

Submission to the Inquiry into the Standing Orders relating to Petitions: A Proposal for Tiered Accountability and Enhanced Transparency in Electronic Petitioning

Purpose and Alignment with the Terms of Reference

This submission is presented to the Inquiry into the Standing Orders relating to Petitions to directly address the House of Representatives' review of the effectiveness and accessibility of the petitioning process. As the Principal Petitioner for EN9325, I provide this evidence to assist the Committee in evaluating whether current Standing Orders (204–209) fulfil their intended purpose or, as this submission argues, create 'administrative friction' that undermines the system's integrity.

In alignment with the Inquiry's Terms of Reference regarding the role of the Petitions Committee and the impact of electronic petitioning, this document identifies systemic barriers that currently impede the Parliament's ability to engage with citizen-led data and grievances. The recommendations provided herein propose a transition from a discretionary gatekeeping model to a transparent, tiered accountability framework. These changes aim to ensure that electronic petitioning evolves from a passive recording of sentiment into a robust mechanism for legislative oversight, thereby strengthening the representative link between the Australian people and the House, as intended by the Constitution.

Administrative Obstruction and the Terms of Reference

The current Standing Orders create a 'black box' environment where the Standing Committee on Petitions acts as a political gatekeeper rather than an administrative conduit. Under Standing Order 206, the certification process is conducted in private meetings, often leading to significant delays - particularly during non-sitting weeks - which destroys the momentum of time-sensitive public grievances. This directly contradicts the Inquiry's goal of modernising electronic petitioning, as the current process maintains a 'paper-era' bottleneck in a digital age.

Furthermore, the 250-word limit mandated by Standing Order 204 and the prohibition of attachments under SO 204(e) effectively strip petitioners of their ability to present raw data or complex legal arguments. This forced brevity allows for the ‘reframing’ of a petitioner’s intent, ensuring that the version of the grievance reaching the House floor is one that the Executive finds easier to manage. This is a critical failure in the current Terms of Reference regarding the ‘effectiveness’ of petitions; if the voice of the citizen is filtered and shortened to the point of losing its original meaning, the petitioning process ceases to be a tool for accountability.

Finally, the 90-day ‘expectation’ for a Ministerial response under SO 209 is a procedural loophole that allows the Executive to avoid timely engagement. Within the scope of this Inquiry’s look into the ‘role of the Committee’, it is evident that without mandatory triggers for high-volume petitions, the Committee lacks the teeth to ensure Ministers remain accountable to the public. The current system promotes administrative convenience over the representative duty, resulting in a ‘hype-kill’ where public interest is allowed to expire before a formal response is even issued.

Recommendations for Reform

The House must transition from a model of discretionary gatekeeping to one of mandatory accountability. To achieve this, the first priority must be the removal of administrative secrecy surrounding the certification of petitions. We recommend that Standing Order 206 be amended to mandate the automatic publication of e-petitions on the parliamentary website within 48 hours of submission. This default publication rule would bypass the current delays caused by the Committee’s private meeting schedules, particularly during non-sitting weeks. To ensure full transparency, any petition that is rejected by the Secretariat must be listed on a Public Rejection Log that details the exact clause of the Standing Orders cited for the refusal. This prevents the Committee from using the moderate language rule as a tool for silent censorship and allows the public to see the raw data of what is being suppressed.

To ensure that the petitioner's voice is not altered or misinterpreted, the House must allow for the inclusion of supporting evidence. We propose an amendment to Standing Order 204(e) to allow the inclusion of a supporting document. This change is critical because a 250-word limit is insufficient for reporting complex legislative gaps or administrative failures. By allowing attachments, signatories can review the raw data and the specific proposed terms of the law before signing, ensuring that their informed consent is captured. This prevents the Committee from reframing the

grievance, as the full evidence becomes a permanent, unalterable part of the official parliamentary record alongside the summary terms.

To address the issue of ministerial fatigue and the current delays, we recommend the implementation of a Tiered Accountability Model based on signature volume. The entry threshold for referral to a Minister should be raised to 1,000 signatures to filter out low-impact or spam petitions that currently dilute the system's effectiveness. Once a petition reaches 5,000 signatures, it should trigger a mandatory Urgency Clause in Standing Order 209. Crucially, the language of Standing Order 209 must be amended to replace the term 'expected' with 'must', thereby creating a binding obligation for a substantive Ministerial response within 14 days of presentation. This change ensures that the government cannot strategically run down the clock on urgent public matters or treat the concerns of thousands of citizens as a mere administrative suggestion.

For petitions that demonstrate significant public concern by reaching 50,000 signatures, the Standing Orders must mandate a two-stage public process. First, the Principal Petitioner must be granted a Public Hearing before the Committee to define the terms of their grievance on the record. Second, this must be followed by a mandatory 60-minute debate in the House. To ensure that this does not become a casualty of party-line voting, the Standing Orders should recognise high-threshold petitions as matters of individual representative responsibility. The resulting vote in the House should be conducted as a recorded division on a motion that explicitly references the petition's request. This forces every Member of Parliament to be held directly accountable to their own constituents' views on the specific evidence and raw data presented, rather than relying on a silent party-line block.

Finally, to ensure that the most significant public grievances result in tangible legislative action, we recommend a fourth tier for petitions of exceptional scale. Any petition which secures 100,000 signatures within a four-week period should be automatically referred to the Office of Parliamentary Counsel for the drafting of a Bill. This Legislative Mandate would require the House to treat the petition's request for action as a formal legislative proposal. Once drafted, the Bill must be introduced to the House as a priority item, ensuring that the Parliament is forced to vote on the specific text of the law proposed by the citizens. This process would ensure that when the public speaks with a clear and massive majority, the Parliament is legally and procedurally bound to respond with action rather than rhetoric.

The Law and Statutory Basis

The legal authority for these reforms is anchored in Section 49 of the Constitution, which imports the ancient rights and privileges of the British House of Commons, including the fundamental right to petition without interference as established in the Bill of Rights 1689. Furthermore, these recommendations support the Implied Freedom of Political Communication derived from Section 24 of the Constitution, which requires that representatives be directly chosen by the people. This constitutional mandate is frustrated when administrative Standing Orders are used to block or delay effective communication between the electors and the elected. Finally, as petitions are classified as proceedings in Parliament under Section 16 of the Parliamentary Privileges Act 1987, they deserve an administrative framework that prioritises intellectual honesty and transparency over political convenience. Section 15 of the Public Governance, Performance and Accountability Act 2013 also requires that the affairs of the entity be managed in an efficient and ethical manner; the current 90-day delay and the lack of transparency in the petitioning process fail to meet this statutory standard of governance.

Closing Statement

In conclusion, the right to petition is one of the oldest and most fundamental components of our democratic heritage, yet the current Standing Orders have allowed it to become an exercise in administrative management rather than a catalyst for change. By adopting a Tiered Accountability model - ranging from streamlined ministerial responses to mandatory public hearings and legislative drafting triggers - this Parliament has the opportunity to lead the Commonwealth in democratic innovation. We must move away from a system of discretionary gatekeeping and toward a framework of mandatory triggers that honour the volume and evidence provided by the public. When the citizens provide raw data and clear requests for action, the response from this House should be timely, transparent, and direct. Restoring trust in this process is not merely a matter of administrative reform; it is a vital step in ensuring that the voice of the Australian people is acknowledged, promoted, and translated into meaningful action.