principal petitioner and signatories to choose to receive automatic notification by email of the presentation of their e-petitions and the posting on the website of Ministerial responses to petitions.

Disposal of details and deletion of an e-petition

How long should personal data be held by the parliament—In Queensland, the clerk must dispose of all electronic personal data related to the posting and joining of an E-Petition within six months after an electronic petition is printed and presented to the House. This seems reasonable.

Arrangements during dissolution—The UK House of Commons Procedure Committee report recommended that when the Parliament is dissolved, all current e-petitions should be closed and the website suspended, so that no new e-petition could be submitted until the new Parliament has met.¹⁰ Presumably the closed petition would be able to be presented in the new Parliament. An e-petition cannot be sponsored in Queensland after dissolution.

The role of Members in e-petitioning

As referred to previously, it would seem reasonable, at least initially, that the role of Members in relation to e-petitions should be similar to their role with paper petitions. A Member may present a petition to the House and must not be a principal petitioner or signatory to a petition.

The relevant standing orders are:

- SO 205 (c) A Member must not be a principal petitioner or signatory to a petition.
- SO 206 (a) Petitions may be sent directly to the Standing Committee on Petitions [for checking for compliance with the standing orders] or via a Member.
- SO 207 (b) A Member may present a petition ...

The first and the third orders can be readily accommodated, but the second does not sit well with the second model of e-petitioning. This can be addressed by a simple amendment to the standing order, for example, 'Paper' could be inserted before 'Petitions may'.

It is noted that the UK House of Commons Procedure Committee report strongly supports the involvement of Members in e-petitioning, with the objective of strengthening links between Members and their constituents.¹¹

Privacy and security concerns

The e-petitions system will need to provide and convey security to its users to ensure that people felt comfortable using the system and providing their personal details.¹² The system will need to meet stringent IT security standards and enable the department to meet the requirements of the Privacy Act. It will be essential for the system to be secure, robust and reliable.

¹⁰ E-petitions report, p 24

¹¹ E-petitions report, p 27

¹² Finnimore, p 6.

Financial and resource implications of an e-petitions system

The financial and resource implications of an e-petitions system on a dedicated web-site model is an important issue for the department. The implementation of such a system would need to be adequately funded, and the department's view, as a matter of principle, is that it needs to be fully funded from new and additional Budget funding for the department. While there are significant uncertainties as to the initial set up and ongoing operational costs of such a system, the department believes that it would not be able to fund an e-petitions system based on a dedicated website model, without such supplementation.

What are the potential indicative costs? The UK Management Board has estimated that the initial set up costs of an e-petitions system might be around UK£500,000 with annual running costs of £750,000. These costs may have regard to the experience of the 10 Downing Street site. In the first year of its operation the site received some 29,000 petitions with more than 5.5 million signatures.¹³ On the other hand, by contrast, the Queensland Parliament estimated initial design and implementation cost as in the vicinity of \$80,000 (in 2002), with modest ongoing costs.

If the committee were to opt for a particular model, the department would endeavour to provide more precise indicative costs. If the Senate were interested in the possibility of an e-petitions arrangement, there would be potential for the cost of establishing a system to be shared.

Experience of other relevant jurisdictions both in Australia and overseas

As mentioned, there is only limited parliamentary experience of e-petitioning. The experience of several jurisdictions (the Senate, Queensland and Scotland) and the proposals for the United Kingdom have already been outlined in the submission.

The department understands that the German, Portuguese and European Parliaments each have an e-petitioning system directed principally at dealing with specific complaints from individual members of the public.¹⁴

In Australia, Tasmania has recently introduced an e-petitioning system based on the Queensland model. The Northern Territory Legislative Assembly accepts electronic petitions on the same basis as the Senate. A parliamentary committee recommended the introduction of a system in Victoria in 2005 on a trial basis, but it has not yet been implemented.

¹³ E-petitions report, p 8.

¹⁴ E-petitions report, p. 8.

Conclusion

The department supports the introduction of electronic petitioning for the House. It supports a web-site based model but on the basis that it would be fully funded, and has no difficulty in principle with a dual or hybrid system. The department supports accommodating e-petitioning as much as possible within the framework of the House's existing petitioning system. It believes that e-petitioning should be introduced in a way that minimises the risks of the new system being used for partisan purposes. Care should also be taken to manage public expectations of the outcomes of petitioning. Introduction should be on a trial basis, perhaps for two years. While the parliamentary experience of e-petitioning is not extensive, there is certainly a firm base of experience on which to draw.

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