



PARLIAMENT *of* AUSTRALIA
HOUSE *of* REPRESENTATIVES

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Mrs Lucy Wicks MP
Chair
House of Representatives Standing Committee on Petitions
Parliament House

Dear Mrs Wicks

Thank you for inviting me to make a submission to the Petitions Committee's inquiry into the future of petitioning in the House of Representatives. The Committee's work has been evolving gradually since it was established in 2008 and this inquiry into its future is a welcome opportunity to reflect on its work to date and to consider its further evolution.

Petitioning and the work of the Petitions committee

The Committee will be very well aware of the purpose of petitioning, the history of the Committee, and arrangements for petitioning in comparable parliaments. The only comment I will make about history is to refer to the Standing Committee on Procedure's 2007 report, *Making a difference*. This report, as you know, was largely responsible for the establishment of the Petitions Committee in the 42nd Parliament. The recommendations of that 2007 report serve as a reminder that the work of the Petitions Committee has fulfilled the aims of the Procedure Committee, including its recommendation that a system of electronic petitioning be established. The Petitions Committee's very pragmatic habit of reporting on its work at the end of each parliament provides an opportunity for reflection and a valuable, public record of the ways it has gone about its work.

Aspects of petitioning

This inquiry looks to the future of petitioning in the House. It seems to me that there are two central stages to petitioning:

- the process of preparing a petition and having it considered by the Committee and
- the way that petitions are treated in the House.

The Committee will have had direct feedback from petitioners, including during its inquiry into e-petitioning earlier in the year, about the process for preparing a petition and the assessments required under standing orders 204-205A. My only remark on this aspect is to welcome the availability of e-petitioning since October 2016. This has been an essential development for the House, I believe, in keeping its processes easily accessible to most Australians. I note also the work that is to be done to enhance the e-petitioning system.

Petitioning and the House—possibilities for the future

Following for the Committee's consideration are some remarks on the relevant standing orders concerning the role of the Committee itself and some possibilities for the future in terms of the way petitions are treated in the House.

Presenting a petition—standing order 207 (a) and the Petitions Committee timeslot of 10.00-10.10 on Mondays—standing order 34, the order of business

The standing order provides for the Committee Chair to present petitions and/or Committee reports and for the Chair and another Member of the Committee to make statements concerning petitions and reports for a period up to 10 minutes. In the last few years the practice of the Chair presenting a report encapsulating all petitions and Ministerial responses and then making a brief statement means that there is often several minutes left over from the Committee's allocated time. This means that Committee and Delegation and Private Members' Business frequently begins before 10.10am.

The Committee may wish to consider taking up the practice of its predecessor committees and enabling another member of the Committee to take up the remainder of the time with a statement. Alternatively, the Committee could recommend that standing orders be altered to allow other Members to present petitions during this period or that the period be reduced to five minutes.

Another matter for the Committee's consideration is whether the efficiency of having the Chair present a report rather than reading out a summary of petitions requests and the number of petitioners has a cost in terms of obscuring slightly the very public aspect of petitions: petitioners bringing to the attention of parliament their concerns and their requests for action. While the full terms of petitions are available in the Hansard record the following day, and the Chair may refer to petitions in the short statement, it may be that something of the traditional role of petitions is lost through the increased efficiency of such an integrated process. Referring to each petition would of course take up additional time.

Presenting a petition—standing order 207(b)

Members currently have many opportunities each week to present petitions that have been found to be in order by the Committee. At present any Member may present a petition during Members' 90 second statements in the House and Federation Chamber (standing order 43); during constituency statements in the Federation Chamber (standing order 193); during the adjournment debate in the House and Federation Chamber (standing orders 31 and 191); and during the grievance debate (standing order 192B). Unless the Committee is aware of any complaints by Members about a lack of opportunities I would not suggest the opportunities need to be increased.

Action on petitions—standing order 208

Discussion on the subject of a petition is only allowed on presentation (standing order 208(a)) and the Committee will be aware that Members who present petitions will usually refer to their subject matter. The tendency for petitions to be presented by the Chair rather than a local Member, for example, may mean that there is slightly less discussion of petitions. At present, the only 'positive' motion that is allowed on a petition is a motion on notice that it be referred to a committee and *House of Representatives Practice* notes that no petition has been

referred.¹ While some parliaments automatically refer petitions to a relevant committee, the fact that such a motion has not been moved in the House suggests that there is no particular wish for that facility here, particularly with the practice of referring petitions to the relevant Minister.

Establishment and powers of the Petitions Committee—standing order 220

The Committee may receive and process petitions and inquire into and report to the House on any matter relating to petitions and the petitions system. Over the years since 2008 the Committee has conducted some specific inquiries, for example, into electronic petitions in 2009 and 2018. The current inquiry is another example.

From time to time the Committee has also looked into petitions and ministerial responses—not with a view to being an advocate or opponent of the causes raised in petitions, but with view to airing their contents and responses. This process, while not likely to resolve issues does provide an avenue for petitioners to explain themselves and for representatives of government departments to explain responses. It is a modern expression of the traditional openness of the House to the voices of petitioners.

Almost from its beginning² the Committee has taken the opportunity to hold public hearings to seek further information from petitioners and from government departments that have responsibility for providing ministerial responses. At Parliament House the most frequent witnesses were public servants who were invited to discuss responses to petitions that had been presented during particular periods. The evidence they gave was of course available to petitioners, and vice versa.

When the Committee travelled interstate it had more of an opportunity to speak to principal petitioners living in or near the city or town in which the hearing was held. The Committee may wish to consider whether hearings or roundtable discussions might be useful in the future. Petitions Committee members will usually be members of other committees and so their commitments to them, as well as their parliamentary and electorate work, will often make it difficult to hold hearings or roundtables interstate. However, video conferencing technology is available in Parliament House and the Committee may wish to consider using this from time to time to explore the issues relating to petitions with principal petitioners and others. Hearings and roundtable discussions with public servants are, of course, relatively easy to organise in Parliament House.

Debate on the subject of a petition?

The Committee will be aware of arrangements in other parliaments, for example the United Kingdom House of Commons. I understand that once a threshold number of 100,000 signatures is reached, the House of Commons Petitions Committee can recommend to the Backbench Business Committee that a debate be scheduled in the House (during the time available for backbench business). Allocation of time is then a matter for the Backbench Business Committee. The purpose of any debate is to consider the issues raised in the petition, not to amend the law or enable a vote on the topic.

¹ 7th edition, p. 638.

² The first roundtable discussion was held on 1 September 2008, *The Work of the First Petitions Committee: 2008-2010*, p. 35.

I understand that the Petitions Committee in the UK can also schedule debates on petitions in Westminster Hall (similar to the Federation Chamber) for up to three hours on Mondays and that a number of such debates have taken place over the last three years or so. The motion is along the lines ‘That this House has considered petition 123... relating to 456...’

The House of Commons Petitions Committee can also ask that a relevant petition be ‘tagged’ to debate that is on the same topic as debate scheduled in the House. On these occasions, the petition is listed on the notice paper as being relevant to the debate and can be used by Members as they participate in debate.

These are all innovative ways of ensuring the House is able to hear more about the issues raised in petitions. I think there is merit in considering options for the possibility of debate on petitions in the House of Representatives as a natural evolution of the process by which the House deals with the petitioning process. Whether it is practicable in the local context to impose a threshold number of signatures before debate is facilitated is not clear or whether other criteria could be developed in addition to just the number of petitioners to trigger a possible debate. If the Petitions Committee recommends that debate on petitions be enabled in the House of Representatives then I would suggest that any new arrangements could involve recommendations being made from the Petitions Committee to the Selection Committee about matters that could be debated (based on the criteria developed by the Committee). It would be for the Selection Committee to allocate time during a forthcoming period of Committee and Delegation and Private Members’ Business on a Monday to debate the issues raised in a particular petition. Because the time in this period of business is contested, it would be prudent for arrangements also to involve an indication from the Selection Committee that it has consulted Members, or the Whips, and that a minimum number of Members (for example, six) would be interested in participating if such a debate were scheduled by the Selection Committee. It may also be prudent while any changes were being implemented and evaluated for such debates to be scheduled in the Federation Chamber.

As always, I would be pleased to meet the Committee if you wished to discuss these matters in detail.

Yours sincerely,

D R Elder
Clerk of the House