

The work of the first Petitions Committee: 2008-2010

House of Representatives
Standing Committee on Petitions

June 2010
Canberra

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Contents

Foreword	v
Membership of the Committee	vii
Terms of reference	viii
List of recommendations	ix
Executive summary	x

THE REPORT

1	Introduction	1
	Petitions to the House of Representatives: a fundamental right	1
	The inquiry	4
	The report	5
2	Role and operations of the Standing Committee on Petitions	7
	Introduction	7
	Establishment and work of the first Petitions Committee	7
	Expectations and principles	7
	Operations of the Petitions Committee	9
	Considering petitions and obtaining Ministerial responses	9
	Communications by and with the Petitions Committee	11
	Private meetings during sitting weeks	13
	Presentations and announcements by the Committee Chair	13
	Inquiry into electronic petitioning	13
	Round table meetings with petitioners and public servants—following up	14

Future operations of the Petitions Committee	15
Nature of activities.....	15
Resources.....	16
3 Effectiveness of the Standing Orders as they relate to petitions	17
Introduction	17
Previous arrangements	18
Preparing a petition: Standing Orders 204 and 205	19
Form and content: 204	19
Signatures: 205.....	20
Presentation of petitions: Standing Order 206 and Sessional Order 207	21
Lodging a petition for presentation: 206	21
Presenting a petition: 207	21
Petitions presented without certification	22
Role of Members.....	23
Action on petitions: Standing Order 208 and Sessional Order 209.....	23
Previous comment on the revised Standing Orders	24
Standing Committee on Petitions: Standing Order 220.....	25
Standing orders of general application to House committees.....	25
Comments on the revised arrangements: revival of the petitions process	26
Conclusions and recommendations	26

APPENDIXES

Appendix A: Submissions and hearings	29
Appendix B: Standing and Sessional Orders.....	31
Appendix C: Public hearings and round table meetings (non-inquiry related) ...	35
Appendix D: Draft Standing Order.....	43
Appendix E: Statistics on petitions to the House of Representatives.....	45



Foreword

This report is the Petitions Committee's second report since it was established in 2008, the first being its report into electronic petitioning. The Committee's intention with this short inquiry was to review its framework under the Standing Orders and the way it has operated, so that any necessary changes could be identified and put in place for the Petitions Committee in the 43rd Parliament. The report outlines the work undertaken by the Petitions Committee and assesses the Standing Orders that define its role and operations. The Committee concludes that its framework is generally effective and makes some recommendations for improvement.

The Petitions Committee was established with the objective of strengthening the petitions process of the House. The impetus for its creation came from a report of the House Procedure Committee in 2007, in which it was noted that there was no means available for the House to respond to petitions or to encourage Ministers to respond and, as a result, the tradition of petitioning the Parliament had declined.

In 2008 the Standing Orders of the House were changed to establish the Petitions Committee and to give it a role, not only to examine petitions to ensure they complied with the rules of the House, but also to inquire into matters relating to petitions and the petitions system. The changes to the Standing Orders also enabled the Committee to refer petitions to Ministers and to announce their responses and publish them.

One of the most important outcomes of the changes has been the compliance by Ministers with requests for responses. Overwhelmingly, they have responded in an informative and timely way. It is probably rare that the response has given petitioners what they asked but they have received an explanation of the government's perspective on issues they raised, and that explanation has been made publicly available by the Committee.

The Committee has followed up on matters raised in petitions and responses by holding round table meetings with petitioners and Public Servants. Its activities have been reported to the House regularly and its web page is a central information point for access to information on preparing a petition, the terms of petitions that have been presented to the House, Ministers' responses, and the transcript of meetings that the Committee has held with petitioners and Public Servants. In these ways, issues that concern people have been brought to the notice of the Parliament and government – and other Australians – all these things being valuable in themselves. By its activities and its openness, I believe, the Committee has contributed to building the links between the House and the Australian community.

In my view, the Petitions Committee has played a significant role in revitalising the petitions process to the House, and informing Australians of the opportunities they have to bring their grievances to the House for its notice and for consideration and possible action by the government. I am proud to have been the Chair of the first Petitions Committee of the House of Representatives.

I thank my Committee colleagues, in particular, the Deputy Chair, Mr Russell Broadbent, for their enthusiasm and dedication to the work of the Committee. I also thank the Committee's staff in the 42nd Parliament.

I commend this report to the House.

Julia Irwin MP
Chair

Chair

Deputy Chair

Members

Mr Darren Chester MP

Ms Jennie George MP

Mr Alex Hawke MP

Mr Luke Simpkins MP (to 30/11/09)

Hon Alex Somlyay MP (30/11/09 to 10/2/10)

Mr Craig Thomson MP

Ms Maria Vamvakinou MP

Committee Secretariat

Secretary

Inquiry Secretary

Mr Shane Armstrong (from 28/04/10)

Administrative Officers

Ms Leonie Bury (from 7/04/10)



Terms of reference

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.



List of recommendations

3 Effectiveness of the Standing Orders as they relate to petitions

Recommendation 1

The Committee recommends that the House make Sessional Orders 207 and 209 permanent.

Recommendation 2

The Committee recommends that the Standing Orders be amended to enable the Petitions Committee to refer a petition to a House committee for inquiry and report, should the committee so choose.



Executive summary

The 2007 report of the House of Representatives Standing Committee on Procedure, *Making a difference*, led to a number of changes to petitions to the House of Representatives, including the creation of the Petitions Committee.

In this inquiry the Petitions Committee considered the role that was set out for it by the Standing Orders of the House of Representatives, the activities it has undertaken since it was formed in February 2008, and whether any changes were necessary to enhance the role of the Committee and the petitions process.

In the first chapter the Committee outlines the Procedure Committee's views on the decline of petitioning and its recommendations aimed at renewing the status of petitions. Chapter 1 also contains a summary of the changes to the Standing Orders, beginning in 2008, and an overview of the inquiry and this report.

The role prescribed for the Petitions Committee is discussed in chapter 2, as well as the approach it has taken to its work. Different aspects of the Committee's work program are examined, including the regular 'petitions' timeslot in the business of the House, and the role the Committee has played in obtaining responses from Ministers to the issues raised in petitions. Communications with petitioners, Ministers, Public Servants and other interested parties are considered in the context of a more open and accessible system of petitions for the House.

In chapter 3, the Committee examines in more detail the impact of the Standing and Sessional Orders that relate particularly to petitions, as well as summarising the former arrangements. The Committee recommends that Sessional Orders 207 and 209, relating to presentation of petitions (by Members and by the Committee Chair) and referral of petitions to Ministers for written responses, be made permanent. The Committee also recommends that it be given the capacity to refer petitions to House Committees for inquiry and report, should those committees choose.

The report also includes a number of Appendixes that will assist to explain it:

Appendix A: Submission and hearings

Appendix B: Standing and Sessional Orders

Appendix C: Public hearings and round table meetings (non-inquiry related)

Appendix D: Draft Standing Order and

Appendix E: Statistics on petitions to the House of Representatives.

Introduction

Petitions to the House of Representatives: a fundamental right¹

- 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 17th 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 1901.²
- 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.

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.³
- 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.⁴ 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.⁵

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’.⁶ At the beginning of the 42nd 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.⁷
- 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)⁸ 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

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 42nd 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 2008.⁹ 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 42nd 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));¹⁰ 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.¹¹
- 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.

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.

Role and operations of the Standing Committee on Petitions

Introduction

- 2.1 In simple terms, the role of the Petitions Committee is to process petitions to the House of Representatives and to inquire into them and the petitions system. The responsibilities of the Committee are defined by Standing Order 220:
- (a) A Standing Committee on Petitions shall be appointed to receive and process petitions, and to inquire into and report to the House on any matter relating to petitions and the petitions system.
 - (b) The committee shall consist of ten members: six government and four non-government members.

Establishment and work of the first Petitions Committee

Expectations and principles

- 2.2 As noted in Chapter 1, the Petitions Committee was first established on 12 February 2008, at the same time as a number of changes were effected

to the House's Standing Orders.¹ Immediately following the appointment of members on 19 February and 11 March 2008, the Committee began its work, holding its first meeting on 12 March 2008.

- 2.3 The Committee's operating framework under the House's Standing Orders is just that: a framework. The Standing Orders do not prescribe the ways the Committee can carry out its work, although the Committee is bound by the formal requirements in the Standing Orders that relate to all House committees. In its early stages, the Committee was focused on working out its role and how it could fulfil that role most effectively.
- 2.4 The Committee's most obvious role, as set out in Standing Order 220, was to 'receive and process petitions' and certainly that remains the major part of its business, occupying a good part of its regular private meetings. The general power to inquire into and report on matters relating to petitions and the petitions system was clear in Standing Order 220 and, on 4 June 2008, the Committee resolved to inquire into electronic petitioning to the House of Representatives. The Procedure Committee, when it recommended the establishment of the Petitions Committee, had also recommended that the House initiate the receipt of electronic petitions. So, further investigation of this possibility was a logical first step for the Committee.²
- 2.5 In combination with the Commonwealth Constitution, and the conventions of the House, the Standing Orders made it plain that there were a number of matters that the Committee could not undertake. While dedicated to strengthening the petitions process to the House, the Committee also needed not only to work within its jurisdiction but also to manage the expectations of petitioners. For example, it plainly could not:
- deal with matters outside the jurisdiction of the Parliament
 - solve the problems raised in petitions³
 - change government policy
 - force a Minister to respond to a petition that was referred or
 - present petitions that did not comply with the Standing Orders.

1 *Votes and Proceedings* No. 1, 12 February 2008, pp. 11–26. Chapter 3 traces the provisions of and changes to the Standing Orders.

2 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, p. 39.

3 This matter is mentioned by the Committee Chair at round table meetings and in Monday evening statements.

- 2.6 The Committee also discerned a principle of objectivity underlying its operations. It concluded that its role did not involve making judgments about the value or otherwise of the content of petitions. Certainly, the Committee is aware that some petitions are more popular than others in terms of the number of signatures they attract, the opinions that are expressed and the actions that are called for.
- 2.7 The Committee's strong view is that, if a petition that is submitted to it for consideration complies with the Standing Orders in terms of its form and content and language, then the Committee is required to approve it for the purposes of presentation in the House. In much the same way as any Member who lodges a petition with the Committee on behalf of petitioners, or who presents a petition in the House, may or may not agree with its content, the Petitions Committee may or may not agree with the content of a petition it approves for presentation. Likewise, the Chair of the Committee when presenting to the House the petitions authorised by the Committee, may or may not agree with the content.⁴
- 2.8 Whatever may be the views of Committee members, or the Committee as a whole, the Committee strives to uphold the House's fundamental respect for freedom of speech. This respect is reflected in Standing Order 206 (b), which gives the Committee little discretion – provided that the petition has been prepared in the correct way – 'The Standing Committee on Petitions must check that each petition lodged for presentation complies with the standing orders, and if the petition complies it shall be approved for presentation to the House.'

Operations of the Petitions Committee

Considering petitions and obtaining Ministerial responses

- 2.9 Currently, for a petition to be characterised as such when presented in the House, it must first be found by the Committee to comply with the Standing Orders. This requires that the Committee's secretariat prepare for the Committee's consideration at regular private meetings, schedules of proposed petitions, and the terms of the petitions.

4 See, for example, comments by the Chair, *HR Debates* (7.9.2009) 8747.

2.10 The Committee then determines whether the petitions comply with Standing Orders. The more significant requirements are that:

- a petition must be addressed to the House
- the House must be capable of performing the action requested
- the terms of the petition not contain alterations and must be no more than 250 words
- the petition employs moderate language and the terms not be illegal or promote illegal acts
- the petition either be written in English or, if in another language, be accompanied by a certified translation
- the full terms of the petition be at the top of the first page and the request at the top of other pages
- the name, address and signature of a principal petitioner must appear on the first page
- Members may not sign petitions or be a principal petitioner and
- the signature of each petitioner must be in his or her own writing (unless the petitioner is incapable of signing) and be provided on original hard-copy (not copied, pasted or transferred).⁵

2.11 The requirements of the Standing Orders are considered in more detail in the following chapter. Petitions considered to meet these criteria (that is, to be 'in order') are subsequently presented in the House, either by the Chair of the Committee, currently on Monday evenings of sitting weeks, or by other Members who have indicated – and principal petitioners have agreed – that they will present them.

2.12 Following the presentation of a certified petition in the House (by the Chair or any other Member) the petition is referred by the Chair of the Committee to a Minister in the area of relevant portfolio responsibility. The Standing Order provides that it is 'expected' that Ministers will respond to such referrals within 90 days of a petition being presented in the House.⁶

5 House of Representatives, *Standing and Sessional Orders as at 1 December 2008*, Standing Orders 204–209.

6 House of Representatives, *Standing and Sessional Orders as at 1 December 2008*, Sessional Order 209 (c).

- 2.13 This expectation of a timely response is considered by the Committee to be an important element in the petitions process, in that it contributes to higher levels of accountability by government, both to Parliament and to the public. As only those petitions that are certified as ‘in order’ by the Committee are forwarded by it to the relevant Minister or Ministers for response, there is a strong incentive for petitioners (and Members who assist them) to ensure that petitions are prepared in accordance with the Standing Orders. Almost all petitions are referred to Ministers once presented. However, for example, if a high volume of petitions is received at slightly different times but in exactly the same terms as other petitions that have been referred previously, the later ones may not necessarily be referred, and the principal petitioner may be sent a copy of the response to the earlier petitions, for information.
- 2.14 The responsiveness by Ministers to the Committee’s referral of petitions has been a very positive aspect of the changes to the petitioning process. For example, in 2007 there was one Ministerial response; in 2008 the figure was 56 responses; in 2009, 94 responses were received; and, as at 3 June 2010, 53 Ministerial responses have been received.⁷
- 2.15 While it would be rare for a Minister to agree to undertake the action sought in a petition, there is clearly merit in terms of accountability, in receiving an explanation from government as to why a particular circumstance exists and why government acts, or does not act. That explanation by the Minister is made public after the Committee considers it, and is included in Hansard and on the Committee’s web page. So, the government’s perspective on a particular issue of concern to petitioners is conveyed not only to petitioners but to the public more generally. In any case, it is not clear how common is the expectation that a petition will resolve a problem: ‘It is also likely that petitions may be circulated so as to raise awareness and debate on an issue, as much as in expectation of a response that is a “solution” to a problem’.⁸

Communications by and with the Petitions Committee

- 2.16 One of the Procedure Committee’s recommendations was for the Department of the House of Representatives to create a petitions web page on its website that is visible from the home page; provides details of a

7 Statistics provided by the Chamber Research Office.

8 Clerk of the House of Representatives, *Submission No. 1*, p. 8. See also p. 3 of the submission.

person to whom questions on the petitioning process can be addressed; and makes available a recommended form of petition.⁹

- 2.17 The Parliament's website now provides easy access to information on preparing petitions, including a phone number for the Petitions Committee secretariat, from the House of Representatives' top page.¹⁰ The Committee's web pages also provide public access to Ministerial responses to petitions and to the transcripts of public meetings held by the Committee. In the Committee's view, this increased level of transparency is significant both for petitioners and for anyone who is interested in the issues raised by them.
- 2.18 The Committee's administrative, research, and drafting support is provided by a small secretariat. The secretariat also undertakes considerable liaison with petitioners as they prepare petitions for signature and presentation to the House. The improved access to information provided by the House and the Committee's web pages, as well as the access to advice from the secretariat, appear to have had an impact on the numbers of 'out of order' petitions received. For example, the number of out of order petitions received in 2007 was 51; in 2008 the number was 39; and by 2009 it had declined to 20.¹¹ The Committee is pleased that fewer petitioners are facing the frustration and disappointment of having petitions rejected for non-compliance with the Standing Orders.
- 2.19 A different aspect of the Committee's communications, and the development of its role, has arisen from its contact with the Public Petitions Committee of the Scottish Parliament. The Committee places on record its appreciation of discussions with that Committee and, in particular, with Mr Frank McAveety, the Convenor. The energy and commitment of the Public Petitions Committee members and staff to building public participation in the work of the Scottish Parliament has been very instructive. The Petitions Committee appreciates the readiness

9 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, p. 31. The Committee's web page is available at <http://www.aph.gov.au/house/committee/petitions/index.htm>, viewed 7 June 2010.

10 The Committee's webpage is at <http://www.aph.gov.au/house/committee/petitions/index.htm> and general information on preparation of petitions is available at <http://www.aph.gov.au/house/work/petitions.htm>.

11 Figures provided by the Chamber Research Office. See also the submission by the Clerk of the House of Representatives, *Submission No. 1*, at p. 4.

of the Public Petitions Committee to share its knowledge and experience¹² in what is a rapidly evolving aspect of parliamentary work.

- 2.20 The Committee is also grateful for the various discussions it has held with the Clerk of the Queensland Parliament, Mr Neil Laurie, regarding electronic petitions. The practical and cooperative approach taken by the Parliament and Mr Laurie are welcomed.

Private meetings during sitting weeks

- 2.21 The Committee's program of work involves at least one private meeting each sitting week, principally to consider proposed petitions and responses. During these meetings the Committee also considers more general correspondence, its current and future work program and so on. Since it first met in March 2008, the Committee has held more than 50 private meetings.

Presentations and announcements by the Committee Chair

- 2.22 Following representations by the Committee, in June 2008, the Standing Orders were amended temporarily to allocate a 'petitions' timeslot in the Chamber each sitting Monday evening from 8.30 to 8.40 pm. Now, on each sitting Monday evening, the Committee Chair has presented petitions that have been found to be in order (and which petitioners have not asked other Members to present) and Ministerial responses considered by the Committee at its previous meeting.
- 2.23 The Chair (or occasionally, another Committee member) also makes a statement to the House at this time. The first of these statements was made on 1 September 2008 and, since then, the statements have served as regular reports to the House on the Committee's activities and petitions and responses received. As such, they are a significant accountability mechanism.¹³

Inquiry into electronic petitioning

- 2.24 In November 2009, the Committee presented the report of its inquiry into electronic petitions: *Electronic Petitioning to the House of Representatives*, that

12 The Committee's web page is available at <http://www.scottish.parliament.uk/s3/committees/petitions/index.htm>, viewed 7 June 2010. Mr McAveety also contributed to the Petitions Committee inquiry into electronic petitioning.

13 Sessional Order 207 (a), in place for the remainder of the 42nd Parliament.

had commenced in June 2008.¹⁴ In the report, the Committee recommended that the House initiate a system of electronic petitions – not in substitution for, but in addition to the current system of paper petitioning. The Committee looks forward to a positive response because it considers the receipt of electronic petitions as the next logical step in the path for building the process of petitioning the House.

Round table meetings with petitioners and public servants—following up

- 2.25 Beginning in September 2008, the Committee has held a series of round table meetings with petitioners, Public Servants and other interested parties.¹⁵ These meetings enable the Committee to follow up on the issues raised in petitions and responses. At the first round table meeting the Committee spoke to one petitioner, as well as to representatives of several government departments. Since then, the Committee has tended to speak to petitioners separately from the Public Service, usually at hearings interstate. Transcripts of evidence given at round table meetings of petitioners are forwarded by the Committee to the relevant Minister and may be followed up by invitations for Public Servants to appear before the Committee at subsequent meetings. The round table meetings with Public Servants have taken place at Parliament House in Canberra.
- 2.26 A pleasing aspect of the round table meetings with petitioners has been the involvement of young people. For example, the first petitioner to speak to the Committee formally was Mr Chris Inglis, who was 16 years old at the time (1 September 2008). The Committee also spoke to young people at its October 2008 round table meeting in Melbourne and the round table meeting held at Tuggerah Lakes Secondary College in March 2009. Following the formal aspects of these public meetings, the Committee has been able to have informal discussions with those present, including school students and their teachers. The Committee regards this interaction and discussion of issues related to parliament more generally as a valuable ‘spinoff’ from the revitalising of the petitions process.

14 The report is available online at <http://www.aph.gov.au/house/committee/petitions/epetitioning/report.htm>, viewed 4 June 2010.

15 Appendix C to this report comprises an outline of the dates, venues and subjects of round table meetings conducted by the Committee. Transcripts of all round table meetings that were in the form of public hearings can be viewed at the Committee’s web page http://www.aph.gov.au/house/committee/petitions/round_tables.htm, viewed 16 June 2010.

- 2.27 Over time, the nature of the Committee's public activities has developed. For the earlier round table meetings the Committee took a more or less chronological perspective and aimed to cover a large number of (current) petitions briefly. Since late 2009 the meetings have tended to focus more on a few, selected petitions, in greater detail. These petitions have been chosen largely because of evidence of sustained interest in their content. The interstate hearings with petitioners have naturally involved scrutiny of petitions based in the particular State.
- 2.28 In March 2010 the Committee also held a round table meeting on a single petition (regarding the convictions of Messrs Morant, Handcock and Witton). At this meeting the principal petitioner gave evidence, as well as representatives of the Attorney-General's Department, and historians (appearing in a private capacity).¹⁶

Future operations of the Petitions Committee

Nature of activities

- 2.29 In future, the Committee hopes to continue its pattern of private meetings, and announcements and statements by the Committee Chair. The regularity of the private meetings is a necessity imposed by the Committee's 'core business' of processing petitions for presentation to the House and ensuring that responses are sought from relevant Ministers. Similarly, the announcements of petitions and responses, and statements by the Chair, provide a regular pattern of fulfilment of the Committee's responsibilities and reporting publicly to the House.
- 2.30 The Committee plans to conduct much of its 'follow up' work on petitions and responses through conducting further regular round table meetings with petitioners and Public Servants. For the meetings at Parliament House, the Committee may wish to encourage other Members to attend some meetings with Public Servants and invite them to participate, where they have demonstrated a particular interest in the petitions being scrutinised.

16 The transcript of this meeting can be viewed at the Committee's web page <http://www.aph.gov.au/hansard/rep/commtee/R12891.pdf>, viewed 7 June 2010.

- 2.31 The Petitions Committee is not able to travel to all the places in Australia from where petitions are based. In the future, it may be possible to increase the geographic range of round table meetings by using video and teleconferences with petitioners. This would be a cost-effective way of ensuring that adequate follow-up activities are undertaken.
- 2.32 The Committee may also wish to conduct ‘single issue’ round table meetings, although these would be relatively rare.
- 2.33 As noted previously, the Committee’s first inquiry was into electronic petitioning.¹⁷ If electronic petitioning is introduced, and the number of petitions increases significantly, the Committee’s workload may change and this may have an impact on the number and nature of its other activities.

Resources

- 2.34 The Committee is aware that as its role has evolved, the impact on its secretariat has also changed. The submission by the Clerk of the House of Representatives noted the possible impact of electronic petitioning on the operation of the Committee and its secretariat, in terms of costs and time: ‘Resourcing will be particularly important to the successful implementation and ongoing administration of such a system.’¹⁸ The Committee endorses this comment and notes the possible funding implications for the Department of the House of Representatives.
- 2.35 In the following chapter the Committee considers each of the Standing and Sessional Orders relating to petitions.

17 *Electronic Petitioning to the House of Representatives*, 2009, p. 70. At p. 79 of that report the Committee outlined what it expected would be the work-flow for electronic petitions.

18 Clerk of the House of Representatives, *Submission No. 1*, p. 7.

Effectiveness of the Standing Orders as they relate to petitions

Introduction

- 3.1 This chapter considers in more detail the impact of the House's Standing and Sessional Orders that relate to petitions, in particular:
- Standing Order 204 – rules for the form and content of petitions
 - Standing Order 205 – rules for signatures
 - Standing Order 206 – lodging a petition for presentation
 - Sessional Order 207 – presenting a petition¹
 - Standing Order 208 – action by the House
 - Sessional Order 209 – a petition may be referred to a Minister for response and
 - Standing Order 220 – creation of the Standing Committee on Petitions.²

1 Sessional Order 34, Figure 2, sets out the order of business to be followed in the House. In June 2008 it was amended from the earlier Standing Order, along with Standing Order 207, to enable presentation of petitions and reports by the Committee Chair, and the presentation of statements and reports on petitions by the Chair and another Committee member in a timeslot on Monday evenings from 8.30 to 8.40 p.m. in the House: *Votes and Proceedings*, No. 32, 24 June 2008, p. 421.

2 The text of the current provisions is at Appendix B of this report. The revisions to Standing Orders were originally put in place at the beginning of the 42nd Parliament, *Votes and Proceedings*, No. 1, 12 February 2008, pp. 11–26. Standing Orders 207 and 208 were amended on 12 March 2008: *Votes and Proceedings*, No. 10, 12 March 2008, p. 148; Sessional Orders 34, 207 and 209 were put in place in June 2008: *Votes and Proceedings*, No. 32, 24 June 2008, pp. 421–2.

Previous arrangements

- 3.2 As the Committee has noted, the revised arrangements have largely come about because of the Procedure Committee's 2007 report, *Making a difference: petitioning the House of Representatives*. As well as a discussion of the history of petitioning, that report contains valuable analysis, including a discussion of previous inquiries on petitions and a comparison with the (then) Standing Orders of other Australian parliaments.³
- 3.3 It may be useful to consider the revised arrangements discussed in this chapter in light of the previous ones. In summary, the Standing Orders formerly (as at 29 March 2006) provided that:
- a petition must be addressed to the House; refer to a matter that is a Commonwealth legislative or administrative matter; state the facts that the petition wishes the House to notice and contain a request to the House or Parliament to take action(s) (SO 204)
 - a petition must be on paper, legible, not contain alterations, must be in respectful, courteous and moderate language and not contain irrelevant statements and must not contain any indication that it has been sponsored or distributed by a Member, although it may show the name and address of a Member as an address to which the petition may be sent for presentation (SO 205)
 - only a Member may lodge a petition for presentation; a Member may not lodge a petition from himself or herself (SO 207)
 - certification of a petition as complying with Standing Orders is undertaken by the Clerk or Deputy Clerk (SO 208 (b)); the Member presenting the petition is required to count the signatures and obtain certification
 - presentation of petitions is possible in one of three ways (SO 209):
 - ⇒ the Clerk announces petitions each sitting Monday
 - ⇒ a Member may present a petition during Members' statements in the House and Main Committee
 - ⇒ a Member may present a petition which refers to a motion or order of the day when that motion or order of the day is moved or called on for the first time

Later in 2008, these Sessional Orders were put in place for the remainder of the 42nd Parliament: *Votes and Proceedings* No. 66, 1 December 2008, pp. 756–7.

3 Appendixes B (history); D (previous inquiries); and E (comparative table of Standing Orders).

- after presentation in the House, the Clerk must refer a copy of the petition to the Minister responsible and a Minister may respond to a petition by lodging a written response with the Clerk who announces any ministerial responses (SO 212) and
- action by the House involves discussion on presentation or when a relevant motion is moved or called on; each petition presented is to be received unless a contrary motion is moved immediately and agreed to; the only other motion allowed is one to refer a petition to a particular committee; the terms of petitions and responses shall be printed in Hansard (SO 213).

Preparing a petition: Standing Orders 204 and 205

Form and content: 204

- 3.4 The form and content of petitions are prescribed in Standing Order 204 and require, among other things, that a petition: be addressed to the House; refer to a matter on which the House has to act; state the reasons for petitioning the House; and contain a request for action by the House. These requirements (in Standing Order 204 (a)) are reasonable and expressed sufficiently clearly, in the Committee's view.
- 3.5 Standing Order 204 (b) requires that a petition not contain alterations, with terms (reasons plus request for action) placed at the top of the first page and (at least) the request of the petition at the top of all other pages. These requirements are reasonable, in the Committee's view. It is possible that some confusion may arise occasionally because of the requirement that the full terms be on the first page only and just the request needs to be on other pages. However, the opportunity of leaving more space for signatures on pages after the first page is valuable and arguably outweighs the risk of confusion.
- 3.6 Standing Order 204 (b) also has a new provision: a word limit on the terms of a petition (reasons plus request for action) – currently 250 words. There has been some comment that this is inflexible and does not allow the Committee discretion when the terms are only slightly over the limit. If this were considered a potential problem, then Standing Order 204(b) could be amended to provide: 'The terms of the petition must not contain any alterations and shall not be expected to exceed 250 words'. However,

the Clerk did not suggest a higher numerical limit⁴ and the Committee concludes that a higher limit is not necessary, particularly if the wording is amended to be more flexible.

- 3.7 Standing Order 204 (c) requires that 'The terms of the petition must not be illegal or promote illegal acts. The language used must be moderate.' The language and intent of this provision are plain and the Committee endorses the provision.
- 3.8 The Committee has no comment on the technical requirements contained in Standing Orders 204 (d) to (f). These relate to translations, attachments, and petitions from corporations.

Signatures: 205

- 3.9 Rules for signatures are contained in Standing Order 205. Only the principal petitioner needs to include their full name and address (205 (a)). In the Committee's view, this requirement is less stringent and expressed more clearly than former provisions that required the page on which the terms were written to have the signature and address of at least one person.
- 3.10 Standing Order 205 (c) proscribes a Member from being a principal petitioner or signatory to a petition. The Committee endorses this provision. Petitions are unique in the opportunity they give citizens to bring their views directly to the Parliament. While Members may offer assistance to petitioners, and advocate for a petition when they present it, the petitions themselves belong to the public. Members have a responsibility as elected representatives to convey views to the House, and this provision does not hinder that role.
- 3.11 The Committee has heard comment that petitions should be required to have more than one signature, that is, to be supported by more than one person. This proposition was put to the Clerk of the House, who did not give it support: 'It could be difficult to argue that an individual should not be permitted to lodge a petition in principle, because there is such a long-established parliamentary right.'⁵ The Committee agrees and does not propose any change in this regard.

4 See Clerk of the House of Representatives, *Submission No. 1*, p. 5, and comments by the Clerk and Clerk Assistant (Table) in *Transcript of Evidence*, 17 March 2010, pp. 4–5.

5 Mr B Wright, Clerk of the House of Representatives, *Transcript of Evidence*, 17 March 2010, p. 3.

Presentation of petitions: Standing Order 206 and Sessional Order 207

Lodging a petition for presentation: 206

- 3.12 The revised arrangements enable petitioners to send petitions directly to the Petitions Committee, or via a Member (Standing Order 206 (a)). This change enables petitioners to process their petitions independently, rather than relying on a Member, and it is welcomed by the Committee.
- 3.13 Standing Order 206 (b) makes plain the Committee's responsibilities in checking petitions for compliance, providing: 'if the petition complies it **shall** be approved for presentation to the House' (emphasis added). This means, when combined with Standing Orders 204 and 205, that the Committee does not have discretion in what petitions it approves. However, in the Committee's view, the requirement that petitions not be illegal, or promote illegal acts, and be in moderate language, are an adequate safeguard, particularly in light of the respect of the House for freedom of speech. The Committee notes again that the contents of petitions presented do not necessarily represent the views of the Member presenting, and it applies the same reasoning to the Committee's certification process.⁶

Presenting a petition: 207

- 3.14 Petitions may be presented either by the Committee Chair (who may also present reports and make statements...) in accordance with Sessional Order 34 (providing in the order of business of the House for the Chair's presentations and statements on Monday evenings at 8.30 to 8.40 p.m.); or by a Member at prescribed times (increased from Members' statements in the House or Main Committee, to include the adjournment debate in the House and Main Committee and the grievance debate).
- 3.15 As noted previously, this provision is currently made by way of Sessional Order. The provision for presentation by the Chair (as well as statements) was made at the Committee's suggestion and, in the Committee's view has proved successful in providing certainty about opportunities for petitions and responses to be presented, and to keep the House and the public informed about the petitions process.

6 See the comments by the Committee Chair, *HR Debates* (7.9.2009) 8747.

- 3.16 The Committee endorses the increased opportunities in Sessional Order 207 for Members to present petitions – during Members’ statements in the Main Committee, adjournment debate in the House and Main Committee and in the grievance debate.
- 3.17 At the Committee’s meeting on 26 May 2010, a Member mentioned the possibility of increasing the opportunities for backbench Members to debate petitions in the House or in the Main Committee. Currently, debate would be limited to a motion that a petition not be received, or that a petition be referred to a particular committee (Standing Order 208). The Committee notes that if this proposal to allow debate were taken up it might be enabled by amending Sessional Order 207 to include a paragraph (b) (iv), that would allow a Member to present a petition which refers to a motion or order of the day when that motion or order of the day is moved or called on for the first time.
- 3.18 The Committee notes, however, that while the former Standing Orders would have allowed such a debate,⁷ there is no record of the opportunity having been taken up. The Committee does not know the reason for this and, at this stage, does not recommend a change to the Standing Orders. Such a possibility might subject Members to unreasonable pressure from petitioners to propose a motion and to advocate a particular stance.
- 3.19 A future Petitions Committee might consider this matter anew. An interim measure might be for the Committee to broaden the participants in round table meetings, from time to time, to include Members who have demonstrated a particular interest in a petition, as well as petitioners, and/or Public Servants. While this would not strictly be a debate on a petition, it would enable greater input by Members.

Petitions presented without certification

- 3.20 The Clerk of the House noted that petitions are sometimes presented by Members without having been through the Committee’s approval process. The Chair refers such petitions to the Committee for determination. If the petition is found to be in order, then it is subsequently presented by the Chair and referred to the relevant Minister. If it is not approved, then the principal petitioner and the Member are notified.

7 Standing Order 209 (c) in the *Standing and Sessional Orders as at 29 March 2006*. This opportunity appears to have existed – but not been used – throughout the life of the House.

- 3.21 The Clerk considered the more reliable way of dealing with these instances would be for the Committee to continue to educate Members and their staff about the petitions process and the role of the Committee. In this regard, the Chair writes to all Members at least once a year to outline the process. The Clerk referred to the possibility of amending Sessional Order 207 to allow a Member to present a petition 'that has been approved by the Standing Committee on Petitions'. If the Member wished to present an unapproved document, leave would be required, and this may not always be granted.⁸ The Committee agrees that the preferred way of dealing with this matter is through continuing the education of Members and their staff.

Role of Members

- 3.22 The Committee is pleased to see that the increased opportunities for Members to present petitions have been take up. The Clerk of the House noted that since the changes in 2008, 'Instances of Members taking the opportunity of presenting petitions have increased markedly both in number and as a percentage of total petitions.'⁹ The percentage of petitions presented by Members rose from 3.2% in 2007 to 18.3% in 2008 and 34% in 2009.
- 3.23 As the Clerk noted, Members usually speak in support of petitions they present, and so greater exposure is given to the matters raised in petitions.¹⁰ The increased participation by Members in raising the issues in petitions is in keeping with the Procedure Committee's principle of enhancing the role of Members in the petitions process.

Action on petitions: Standing Order 208 and Sessional Order 209

- 3.24 The Committee notes that the provisions of Standing Order 208 (c) – a motion to refer a petition to a committee – are of long standing and have not been used by the House. However, there is arguably a role for committees to investigate some matters raised in petitions. The question

8 Clerk of the House of Representatives, *Submission No. 1*, p. 6. Standing Order 63 enables the House or Main Committee to grant leave to a Member to act in a manner not provided for but leave may be granted only if no Member present objects.

9 Clerk of the House of Representatives, *Submission No. 1*, p. 6.

10 Clerk of the House of Representatives, *Submission No. 1*, p. 6.

then arises as to what would be a convenient mechanism. A Minister might include in his or her response to the Committee on a referred petition information that he or she proposed to refer the matters raised in a petition to a committee (although presumably a separate referral letter would be sent by the Minister to the committee concerned).

- 3.25 The Committee also considers that it would be useful if it had the power to refer petitions to a particular House committee for inquiry and report – should the committee choose to undertake such an inquiry. For example, a new Standing Order 210 could provide for the Petitions Committee to refer a petition to a committee for a proposed inquiry and report; a draft Standing Order is contained in Appendix D to this report.
- 3.26 The provisions of Sessional Order 209 appear to be entirely reasonable. They provide (a) that the Committee may refer petitions to the Minister, following presentation; (b) that the Minister be expected to lodge a written response with the Committee within 90 days of presentation; and (c) that the Chair announce ministerial responses and that after this, the responses be printed in Hansard and published on the House’s website.
- 3.27 The Committee endorses the provisions of Standing Order 209 relating to referral to a Minister for response.

Previous comment on the revised Standing Orders

- 3.28 In its report, *Electronic Petitioning to the House of Representatives*, the Committee recommended that the House establish an electronic petitions system (with the current paper system to continue). Among other things, the Committee recommended that Standing Orders 204 (b), (e) and (f), relating to the form of petitions; 205 (a) and (b) relating to signatures; and 206 (a), relating to lodging a petition, be amended to take account of the electronic format.¹¹ The Committee takes this opportunity to confirm its previous recommendation that the Standing Orders be amended to enable electronic petitions. Its comments in this report are not intended to derogate from the views expressed in its earlier report.
- 3.29 In its report on electronic petitioning the Committee also took the opportunity to refer to Standing Orders 207 (presentation of petitions), and 209 (referral to a Minister for a response), currently in the form of Sessional Orders.¹² In the Committee’s view when it reported into

11 House of Representatives Standing Committee on Petitions, *Electronic Petitioning to the House of Representatives*, 2009, pp. 70–71.

12 In place now for the remainder of the 42nd Parliament; *Votes and Proceedings*, No. 32, 24 June 2008, pp. 421–422; *Votes and Proceedings*, No. 66, 1 December 2008, p. 756.

electronic petitions, they had been operating successfully and should be made permanent.¹³ That remains the Committee's view.

Standing Committee on Petitions: Standing Order 220

- 3.30 The Committee's role is prescribed as being 'appointed to receive and process petitions, and to inquire into and report to the House on any matter relating to petitions and the petitions system'.¹⁴
- 3.31 Standing order 208 (b) prescribes membership of the committee as 'ten members: six government and four non-government members. This number of members (total and government and non-government) is the same as for the general purpose standing committees of the House. The Committee has no wish to amend this Standing Order but it notes in passing that it has been functioning without a full complement of members for many months.

Standing orders of general application to House committees

- 3.32 The Committee acknowledges that House Standing Orders 228–247, on the operation of committees, also apply to its work. These Standing Orders cover matters such as appointment of members, quorum, proceedings and sittings of committees, records of proceedings and documents, admission of visitors and other Members, and publication of evidence. The Committee has no comment to make on these Standing Orders of general application, other than to say the effectiveness of its role and methods of operation have not been hindered in any way by them and it does not seek to have any special arrangements for its own general operations.¹⁵

13 House of Representatives Standing Committee on Petitions, *Electronic Petitioning to the House of Representatives*, 2009, p. 70.

14 Standing Order 220 (a).

15 These Standing Orders are available online at:
<http://www.aph.gov.au/house/pubs/standos/pdf/chapter16.pdf> viewed 4 June 2010.

Comments on the revised arrangements: revival of the petitions process

- 3.33 From time to time during round table meetings the Committee has taken the opportunity to ask petitioners their views on the current process for petitioning the House of Representatives. They have been asked about how they collected signatures, and so on. Petitioners have not made comments or complaints about specific elements of the process or the Standing Orders.
- 3.34 One witness at a recent hearing in Melbourne told the Committee: 'I would like to again stress that we welcome the establishment of the committee to look at petitions. I think it treats petitions from the community with the seriousness that they deserve...'¹⁶
- 3.35 The Committee considers that the revised arrangements for petitions have been successful. The Clerk of the House of Representatives has commented favourably on the new arrangements as a whole: 'There was a saying, often used, that petitions gathered dust. I think the new arrangements have brought the process back to life. I think they have demonstrated that an ancient practice can be adapted to modern times.'¹⁷

Conclusions and recommendations

- 3.36 The Committee has considered the work of the Standing Committee on Petitions, with particular reference to the role and operations of the Committee and the effectiveness of the Standing Orders as they relate to petitions.
- 3.37 Indications that petitions are perceived to be treated seriously by the House are welcomed by the Committee. The remarks of the Clerk of the House are also relevant in this regard: 'Although petitioning is certainly not new to the House, the changes have created a more dynamic process. Importantly, the current procedures place a greater focus on what happens to a petition once it is received, which is arguably the most valuable aspect of the process to petitioners in their quest to have their grievances considered by the Parliament and the Government.'¹⁸

16 Dr Mark Zirnsak, *Transcript of Evidence*, 28 April 2010, p. 45.

17 Clerk of the House of Representatives, *Submission No. 1*, p. 2.

18 Clerk of the House of Representatives, *Submission No. 1*, p. 8.

- 3.38 The Committee also considers that the ‘pre-petitioning’ stage of the process has been enhanced by the changes to the web pages of the House and the inclusion there and on the Committee’s web page of information on the preparation of petitions and contact details of the secretariat from where advice can be obtained.
- 3.39 The website provides a collection of the terms of petitions, Ministers’ responses, and transcripts of round table meetings. Such easily accessible information for petitioners and anyone who is interested, is important for the standing of the House as well as for the convenience of petitioners: ‘...this added prominence and easy access to information on petitions considerably strengthens the role of petitions within the democratic process. The high number of signatures received in 2009 may indicate gains in awareness of the process for petitioning the House, and confidence in the value that the avenue offers citizens to have their grievances heard.’¹⁹
- 3.40 Generally the Committee is satisfied that the Standing Orders enable it, and those who interact with it, to fulfil their functions effectively. As noted, the possibility of debate on petitions has been raised and a possible mechanism to allow this has been canvassed by the Committee. At this stage the Committee does not recommend the Standing Orders be amended to include provision for presentation by a Member when a related motion or order of the day is moved or called on. The Committee’s view is that Sessional Order 207 should only be changed to be made permanent.
- 3.41 In the Committee’s view, one of the great successes of the changes to Standing Orders has been the diligence of Ministers in terms of their written responses to the Committee. The Committee notes too that its invitations to Public Servants to appear before it in respect of petitions and responses have overwhelmingly been treated with professionalism and respect for the institution of the Parliament. Accordingly, no change should be made to Sessional Order 209 other than to make it permanent.

Recommendation 1

The Committee recommends that the House make Sessional Orders 207 and 209 permanent.

19 Clerk of the House of Representatives, *Submission No. 1*, p. 8.

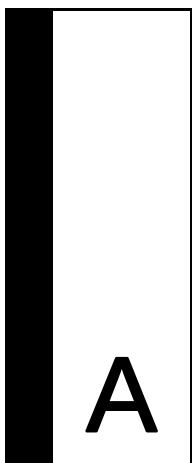
- 3.42 The Committee concludes that the petitions process would be further strengthened if it had the power to refer a petition to a House of Representatives committee for inquiry and report. However, the Committee considers that the adoption – or not – of an inquiry into a petition is a matter for the committee concerned. Only that committee will have full knowledge of its own work program and resources.

Recommendation 2

The Committee recommends that the Standing Orders be amended to enable the Petitions Committee to refer a petition to a House committee for inquiry and report, should the committee so choose.

- 3.43 The Committee is pleased with the work it has undertaken to date and with the way that its role has been evolving. No doubt, in the future, its role and style of operations will continue to evolve. What will remain, however, is its focus on strengthening the petitions process, through its contributions to accessibility, transparency and accountability.

Julia Irwin MP
Chair



Appendix A: Submissions and hearings

Submission

1. Mr Bernard Wright, Clerk of the House of Representatives

Hearings/round table meetings

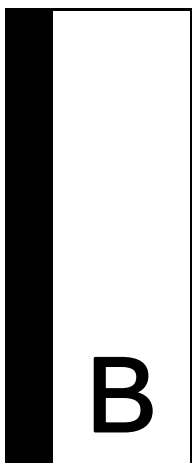
Canberra, 17 March 2010

Department of the House of Representatives

Mr Bernard Wright, Clerk of the House of Representatives and
Ms Robyn McClelland, Clerk Assistant (Table), Department of the House of
Representatives

Canberra, 26 May 2010

Private round table meeting with Members



Appendix B: Standing and Sessional Orders¹

Preparing a petition

204 Rules for the form and content of petitions

- (a) A petition must:
 - (i) be addressed to the House of Representatives;
 - (ii) refer to a matter on which the House has the power to act;
 - (iii) state the reasons for petitioning the House; and
 - (iv) contain a request for action by the House.
- (b) The terms of the petition must not contain any alterations and must not exceed 250 words. The terms must be placed at the top of the first page of the petition and the request of the petition must be at the top of every other page.
- (c) The terms of the petition must not be illegal or promote illegal acts. The language used must be moderate.
- (d) The petition must be in English or be accompanied by a translation certified to be correct. The person certifying the translation must place his or her name and address on the translation.
- (e) No letters, affidavits or other documents should be attached to the petition. Any such attachments will be removed before presentation to the House.
- (f) A petition from a corporation must be made under its common seal. Otherwise it will be received as the petition of the individuals who signed it.

¹ *House of Representatives Standing and Sessional Orders, as at 1 December 2008.*

205 Rules for signatures

- (a) Every petition must contain the signature and full name and address of a principal petitioner on the first page of the petition.
- (b) All the signatures on a petition must meet the following requirements:
 - (i) Each signature must be made by the person signing in his or her own handwriting. Only a petitioner incapable of signing may ask another person to sign on his or her behalf.
 - (ii) Signatures must not be copied, pasted or transferred on to the petition or placed on a blank page on the reverse of a sheet containing the terms of the petition.
- (c) A Member must not be a principal petitioner or signatory to a petition.

Presentation of petitions**206 Lodging a petition for presentation**

- (a) Petitions may be sent directly to the Standing Committee on Petitions or via a Member.
- (b) The Standing Committee on Petitions must check that each petition lodged for presentation complies with the standing orders, and if the petition complies it shall be approved for presentation to the House.

[Sessional order]

207 Presenting a petition

A petition may be presented in one of two ways:

- (a) The Chair of the Standing Committee on Petitions shall present petitions and/or reports of that committee, and the Chair and one other Member of the Committee may make statements concerning petitions and/or such reports presented, in accordance with *standing order 34 (order of business)*. The time provided may extend for no more than 10 minutes.
- (b) A Member may present a petition during:
 - (i) the period of Members' statements in the Main Committee, in accordance with *standing order 192A* and *standing order 193*;
 - (ii) adjournment debate in the House in accordance with *standing order 31*, and in the Main Committee in accordance with *standing order 191*; and
 - (iii) grievance debate in accordance with *standing order 192B*.

Action on petitions

208 Action by the House

- (a) Discussion on the subject matter of a petition shall only be allowed at the time of presentation as provided for under *standing order 207(b)*.
- (b) Each petition presented shall be received by the House, unless a motion that it not be received is moved immediately and agreed to.
- (c) The only other motion relating to a petition that may be moved is a motion on notice that the petition be referred to a particular committee.
- (d) The terms of petitions shall be printed in Hansard.
- (e) The Standing Committee on Petitions shall respond to petitions on behalf of the House and report to the House.

[Sessional order]

209 Petition may be referred to a Minister for response

- (a) After a petition is presented to the House, the Standing Committee on Petitions may refer a copy of the petition to the Minister responsible for the administration of the matter raised in the petition.
- (b) The Minister shall be expected to respond to a referred petition within 90 days of presentation by lodging a written response with the Committee.
- (c) The Chair of the Petitions Committee shall announce any ministerial responses to petitions. After the announcement, ministerial responses shall be printed in Hansard and published on the House's internet website.

220 Standing Committee on Petitions

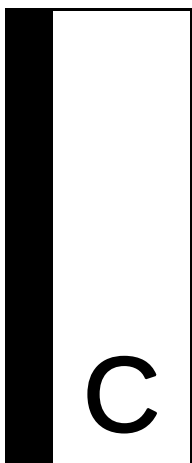
- (a) A Standing Committee on Petitions shall be appointed to receive and process petitions, and to inquire into and report to the House on any matter relating to petitions and the petitions system.
- (b) The committee shall consist of ten members: six government and four non-government members.

History of amendments to the relevant standing orders

Standing order and date amended²

- 204 Amended 13.2.08
- 205 Amended 13.2.08
- 206 Amended 13.2.08
- 207 Amended 13.2.08; amended 12.3.08; amended sessional order 24.6.08 (for the remainder of 2008); sessional order extended 1.12.08 for the life of the 42nd Parliament
- 208 Amended 13.2.08; amended 12.3.08
- 209 Amended 13.2.08; amended sessional order 24.6.08 (for the remainder of 2008); sessional order extended 1.12.08 for the life of the 42nd Parliament
- 220 Amended 13.2.08

2 *House of Representatives Standing and Sessional Orders* and the history of amendments are available online at <http://www.aph.gov.au/house/pubs/standos/index.htm>, viewed 4 June 2010.



Appendix C: Public hearings and round table meetings (non-inquiry related)

1 September 2008: Petitions presented before 27 June 2008, Parliament House, Canberra

Department of Infrastructure, Transport, Regional Development and Local Government

- V8 supercar race track Townsville
- Golden Grove Football Club
- Funding for sporting facilities
- Moorabbin golf course/airport
- Port Keats Road, NT
- Ipswich Motor Way and Goodna Bypass

Department of Health and Ageing

- Commonwealth dental scheme
- Dental health program
- Access to treatment for Mesothelioma sufferers
- PBS listing of Alimta
- Aged care in the Hunter and Central Coast

Department of Foreign Affairs and Trade

- Bangladesh Liberation War
- Cluster munitions
- Child soldiers in Uganda, Sudan, Somalia and Algeria
- Middle East
- Australia's involvement in Iraq

Wednesday 24 September 2008: Petitions presented before 5 September 2008, Parliament House, Canberra**Department of Broadband, Communications and the Digital Economy**

- Telstra coverage on the Central Coast
- Post Office at Jewells, NSW
- Traralgon Post Office
- ABC radio broadcasting, Nannup, WA
- Post Office at North Tamworth, NSW

Department of Environment, Water, Heritage and the Arts

- Department of Climate Change
- Natimuk Lake
- Green and Dock lakes
- Water infrastructure plan - SA
- Building of nuclear reactors or waste dumps
- Olympic Dam uranium mine
- Greenhouse gas emissions
- Renewable energy research and development

Department of Families, Housing, Community Services and Indigenous Affairs

- Northern Territory Intervention
- Pension entitlements for former citizens of Latvia
- Funding for housing and accommodation services
- Pensions and benefits

Department of Defence

- Anti-vehicle mines
- Australia's involvement in Iraq
- Beersheba battle site

Wednesday 22 October 2008: Petitions presented before 26 September 2008, Parliament House, Canberra

Department of Education

- Portability of funding for students with a disability
- Funding formula for public schools
- Higher Education assistance
- Funding for preschools

Department of Immigration and Citizenship

- Immigration policy – priority for Christians
- Income support for asylum seekers
- Permanent residency for 410 visa holders

Department of Human Services

- Centrelink services, Morwell, Victoria
- Income support for asylum seekers
- Medicare office, Swan electorate

Thursday 30 October 2008: Petitions from Victoria, Fitzroy Library, Melbourne

Principal petitioners

- Social impacts of khat
- Pension levels (various petitions)
- Income support for asylum seekers
- Disability funding for schools
- Palestine-Israel conflict
- Apology to indigenous Australians

**Wednesday 3 December 2008: Petitions presented before 14 November 2008,
Parliament House, Canberra**

Department of Health and Ageing

- Palliative care on the Sunshine Coast
- Funding for personal care assistants in nursing homes
- Ratio of personal care assistants in nursing homes
- Funding for Kempsey District Hospital
- Access to PBS/Medicare for hyperhidrosis sufferers
- Prohibition of the drug Khat

Department of Resources, Energy and Tourism

- Olympic Dam Uranium Mine

Department of Infrastructure, Transport, Regional Development and Local Government

- King Street Bridge
- Canberra Airport (two petitions)
- Pedestrian crossing in Athelstone
- Feasibility study of rail options for Adelaide

**Wednesday 5 February 2009: petitions presented before 5 December 2008,
Parliament House, Canberra**

Department of the Environment, Water, Heritage and the Arts

- Water security – South Australia
- Hunting for environmental conservation
- Environmental impact of human activity
- Solar rebate scheme

Department of Infrastructure, Transport, Regional Development and Local Government

- Intersection of Old Pitt Town Road and Boundary Road
- Passing lanes on Bucketts Way
- Feasibility study of rail options for Adelaide

Department of Families, Housing, Community Services and Indigenous Affairs

- Disability and aged pensions
- Social security agreement between Australia and the Philippines
- Rent assistance
- Quarantining of social security income
- Early intervention services for children with a disability

Monday 23 March 2009: petitions from NSW, Tuggerah Lakes Secondary College, The Entrance, NSW

- Radiotherapy Unit on The Central Coast
- Funding for pre-schools
- Northern Territory Intervention
- Post Office for Jewellstown
- Environmental impact of human activity
- Abolition of ABCC

Wednesday 27 May 2009: petitions presented before 20 March 2009, Parliament House, Canberra

Department of Broadband, Communications and the Digital Economy

- Community radio broadcasting in central Victoria
- Goldfields Community Radio in Bendigo
- Wanneroo Post Office
- Mobile phone coverage in Walker Flat
- SBS funding
- Sexual advertising and access to internet pornography
- Redevelopment of Commonwealth land

Department of Infrastructure, Transport, Regional Development and Local Government

- Relocation of East Gippsland TAFE and development of sports complex
- Waterfall Gully Road upgrade
- Toowoomba Bypass

Department of Foreign Affairs and Trade

- Death of Mr Renerio Arrogante III in Cebu, Philippines
- Human rights in Sri Lanka
- Whaling
- Social security agreement between Australia and the Philippines
- Iraqi Christians
- Millennium Development Goals
- Conflict in Gaza
- Gaza Strip
- Death penalty in Iran

28 October 2009: selected petitions presented before 18 September 2009, Parliament House, Canberra

Department of Education, Employment and Workplace Relations

- Changes to Youth Allowance

Department of Immigration and Citizenship

- Asylum seekers

Department of Human Services

- Medicare branch, Mirrabooka, WA
- Medicare office, Pakenham, VIC

25 November 2009: petitions presented before 30 October 2009, Canberra

Department of Defence

- Burial places from World War II

Department of Families, Housing, Community Services and Indigenous Affairs

- Disaster recovery payments for Coffs Harbour and environs
- Forgotten Australians

Department of Health and Ageing

- Medicare funding for dental treatment
- Residential and community aged care
- Change of rural status for Gawler, South Australia

15 March 2010: petition regarding the convictions of Messrs Morant, Handcock and Witton, Parliament House, Canberra

7 April 2010: selected petitions from New South Wales, Parliament House, Sydney

- Comfort women
- Order of Australia for East Timor
- Burmese Military Junta
- Marriage Equality Bill
- National Marriage Day
- Impact of coal mining
- Lymphoedema treatment
- Flying foxes in Royal Botanic Gardens, Sydney

8 April 2010: selected petitions from Queensland, Parliament House, Brisbane

- Toowoomba bypass
- Condition of the Warrego Highway
- Borneo Barracks
- Montevideo Maru
- Medals for former and serving cadets

28 April 2010: selected petitions from Victoria, Parliament House, Melbourne

- Live animal exports
- University funding
- Fuel excise tax
- Excise regulation – microbreweries
- Mandatory detention of asylum seekers



Appendix D: Draft Standing Order

210 Petition may be referred to a House of Representatives committee for inquiry and report

- (a) After a petition is presented to the House, the Standing Committee on Petitions may refer the petition to a specified House of Representatives committee for inquiry and report to the House.
- (b) The House of Representatives committee shall be expected to notify the Standing Committee on Petitions within 60 days of receipt of referral whether or not it intends to undertake the proposed inquiry. The Chair of the Petitions Committee shall announce any such notification by a House of Representatives committee to a referral by the Petitions Committee.



Appendix E: Statistics on petitions to the House of Representatives

Petitions presented 1973-2010 House of Representatives and Senate

Year	<i>House</i>			<i>Senate</i>
	Number of petitions	Signatures	Ministerial responses	Number of petitions
1973	1677			119
1974	883			477
1975	2043			677
1976	1987			558
1977	1420			470
1978	1340			578
1979	2366			742
1980	1923			701
1981	2900			669
1982	2094			1014
1983	1885			860
1984	2315			870
1985	2955			1093
1986	5528			1262
1987	3622			1291
1988	1289			780
1989	1690			882
1990	564			404
1991	824			779

Year	<i>House</i>				<i>Senate</i>
	Number of petitions	Signatures	Ministerial responses	% Ministerial responses	Number of petitions
1992	843	365155	3	0.4%	607
1993	547	734785	0	0.0%	539
1994	540	360462	0	0.0%	464
1995	431	456923	3	0.7%	589
1996	430	283163	5	1.2%	464
1997	633	322085	1	0.2%	476
1998	336	251466	0	0.0%	218
1999	232	139741	0	0.0%	194
2000	289	1411278	0	0.0%	102
2001	250	168226	0	0.0%	103
2002	319	362599	0	0.0%	99
2003	369	381083	1	0.3%	129
2004	471	214315	0	0.0%	180
2005	235	230190	1	0.4%	86
2006	276	250091	0	0.0%	161
2007	250	118596	1	0.4%	77
2008	109	96769	56	51.4%	53
2009	150	281600	94	62.7%	48
2010	68	110407	53	77.9%	12

Petitions presented 2005-2010

House of Representatives

Year	Number of petitions	Signatures	Ministerial responses	%	Number presented by Members	%	Out of order petitions
2005	235	230190	1	0.4%	7	3.0%	50
2006	276	250091	0	0.0%	11	4.0%	80
2007	250	118596	1	0.4%	8	3.2%	51
2008	109	96769	56	51.4%	20	18.3%	39
2009	150	281600	94	62.7%	51	34.0%	20
2010	68	110407	53	77.9%	12	17.6%	17

Source Chamber Research Office, Department of the House of Representatives
3 June 2010