

## Introduction

### **Petitions to the House of Representatives: a fundamental right<sup>1</sup>**

- 1.1 In 2007 the House of Representatives Standing Committee on Procedure presented a report, *Making a difference*, on petitioning the House of Representatives. The Procedure Committee referred to the long history of petitioning the Parliament and noted that the present form of petitioning under the Westminster system dates from the 17<sup>th</sup> century. This historic means of direct representations to the Parliament from people seeking action on grievances was part of the Australian Parliament's inheritance in 1901.<sup>2</sup>
- 1.2 However, the Procedure Committee considered that the status of petitions within the House of Representatives had declined. It noted that the House – at that time – had no way of responding to petitions or of encouraging Ministers to respond to them. In the Procedure Committee's view, the House has a role to play in petitioning: even though the issues raised in petitions are within the constitutional remit of the Commonwealth Government, the petitions themselves are directed to the House and its Members.

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1 'The right of petitioning Parliament remains a fundamental right of the citizen. It is the only means by which the individual can directly place grievances before the Parliament.', Harris, IC, ed, *House of Representatives Practice*, 5ed, 2005, p. 612.

2 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, pp. 1, 3. Petitions are requests to take action. In this case, they are requests made directly to the House of Representatives to take specific action on a grievance and they include the reasons for petitioning the House.

- 1.3 The Procedure Committee considered that the future of petitions should be based on principles that: petitions belong to the public; petitions sent to the House should be addressed by the House; governments should respond; Members' involvement should be enhanced and streamlined; rules should be relevant and fair; and that information technologies should be used more effectively.<sup>3</sup>
- 1.4 Another threshold issue addressed by the Procedure Committee was acknowledgment that petitions generally serve to air and strengthen community views on an issue.<sup>4</sup> It is rare for the actions sought in petitions to be achieved. By far the more common outcome of petitions is for the issues of concern to become more public.
- 1.5 The Procedure Committee made recommendations intended to reform and strengthen the petitions process in the House. Its first recommendation was for the House to establish a petitions committee, with the purpose of receiving and processing petitions, and inquiring into and reporting on any possible action to be taken.
- 1.6 Other recommendations included that:
- a limit of 250 words be imposed for the terms (reasons for the petition plus the request for action by the House) of the petition
  - Ministers be expected to respond to petitions referred to them by the Petitions Committee within 90 days of presentation of the petition
  - certain additional times be available for Members to present petitions
  - the prohibition on petitions indicating sponsorship or distribution by Members be removed
  - the Department of the House of Representatives create a webpage that is visible from the Parliament's home page, and provides access to guidance on preparing a petition
  - a 'principal petitioner' (only) be required to provide full contact details and
  - an electronic petitioning system be introduced in the House of Representatives.<sup>5</sup>

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3 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, pp. 4–5.

4 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, p. 7.

5 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, pp. xi-xii, 15–19.

- 1.7 In January 2008, the new government announced that it would establish a petitions committee, which it regarded as ‘an important reform which strengthens the democratic rights of citizens and ensures that parliament is listening and responding appropriately’.<sup>6</sup> At the beginning of the 42<sup>nd</sup> Parliament, the government introduced a number of revised Standing Orders to provide for the establishment of the new petitions committee and to update the way in which petitions were handled.<sup>7</sup>
- 1.8 In summary, these changes included:
- establishment of the first House of Representatives Petitions Committee
  - the Petitions Committee be required to check that each petition lodged for presentation (whether directly from a petitioner or via a Member), complies with the Standing Orders. If a petition complies, it is to be approved for presentation to the House. The Committee would also decide on action to be taken on a petition, including its referral to the relevant Minister
  - a limit of 250 words for the terms (that is, the reason for the petition to the House and the request, or action requested of the House) of the petition
  - a requirement for a principal petitioner to be identified for each petition (and for that person’s full contact details and signature to be on the first page of the petition)
  - petitions were to be presented to the House either by the Speaker (with the Clerk announcing details)<sup>8</sup> or by an individual Member. Opportunities for Members to present petitions were increased (Members could now present petitions during Members’ 90 second and 3 minute statements in the Main Committee, the adjournment debate in the House and Main Committee, and during grievance debate) and
  - Ministers were expected to respond to petitions referred by the Committee within 90 days of presentation, by lodging a written response with the Committee. Those responses were also to be

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6 Media release by the Hon. Anthony Albanese MP, Leader of the House, dated 11 January 2008.

7 See Appendix B to this Report for the text of the current relevant Standing and Sessional Orders.

8 These arrangements were varied by a Sessional Order in June 2008, enabling petitions to be presented either by the Chair of the Petitions Committee during a regular petitions timeslot on Monday evenings, or by a Member, as previously. Later in 2008, the Sessional Order was put in place for the life of the 42<sup>nd</sup> Parliament, *Votes and Proceedings*, No. 66, 1 December 2008, p. 756.

presented in the House, printed in Hansard and published on the House's internet website.

## The inquiry

- 1.9 The Standing Committee on Petitions was created with the change of Standing Orders on 12 February 2008, and the original members were appointed to the Committee on 19 February and 11 March 2008.<sup>9</sup> The Committee held its first meeting on 12 March 2008. (By the time of this report the Committee had held more than 50 such meetings.)
- 1.10 On 25 November 2009 the Petitions Committee resolved to conduct an inquiry into its work, with the aim of completing a report by the end of the 42<sup>nd</sup> Parliament. The report would outline the work of the first Committee and the need – if any – for changes to its framework and operations.
- 1.11 Terms of Reference for the inquiry were intentionally broad: to inquire into and report on the work of the Standing Committee on Petitions, with particular reference to:
- a) the role and operations of the Standing Committee on Petitions; and
  - b) the effectiveness of the Standing Orders as they relate to petitions.
- 1.12 The inquiry was advertised in *The Australian* on 3 March 2010. The Committee Chair wrote to all Members of the House of Representatives inviting a submission, letters were also sent to academics and other persons who might have had an interest in the inquiry, and the commencement of the inquiry was notified on the Committee's webpage. Reflecting the essentially technical nature of this inquiry (and possibly general satisfaction with the new arrangements), the Committee received only one submission. A public hearing was held at Parliament House on 17 March 2010 (with the Committee receiving evidence from the Clerk of the House of Representatives, and the Clerk Assistant (Table));<sup>10</sup> and the Committee invited Members to provide input at a private round table meeting on 26 May 2010.
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9 *Votes and Proceedings*, No. 5, 12 February 2008, p. 194 and No. 9, 11 March 2008, p. 133.

10 The Department's submission and the transcript of evidence taken on 17 March 2010 are available online at:  
<http://www.aph.gov.au/house/committee/petitions/committeework/index.htm>  
viewed 4 June 2010.

- 1.13 In addition, in the course of its regular round table meetings into selected petitions, the Committee during the time of this inquiry, took the opportunity to ask witnesses/petitioners it spoke to for their views on the new process for petitions.

## The report

- 1.14 This report addresses each of the Terms of Reference in the following two chapters. In chapter 2 it considers in more detail the role and operations of the Petitions Committee to date. These operations currently include a private meeting each sitting week to consider proposed petitions, as well as Ministerial responses. Each sitting Monday evening the Chair presents to the House, petitions and Ministerial responses, and outlines the current work of the Committee. From time to time another Committee member makes a statement at this time. In addition, the Committee has held round table meetings with petitioners interstate and at Parliament House; and regularly invites Public Servants to round table meetings at Parliament House to enable it to follow up issues raised in petitions and Ministers' responses. In November 2009, it presented to the House the report of its inquiry into electronic petitioning.<sup>11</sup>
- 1.15 In the third chapter, the Committee considers the Standing Orders (including Sessional Orders put in place in 2008) that relate to the work of the Committee and sets out its conclusions and recommendations for the Committee's future role and operations.
- 1.16 Throughout the report the Committee has borne in mind the principles outlined by the Procedure Committee, particularly those relating to the public nature of petitions, the role of the House in responding to petitions that are addressed to it, and obtaining a response from government.

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11 House of Representatives Standing Committee on Petitions, *Electronic petitioning to the House of Representatives*, 2009. The Procedure Committee had originally recommended that the House take petitions electronically and the issue was taken up by the Petitions Committee in its first long-term inquiry. The report is available online at: <http://www.aph.gov.au/house/committee/petitions/epetitioning/report.htm> viewed 4 June 2010.

