

Introduction

Petitioning the House of Representatives

History of petitioning the House

- 1.1 The right of citizens to petition the Parliament stems from traditions across many different civilisations. In the Westminster system it can be traced back to the 13th century when petitioning the Crown was relied on for redress of grievances. Later, petitioning was the principal manner in which legislation was developed.¹ By the 17th century – when in 1669 the rights of petitioners and the power of the House of Commons to address petitions were affirmed by two resolutions – the form and purpose of petitions had evolved to the style that we see reflected in current petitioning.²
- 1.2 When the Commonwealth of Australia was created in 1901, petitioning traditions passed from the Australian colonies to both the houses of the Federal Parliament, enabling the citizens of Australia to make direct representations to either the lower or the upper house.³
- 1.3 Since Federation, petitions to the House of Representatives have generally either sought to change, amend or introduce legislation (or other

1 Wright, BC, ed, *House of Representatives Practice*, 6th Edition, 2013, p. 628.

2 House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, 2007, p. 1.

3 Standing Order 2 defines a petition as ‘a formal request to the House to take action that is within its power to take’, *House of Representatives Standing and Sessional Orders*, 20 October 2010. A petition can only be tabled in one house, but petitions on the same matter may be prepared and presented separately, in each chamber. Interestingly, no petitions were presented in the Senate between 1901 and 1968 – refer to Papers on Parliament, No. 59, *Is it futile to petition the Australian Senate*, Paula Waring, April 2013, available at: http://www.aph.gov.au/About_Parliament/Senate/Research_and_Education/pops/~/_link.aspx?id=589D8A3C163043E6B5FCE93ACE9E92A1&z=z, viewed 5 June 2013.

administrative practices), take action for a certain purpose, or to redress a local or personal grievance. Over time, petitions calling for redress of personal concerns have lessened, mainly because the Commonwealth government provides other mechanisms, in the first instance, for citizens to seek to resolve these sorts of issues.⁴

- 1.4 Between 1901 and the end of the 41st parliament in 2007, 50 045 petitions were presented in the House.⁵ The popularity of petitioning appears to have waxed and waned over that period. Its pinnacle, in terms of volume of petitions, was in the 1970s and 1980s. The lowest annual number of petitions presented in the House between 1975 and 1989 was 1 340, with an average of 2 357 petition presentations per annum over that 15 year period.⁶ But, by the 1990s petitioning the House appeared to have comparatively fallen out of public favour, with the highest number of presentations in the period 1990 to 2007 reaching 843, the lowest 232.⁷

Reinvigoration of the House's petitioning processes

- 1.5 In 2007 the House of Representatives Procedure Committee inquired into the House's petitioning processes.⁸ It concluded that the long-standing petitioning practices of the House no longer best served the way citizens engaged with parliament, and as a consequence the status of petitioning had declined. The Procedure Committee asserted that petitioning the House of Representatives should be based on the following six fundamental principles:

That petitions belong to the public

- 1.6 Underpinning this is the belief that petitions are the most direct form of communication between the public and the House.

Petitions sent to the House should be addressed by the House

- 1.7 The Procedure Committee considered the establishment of a Committee to facilitate the tabling of petitions complying with House requirements and to communicate with petitioners about the status of their petitions was an effective way for the House to address petitions it received.

4 For example the Commonwealth Ombudsman's Office is a body through which Australian citizens may direct personal concerns or complaints about their dealings with Australian Government agencies.

5 *House of Representatives Practice*, 6th Edition, Appendix 20, pp. 856-858 (Years 1901-2007).

6 House of Representatives Standing Committee on Petitions, *The work of the first petitions Committee: 2008-2010*, Appendix E, p. 45.

7 House of Representatives Standing Committee on Petitions, *The work of the first petitions Committee: 2008-2010*, Appendix E, p. 45.

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

Governments should respond

- 1.8 The Committee considered that strengthening the process of responses to petitions by Ministers would ensure petitions were seen as a worthwhile democratic tool.

Members' involvement should be enhanced and streamlined

- 1.9 The Committee recognised the important role Members play in liaising with citizens, raising petition issues in the House, and tabling petitions. It wanted better support for Members to contribute to this process.

Rules should be relevant and fair; and

- 1.10 Preparing a petition should not be excessively difficult and the rules governing petitions should not prove unnecessarily onerous.

Information technologies should be used more effectively.

- 1.11 The Committee decided it was important to embrace new information technologies to provide people with different means of obtaining information about the petitioning process and providing an alternative to paper-based petitioning. The Committee recommended the introduction of electronic petitioning.
- 1.12 The Committee also noted that, importantly, outside the parliamentary domain, the act of petitioning serves to air and strengthen community views on an issue.⁹
- 1.13 The Committee made seven recommendations, primarily relating to the accountability and certainty of the House's practices with respect to petitioning, and communicating with petitioners about action on their petition.
- 1.14 Its primary recommendation was for the House to establish a Petitions Committee to provide independent oversight of the House's standing order requirements and to act as a conduit between petitioners and the House. The Committee also recommended it be able to inquire into petitioning matters and report on any possible action.
- 1.15 The Procedure Committee also recommended:
- A limit of 250 words be imposed on the terms 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;

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

- 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;
- Only the 'principal petitioner' be required to provide full contact details; and
- An electronic petitioning system be introduced in the House of Representatives.¹⁰

The establishment of the first House Standing Committee on Petitions

- 1.16 In January 2008, the incoming Government anticipated the establishment of a House Petitions Committee. The Leader of the House noted that this initiative was 'an important reform which strengthens the democratic rights of citizens and ensures that parliament is listening and responding appropriately'.¹¹
- 1.17 Accordingly, at the beginning of the 42nd parliament, on 12 February 2008, new and revised Standing and Sessional Orders were introduced to support the reformed petitions process and to establish the first Petitions Committee.¹² The new framework also provided:
- A requirement for the Petitions Committee to assess compliance of each petition submitted for presentation (whether received directly from a petitioner or via a Member) with House Standing Orders. If the petition complied it would then be approved by the Committee for presentation in the House.
 - The Committee had discretion to decide whether to refer a petition to the relevant portfolio Minister or Ministers of the subject matter issue of the petition.
 - The introduction of a 250 word limit for the terms of the petition (that is, the address to the House, the reason for petitioning the House and the request for the House to take action).
 - A requirement that the main organiser of the petition, the nominated principal petitioner must be clearly identified on the front or first page of the petition, along with their full name, contact details and their handwritten original signature.

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

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

12 Note the former Standing Orders are contained in Appendix A to this report.

- Petitions could either be presented by the Speaker of the House (with the Clerk announcing details)¹³ or by an individual Member.
- Opportunities to present petitions were increased. Members could present petitions during Members' 90 second statements in the House and 3 minute statements in the Main Committee,¹⁴ in the adjournment debate in both the House and the Main Committee and during the grievance debate.
- Ministers were expected to respond to the Committee about petitions referred to them by the Committee within 90 days of presentation, by lodging a written response with the Committee. The Ministerial responses were then to be presented in the House,¹⁵ published in Hansard and published on the House of Representatives website.

1.18 That first Petitions Committee, the Committee of the 42nd Parliament, recorded its history, procedural framework, and operations in the report, *The Work of the First Petitions Committee: 2008-2010*.¹⁶

The Petitions Committee of the 43rd Parliament

- 1.19 The Standing Committee on Petitions of the 43rd Parliament was established on 25 October 2010, and the full complement of members were appointed to the Committee the same day.¹⁷ The Committee held its first meeting two days later, on 27 October 2010.
- 1.20 The Committee has operated under a single set of petitioning Standing Orders since its establishment in 2010.¹⁸ The Committee will have conducted 52 meetings, including public hearings, since its first meeting and the presentation of this report.

The inquiry

- 1.21 On 13 February 2013 the Petitions Committee resolved to conduct an inquiry into its work throughout the 43rd Parliament.

13 These arrangements were later amended by a sessional order introduced in June 2008 which enabled petitions to be presented by the Chair of the Petitions Committee in a dedicated regular timeslot on Monday evenings; or by a Member during the times provided.

14 The House resolved on 8 February 2012 to change the name of the Main Committee to the Federation Chamber, with effect from 27 February 2012.

15 Later, by the Petitions Committee Chair during the petitions timeslot.

16 Presented on 21 June 2010, and available online at: http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=petitions/committeework/index.htm, viewed 5 June 2013.

17 Refer *Votes and Proceedings*, No. 8, 25 October 2010, p. 118.

18 These have changed little since the end of the 42nd Parliament and will be discussed in more detail in Chapter 3.

- 1.22 Terms of Reference for the inquiry were: 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.
- 1.23 The Committee's primary objective for the inquiry was to provide an overview of its operations during the 43rd Parliament, to evaluate how these might have evolved, and to consider what further refinements might be necessary.
- 1.24 The Committee's work is quite public: decisions it makes are largely embodied in announcements made by the Chair each sitting week, current activities are canvassed in the Chair's statements to the House, and transcripts of roundtable meetings are available on its website. The Committee did not investigate any particular facet of petitioning, nor did it call for submissions – so much of the information about its operations is on the public record. It did, however, ask for feedback from witnesses/principal petitioners at its roundtable meetings into selected petitions, to determine their views on the process that began in 2008.

The report

- 1.25 This report addresses each of the terms of reference in the following two chapters. Chapter 2 considers the work of the Committee of the 43rd Parliament – its role and operations – and identifies some of the incremental changes that have been made over the last three years.
- 1.26 In Chapter 3 the Committee considers the current Standing Orders relating to its work and outlines its conclusions for the future role and operations of the Committee. In doing so it considers the potential impact of electronic petitioning, the response of petitioners to the current system, and possibilities for the House to debate the subject matter of petitions.
- 1.27 Appendices to the report include current Standing Orders and former Standing and Sessional Orders (Appendix A), non-inquiry public round table meetings held (Appendix B) and petitioning statistics (Appendix C).
- 1.28 The Committee considers that the underlying principles of petitioning, as enunciated by the Procedure Committee, remain relevant and important in the conduct of its work and the value of that work to the House and to Australian citizens who seek to engage with the House.