



Ms Jodie Belyea MP
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Dear Ms Belyea

Thank you for the opportunity to make a submission to your Committee's *Inquiry into the standing orders relating to petitions*.

I understand from the terms of reference that the inquiry is to consider, among other things, the suitability of the standing orders governing the form, submission and consideration of petitions and e-petitions; potential amendments to standing orders to ensure the petitions process remains accessible, credible and sustainable; and the impact of emerging technologies on the integrity and authenticity of the petitions process.

As noted in my submission to the Standing Committee on Petitions' 2021 *Inquiry into aspects of the House of Representatives petitioning system relating to security and accessibility*, petitioning the Parliament is a long-established and fundamental right of the citizen. Given this historical context, this submission considers recent general trends in the form and content of petitions, reflections on matters that may assist in the consideration of petitions, and issues relevant to the ongoing accessibility, credibility and sustainability of the House of Representative's petitions system.

Petitioning the House over the years

The general principles for petitioning the House of Representatives have remained consistent since Federation. Members of the public advise the House of an issue of concern and make a request for a specific action to be taken. It is the only direct means by which an individual or group can ask the Parliament to take action—all other processes involve communicating through a parliamentary representative (member or senator) or a parliamentary committee.

Prior to the establishment of the Petitions Committee in 2008, the House was informed of the subject matter of each petition and the number of signatures either by an announcement by the Clerk on sitting Mondays, or by a Member during Members' Statements. Petitions were then forwarded to the relevant Minister, but responses were uncommon. Since 2008, the Petitions Committee has taken responsibility for assessing petitions and the standing orders were expanded to include rules governing their form, content and presentation to the House.

Recent years have seen significant growth in petition volumes, particularly following the introduction of the e-petitions system in the 45th Parliament. In the decade leading up to the

introduction of the e-petitions system (2006-2016), 1649 petitions were presented to the House. In the past decade (2015 to present) 4932 petitions have been presented to the House. E-petitions now make up the majority of petitions. As the e-petitions system approaches its 10th anniversary in September 2026, this inquiry is timely.

I turn now to the terms of reference.

The suitability of the current standing orders governing the form, submission, and consideration of petitions and e-petitions, and possible amendments to them ensure the petitions process remains accessible, credible and sustainable

I consider that the current House standing orders provide a solid framework governing the form, submission and consideration of petitions to the House and have done so since their introduction in 2008. Nevertheless, it is timely to reflect on them in the context of increased public engagement with parliamentary processes, and perhaps more pertinently, the technological developments in the way which petitions can now be created and submitted. In so doing, the Committee may wish to consider whether some amendments to the standing orders are warranted to ensure the petitions process remains accessible, credible and sustainable for both petitioners and the public resources that support this important tradition.

The abuse of the right to petition is not new. If grave enough, such action can be treated as contempt of the Parliament. While there is no precedent in Australian parliamentary practice, the United Kingdom has deemed that an abuse of the right to petition involves ‘frivolously, vexatiously or maliciously submitting a petition containing false, scandalous or groundless allegations against any person (whether a Member of such House or not); or contriving, promoting and prosecuting such a petition.’¹

Vexatious, repetitive or untruthful petitions

The standing orders do not presently address vexatious or repetitive petitions, and petitions that contain untruthful content. If a petition contains material that is not accurate, or is vexatious or frivolous in nature, the standing orders provide no basis for ruling such a petition out of order on these grounds where the other requirements of the standing orders are met.

As the Committee is aware, the current polarisation in current affairs and politics, both domestic and global, is reflected in much of the content of the petitions it receives. This is in some ways unsurprising, given the very act of petitioning is a citizen’s way of advising the House of their concerns. However, changes in modes of expression and communication within the community, combined with the ease and accessibility of petitioning that the e-petitioning system has brought about, have possibly contributed to an increase in petitions containing content that is inaccurate, that is seemingly not serious in intent, or is offensive, while nonetheless framed in language that may be regarded as ‘moderate’ for the purposes of the standing orders. I address ‘moderate’ language below.

¹ Erskine May’s *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 24th edition, 1989, (historical edition), p. 118.

There has also been an increase in petitions that are substantially similar or identical in content. These petitions sometimes raise matters already addressed in other recent petitions, some of those having already been referred to and addressed by the relevant Minister. We are also beginning to see some petitioners submitting petitions in their hundreds, within short bursts of time, some with identical content, essentially 'flooding' the petitions system. This ultimately places a burden on the resources available to maintain a well-functioning petitions system.

I stress that it is essential that barriers to participation in the petitioning process are kept to a minimum, and that public confidence in the parliamentary process is maintained. However, consideration must be given to how to best protect the petitions system from vexatious-type petitioning, petitions that contain untruthful content or which are not serious, which undermine its credibility and accessibility for the majority of those who petition genuinely.

It may assist the Committee to look at how these sorts of petitions are dealt with by other parliaments. In the Legislative Assembly of the Australian Capital Territory 'only one e-petition dealing with substantially the same grievance and requesting substantially the same action by the Assembly shall be published on the Assembly's website at the same time.'² In the New Zealand Parliament, a petition cannot be 'substantially the same as an earlier petition that has been reported to the House, or referred to a Minister for response ... during the current term of Parliament'³ and a petition must be of 'serious intent' and 'not include statements that are unable to be authenticated'.⁴ For a petition to be successfully submitted to the United Kingdom's (UK) House of Commons it must not call for 'the same action as a petition that's already open' and it must not contain 'false or unproven statements'.⁵

'Moderate' language - standing order 204(c)

In addition to the increase in the volume of petitions as I describe above, the language used in petitions is changing, perhaps reflecting trends in the broader community. Petitions that contain threatening or intimidating language can be deemed out of order under the standing orders, however I can see that petitions containing language that is not immoderate, but which express a view that could nonetheless be offensive or insulting to others, might be more challenging for a committee to rule out of order.

Standing order 204 provides that a petition, among other things, must be addressed to the House of Representatives; refer to a matter on which the House has the power to act; state the reasons for petitioning the House; contain a request for action by the House; and the language used must be moderate. It is the requirement of 'moderate' language (standing order 204(c)) on which I will focus.

Standing order 204 is silent on how 'moderate' language is to be defined. As the Committee well knows, interpretation of what is 'moderate' calls for the judgment and discretion of committee members. Guidance can be found in procedural rules and precedent, including the

² Legislative Assembly for the Australian Capital Territory standing order 100(A)(e).

³ New Zealand House of Representatives standing order 372(1)(d).

⁴ New Zealand House of Representatives standing order 373(3).

⁵ United Kingdom Government and Parliament's 'Standards for petitions'

<https://petition.parliament.uk/help> .

rules concerning offensive words and personal reflections that apply to debate in the House. Chapter 17 of Australia's *House of Representatives Practice* assists:

Reflections must not be cast upon the Queen, members of the Royal Family, the Governor-General, members of the judiciary, or Members and Senators. The Clerk of the House has declined to certify a petition criticising the conduct of a judge of the Family Court of Australia and praying for the judge's removal from office, and a petition which reflected on a named Senator. Petitions calling for the censure of certain unnamed judges have been received. In 1979 the Clerk certified, and the House received, a petition which asked the House to take action to receive the resignation of certain unnamed Members for allegedly not having honoured an election undertaking. It was considered acceptable because it was not disrespectful and, in seeking the resignation of several Members collectively, it did not breach the spirit of the standing orders.

...

According to May, petitions should not impugn the character or conduct of Parliament, the courts or any other tribunal or constituted authority. However, it is considered that a petition is acceptable if its language is courteous and moderate, provided it conforms with the standing orders in other respects.⁶

I refer also to the Petitions Committee's 2019 inquiry report, *Your voice can change our future: Inquiry into the future of petitioning in the House*. That report discusses 'moderate' language, with the Committee commenting that it 'must also ensure that people petitioning the House abide by the same principles of courtesy and respect that govern debate and other parliamentary proceedings in the House.'⁷ The Committee went on to say, 'to this end, in its assessment of "moderate language", the Committee takes into account the context surrounding an issue raised in a petition; the community values attached to a particular request; and the possible negative consequences that might flow from a petition being published on the Committee's website.'⁸

This commentary provided some useful guidance to the then Petitions Committee and future petitions committees when applying standing order 204(c) to any petition before it.

The rules for petitions in other jurisdictions are more prescriptive in their language requirements. While noting that the Senate has a petitions process distinct from that of the House, and indeed no petitions committee, Senate standing orders provide rules to the Clerk when considering a petition before them: 'A petition shall be respectful, decorous, and temperate in its language, and shall not contain language disrespectful to any legislature or irrelevant statements.'⁹ The standing orders of the Australian Capital Territory Legislative Assembly state that if a petition before the Speaker 'is critical of the character or conduct of a person, contains unbecoming expressions, is not respectful, decorous or temperate in its

⁶ *House of Representatives Practice*, Australia, 7th edition, p. 633.

⁷ *Your voice can change our future: Inquiry into the future of petitioning in the House*, Standing Committee on Petitions, February 2019, p. 19.

⁸ *Your voice can change our future*, p. 19.

⁹ Senate standing order 71(2).

language or offends any standing order other than those relating to petitions, the paper shall be returned to the Member who lodged it.¹⁰

The procedures of other Westminster-style Parliaments are similarly more detailed in terms of what is acceptable language in a petition. The UK House of Commons strengthened its standards to prevent targeting of a particular community, and rejects any petition that is: defamatory or libellous, or contains false statements; could cause personal distress or loss; is nonsense or a joke; contains swearing or other offensive language; is offensive or extreme in its views, including petitions that attack, criticise or negatively focus on an individual or a group of people because of characteristics such as their age, disability, ethnic origin, gender identity, medical condition, nationality, race, religion, sex, or sexual orientation.¹¹ The Scottish Parliament's procedure prohibits petitions whose language is 'offensive'¹² and supporting information available on the Scottish Parliament's website explains that this includes 'language which is defamatory, offensive or inappropriate. This not only includes obvious profanities, swear words and insults, but any language which a reasonable person would regard as offensive'.¹³ And in New Zealand, a petition must be respectful, moderate in its language, and of serious intent ...¹⁴

In view of increased public engagement with parliamentary processes and changing modes of expression, the Committee may wish to consider whether further guidance in the current standing order 204(c) would assist in clarifying the House's expectations regarding acceptable language in petitions, and in turn assisting the petitioning public and the current and future petitions committees interpreting those expectations. This may contribute to supporting consistent decision-making in the assessment of individual petitions, and the promotion of transparency and confidence in the broader petitions process.

The impact of emerging technologies, including artificial intelligence and automated systems, on the integrity and authenticity of the petitions process

As is well established, it is incumbent on the House to facilitate the exercise of the right to petition. It was in this context that electronic petitioning was introduced. In 2007, when recommending the adoption of electronic petitions, the Procedure Committee observed that 'disallowing electronic petitions in the 21st century essentially denies a growing number of petitioners the opportunity to air their grievances'.¹⁵ As the then Clerk noted in a submission to that inquiry, 'making the House more open to the people is an institutional obligation'.¹⁶ The potential for an electronic system to reduce the number of petitions that do not comply with standing orders was also identified as a significant benefit.

¹⁰ Legislative Assembly for the Australian Capital Territory standing order 94.

¹¹ United Kingdom Government and Parliament's 'Standards for petitions'
<https://petition.parliament.uk/help>

¹² Scottish Parliament standing orders rule 15.5.

¹³ The Scottish Parliament, 'Petitions', <https://petitions.parliament.scot/help>

¹⁴ New Zealand House of Representatives standing order 373(3)(a).

¹⁵ *Making a difference: Petitions the House of Representatives*, Standing Committee on Procedure, August 2007, p. 38.

¹⁶ Mr IC Harris, Clerk of the House of Representatives, submission 1 at page [12]; *Making a difference*.

The e-petitions system remains one of the most accessible mechanisms through which Australians can engage directly with the Australian Parliament. Our records reveal that petition numbers have increased steadily over the past decade, indicating continued public interest in this form of participation. The e-petitions system has undergone a series of incremental improvements informed by user feedback since its introduction at the commencement of the 45th Parliament. Following recommendations of the 45th Parliament's Petitions Committee aimed at improving user experience and accessibility, enhancements implemented in August 2019 introduced a unique web page and URL for each approved petition, along with functionality enabling petitions to be shared more readily via social media platforms. Performance improvements were also undertaken.

Notwithstanding these benefits, the system's ageing architecture presents significant and increasing challenges. Usability and accessibility fall short of contemporary expectations, creating barriers for some users. More critically, system reliability has declined as petition volumes have increased, with a growing frequency of outages sometimes undermining public confidence in a democratic process at a time when public trust is already fragile. Limitations in backend management and processing capabilities also result in inefficiencies for parliamentary staff and the need for manual workarounds.

I am aware that since the commencement of the 48th Parliament, members of the public have at times experienced difficulties accessing and using the e-petitions system, including periods when the petitions website has been unavailable. This has real and practical consequences for those seeking to initiate petitions, or support petitions within a deadline stipulated by the standing orders.

In addition to these operational challenges, emerging technologies—including artificial intelligence and automated systems—present new considerations for the integrity and authenticity of the petitions process. Technologies that lower barriers to content creation and submission may contribute to increased petition volumes, raise questions regarding the authenticity of petition content and signatures, and complicate the assessment of whether petitions reflect genuine community engagement. These developments may place additional pressure on existing systems and processes designed to ensure compliance with standing orders and maintain confidence in the petitions framework.

Improvement or replacement of the Department of the House of Representatives' e-petitions system was notionally scheduled for the second phase of a Department of Parliamentary Services-led modernisation program in 2026–27. However, that program has encountered challenges, and within the program's current priorities, the e-petitions system sits behind other older and more complex applications that are critical to the operation of the House. Consequently, the timing of progress on the improvement or replacement of the e-petitions system is uncertain.

Concluding remarks

While the current standing orders provide a strong foundation for the petitions process, consideration may need to be given to whether amendments are desirable to respond to the challenges and opportunities presented by emerging technologies and changing public expectations of engagement with Parliament, and what the Parliament's expectations are in return.

Ongoing reflection and review will remain important to maintaining public confidence in the integrity of the petitions process in a changing environment. Continued awareness and education for parliamentarians and staff is also important in relation to emerging technologies and associated risks, which may also assist in supporting the effective administration of the petitions' framework.

I trust that this information assists the Committee with its inquiry. I would be pleased to elaborate on any matters contained in this submission.

Yours sincerely

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Claressa Surtees
Clerk of the House
27 February 2026

