

Effectiveness of the Committee's formal framework

Introduction

- 3.1 This chapter considers the framework of the House's petitioning arrangements, feedback on the revised petitioning arrangements received this parliament and issues for future Committee consideration.
- 3.2 At the beginning of the 43rd Parliament a number of changes were made to House Standing Orders. There were, however, no substantive changes to the House's petitioning arrangements in the 43rd Parliament. The Standing Orders covering petitioning are essentially the same as those from 24 June 2008, but with changes to the times petitions may be presented.¹ As such, the Committee will not re-examine the unchanged Standing Orders applying to petitions as documented in detail in the first Committee's report: *The work of the first Petitions Committee: 2008 – 2010*.²
- 3.3 The Standing Orders governing petitioning in the 43rd Parliament have remained unchanged throughout the parliament.
- 3.4 The following House Standing Orders relate to petitions, in particular:
- Standing Order 34 – order of business, Chair's presentation timeslot;
 - Standing Order 204 – rules for the form and content of petitions;
 - Standing Order 205 – rules for signatures;

1 There was also a machinery change. The Standing Orders were subsequently amended on 8 February 2012 for the establishment of the Federation Chamber (which replaced the Main Committee) on 27 February 2012. At this point all references in the Standing Orders to the 'Main Committee' were replaced with the 'Federation Chamber'.

2 House of Representatives Standing Committee on Petitions, *The work of the first Petitions Committee: 2008 – 2010*, Chapter 3, pp. 19-25. (Provides a full examination of Standing Orders 204-209). Also refer to Appendix A for details of former Standing and Sessional Orders.

- Standing Order 206 – lodging a petition for presentation;
- Standing Order 207 – presenting a petition;
- Standing Order 208 – action by the House;
- Standing Order 209 – a petition may be referred to a Minister for response; and
- Standing Order 220 – creation of the Standing Committee on Petitions.³

3.5 Standing Orders governing the form and content of petitions have been unchanged since the establishment of the first Committee. This fact, coupled with the Committee's commitment to provide various information resources on the petitioning requirements, may have enhanced the public's understanding of the requirements. The Chair commented favourably on this apparent increasing awareness of the petitioning framework:

The increasing number of in-order petitions received this year highlights, I believe, two aspects of the House petitioning process. One is what appears to be an increasing engagement by the people of Australia with the House of Representatives. The other is a greater awareness by Australians of the way the House operates and a recognition that it follows certain rules. In this case, there appears to be a maturing appreciation of the standing orders governing petitioning. Since the establishment of the first Petitions Committee in 2008, the requirements of the House petitioning process have become more widely known and understood.⁴

Petition presentation times and machinery changes

- 3.6 The times that petitions may be presented changed at the beginning of the parliament in two ways – directly, by bringing forward the time of the Chair's presentation timeslot on sitting Mondays and indirectly through increased opportunities for Members to present petitions.
- 3.7 Firstly, Standing Order 34 was amended on 29 September 2010 to bring the Chair's petitions presentation timeslot forward to 10.00am – 10.10am on sitting Mondays (formerly on Monday evenings at 8.30pm – 8.40pm).
- 3.8 Secondly, Members were indirectly given expanded opportunities to present petitions in the House. Standing Order 207 superseded Sessional

3 The text of the current provisions is at Appendix A of this report. The former Standing and Sessional Orders of the 42nd Parliament, and their revisions in that Parliament are also detailed at Appendix A.

4 Chair, *HR Debates*, (23.05.2011) 3 980.

Order 207 and included changes to the opportunities available to Members to present petitions in the House and the Main Committee.⁵ These changes reflected changes to the Order of Business and included:

- Enabling presentation of a petition during Members' 90 second statements in the House, in accordance with Standing Order 43. This replaced presentations during the Members' 90 second statements in the Main Committee, in accordance with the former Standing Order 192A. The change occurred when Members' 90 second statements were moved from the Main Committee back to the House and increased these opportunities from one to three periods a week.
- Enabling presentation of a petition during the period of Members' 3 minute constituency statements in the Main Committee, in accordance with revised Standing Order 193.

- 3.9 The moving of the Chair's presentation from the evening timeslot to the morning timeslot – straight after prayers – has given the presentation more prominence.
- 3.10 The increased options for Members' presentation times provides Members with greater choice about when they may present a petition – with a diversity of times and presentation duration. This is consistent with the Procedure Committee's fourth principle of enhancing the role of Members in the petitions process.⁶
- 3.11 The change from one period of 90 second statements in the Main Committee to three periods of 90 second statements in the House has given these presentations greater visibility. This timeslot, 1.45pm – 2.00pm on sitting Mondays, Wednesdays and Thursdays, enables a Member to expediently present a petition at a time when the Chamber and gallery await Question Time. This may account for some of the increase in the number of petitions presented by Members in 90 second statements during the 43rd Parliament.⁷
- 3.12 Frequency of Member presentations is fairly consistent across the two parliaments during the grievance debate and the House and Federation Chamber adjournments debates.⁸

5 The Standing Orders were subsequently amended on 8 February 2012 for the establishment of the Federation Chamber (which replaced the Main Committee) on 27 February 2012. At this point all references in the Standing Orders to the 'Main Committee' were replaced with the 'Federation Chamber'.

6 Chapter 1, p. 3.

7 Refer to Appendix C, an increase from 7 presentations in the 42nd Parliament to 27 in the 43rd. Note that Members are reliant on receiving the call to present a petition during 90 second statements.

8 Refer Appendix C. In the 43rd Parliament constituency statement presentations fell by 12.

- 3.13 The only other change to the petitioning procedures was that Standing Order 209 superseded Sessional Order 209 – with no substantive change to text.⁹

Feedback from principal petitioners about the petitioning framework

- 3.14 From time to time during round table meetings the Committee has taken the opportunity to ask petitioners their views on the current petitions process for petitioning: how they collected signatures, liaison with the Committee and why they decided to use the petitioning process to raise awareness about the matter in their petitions. The feedback from petitioners indicated they saw value in petitioning – due largely to the revised framework – even if they had not yet achieved their requested outcome.

- 3.15 The Committee was told that the revised petitioning processes, in which petitions are likely to receive a formal ministerial response, was a key factor in most petitioners' decision to petition. For example, at a public hearing in Traralgon, Victoria, Mr Shelton, a petitioner regarding distribution under the Pharmaceutical Benefits Scheme, advised that 'We are encouraged that it is now on the record and that the minister has to respond formally to the petition'.¹⁰ Another petitioner commented that their expectation of receiving a response was an impetus for raising awareness in this way:

We talked to our local member and found that the petitions system had changed and that we would definitely get an answer to that. That encouraged us to give it a go. I must say that we are particularly pleased because we did get an answer from the minister. But we are very pleased to have a chance to come down and reopen the issue.¹¹

- 3.16 Many petitioners, whilst not achieving their desired result at response stage, felt that their expectations of the process had been met.¹² This was summarised by a principal petitioner who spoke at a public hearing in Traralgon, Victoria on the National Disability Insurance Scheme:

9 The word 'internet' was removed from the text on 20 October 2010.

10 Mr Shelton, *Transcript*, 2 December 2011, p. 25.

11 Dr Collison, *Transcript*, 25 May 2011, p. 6.

12 For example, Ms Bird, *Transcript*, 12 April 2013, p. 13.

And we are deeply grateful for that. For the very first time, in all of our petitioning years, we actually have knowledge of an outcome and a response. It is not the response that we want entirely, but it is a response nevertheless. We will certainly be making sure that, when this information is made publicly available, all of our carers in our purview will know about it so that they can all see how passionate we are, and maybe somebody who can make a difference will also see how passionate we are and how much we need their help and yours.¹³

3.17 Similarly, at the public hearing in Sydney in April 2013, Mr Frew, the principal petitioner for a petition calling for biennial bowel cancer screening, noted:

My expectation of the petition was to achieve what we have achieved, which was to raise awareness to get some response. The response, frankly, was not exactly what I had hoped for – on the lower end, a couple of extra years of screening at five-year gaps; at the top end, two years, which is what we have spent a fair bit of time discussing today.¹⁴

3.18 Petitioners often told the Committee of their surprise at how quickly and how willing people were to sign their petitions. For example, Mr Forde, appearing at a hearing in Brisbane regarding a petition calling for the recognition of Palestine as a Non-Member state of the United Nations, said:

I thought I would only get 500 signatures in a 48-hour period, because it was rushed. I got nearly 1,300, and I know that if I had gone a week I would have got a lot more.¹⁵

3.19 Similarly, in Perth, Mr Cormack discussed the ease with which the principal petitioner of the petition on aircraft noise on Rockingham Beach gathered signatures.¹⁶ In contrast, Ms Hall, who assisted the principal petitioner on the petition regarding asylum seeker policy and human rights, noted that not everyone wanted to sign the petition, but that she understood that that was understandable, that it was their democratic right.¹⁷

13 Mrs Tops, *Transcript*, 2 December 2011, p. 7.

14 Mr Frew, *Transcript*, 11 April 2013, p. 9.

15 Mr Forde, *Transcript*, 12 April 2013, p. 19.

16 Mr Cormack, *Transcript*, 30 August 2012, p. 22.

17 Ms Hall, *Transcript*, 31 August 2012, p. 6.

- 3.20 Others saw the mechanism as an important method of raising community awareness, engaging with their community or as a springboard for publicity or further dialogue. For example, Mr Frew noted:

The petition was one way we could demonstrate a need for such an important lifesaving program. We raised over 5,000 signatures in what was a very short period of time. I led a ride to Canberra with a number of supporters to deliver the petition to the shadow federal minister for health and ageing on behalf of Bowel Cancer Australia.¹⁸

- 3.21 Mrs Sturrock, the principal petitioner of a petition regarding treatment for Paroxysmal Nocturnal Haemoglobinuria, spoke of her experiences gathering signatures in the community and talking to people at train stations, supermarkets and shopping malls, while her colleagues collected signatures at churches and sports groups.¹⁹ This was also Ms Hugo's experience regarding the petition on conservation of rock art at the Dampier Archipelago.²⁰ Mr Valvasori saw the process as a way of opening and continuing discussions on preventing child sexual trafficking, rather than as a mechanism of resolution per se:

We recognise that the petition was basically a really great mechanism to open a dialogue between the responsible ministers and ourselves and our campaign partners, Child Wise, who are specialists in this area. That dialogue, we hope, is ongoing, and that relationship with the ministers and Child Wise is ongoing.²¹

- 3.22 Petitioners agreed that word of mouth about their concern spread through the petitions process was very important.²² One petitioner believed that for every one signature she collected ten people would hear of her concern:

With every single signature from every single person that I went to, having approached them and spent time explaining the situation, I thought, "That's great. If I've convinced this person I've actually convinced 10 of my fellow Australians that this is a worthy thing".²³

- 3.23 It also became apparent that many petitioners see the petitioning process as a useful way to target their energies towards their intended outcome

18 Mr Frew, *Transcript*, 11 April 2013, pp. 1-2.

19 Mrs Sturrock, *Transcript*, 1 December 2011, p. 16.

20 Ms Hugo, *Transcript*, 30 August 2012, p. 5.

21 Mr Valvasori, *Transcript*, 1 December 2011, p. 11.

22 For example, Mr Valvasori, *Transcript*, 1 December 2011, p. 13.

23 Mrs Sturrock, *Transcript*, 1 December 2011, p. 20.

whilst also pursuing other avenues to bring resolution.²⁴ One petitioner also noted that the activity of petitioning boosted morale of those affected:

The petition has given them something to talk to their customers about and, I guess, a voice, and I suppose you might say that has been useful to keep the morale high. Also, it has generated quite a lot of interest because it is a large petition, I am told. ... Therefore I have been interviewed by members of the press and have been able to get the message out a lot more widely than perhaps would have been the case otherwise.²⁵

- 3.24 The Committee's role and public roundtable activities were also viewed positively. One petitioner stated: 'You get 10 out of 10 for the fact that this actually happens because I think it is an important part of democracy.'²⁶

Future operations of the Petitions Committee

Receiving and processing petitions—electronic and paper systems

- 3.25 Currently, all petitions for presentation in the House must be prepared including only handwritten original signatures. Petitions that contain copies of signatures or signatures made by electronic devices do not meet the Standing Order requirements.
- 3.26 A growing number of parliamentary jurisdictions around the world use controlled electronic petitioning processes.²⁷ This corresponds with the increasingly sophisticated use of information technology and the demand for engagement with parliament through these means.
- 3.27 All but one of the recommendations of the Procedure Committee's inquiry into petitioning were implemented in the 42nd parliament.²⁸ The recommendation that was not adopted in 2008 was the introduction of electronic petitioning. In 2009 the first Petitions Committee inquired into electronic petitioning to the House²⁹ and recommended that the House

24 Mrs Sturrock, *Transcript*, 1 December 2011, p. 15.

25 Mr Shelton, *Transcript*, 2 December 2011, p. 25.

26 Mr Forde, *Transcript*, 12 April 2012, p. 20.

27 For example, Scotland, Wales, Germany, Queensland and Tasmania all have electronic petitioning systems, administered in-house (that is, petitions are submitted to the jurisdiction's electronic petitioning system and electronic 'signatures' added to the parliamentary sites).

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

29 House of Representatives Standing Committee on Petitions, *Electronic petitioning to the House of Representatives*, November 2009. See pages 13-15 and 57 for a detailed discussion of the arrangements in the Queensland Parliament and evidence by the Clerk, Mr Neil Laurie.

establish an electronic petitions website and system (under the administration of the House), similar to that of the Queensland Parliament.³⁰ The response has not yet been received.

- 3.28 Like the first Petitions Committee, this Committee endorses the introduction of an electronic petitions system, sitting in parallel with the traditional paper system. It supports the introduction of an electronic system administered by the House, so that petitions are received and assessed against Standing Orders prior to being available for public access and the collection of signatures.
- 3.29 The Committee's preferred model is similar to that of the Queensland Legislative Assembly (this model has been fully operational since 2003). This Committee is grateful to the Clerk of the Queensland Parliament, Mr Neil Laurie, who hosted a presentation and discussion about electronic petitioning on 12 April 2013 following the Committee's public hearing with petitioners from Brisbane. The presentation by the Deputy Clerk, Mr Michael Ries and the Executive Secretary, Ms Sandy Musch, provided an overview of the e-petition request and website integration.
- 3.30 There will always be a place for traditional paper-based petitioning. Not only does the traditional method cater for people of all ages and backgrounds, it is a well-respected mechanism for active community engagement – a face-to-face method of disseminating information, interacting with people and challenging the views of citizens and petitioners alike. It is much more than just a signature count.

Resourcing implications and committee activities

- 3.31 The Committee's primary function is to ensure petitions comply with House requirements. In tandem with this gatekeeper role, the Committee also acts as a conduit for the presentation of in-order petitions and ministerial responses to the House.
- 3.32 The Committee is supported by a small secretariat which receives supplementary temporary support at times of substantial demand.
- 3.33 The detailed administrative nature of the process – cyclical preparation of petitions for assessment, preparation of certified documents for presentation, along with their associated papers – necessarily means the Committee's primary function absorbs most of the Committee's and the secretariat's time.

30 Queensland Parliament <<http://www.parliament.qld.gov.au/work-of-assembly/petitions/forms-and-guidelines>>, viewed 12 June 2013.

- 3.34 In the 43rd Parliament the volume of petitions received increased³¹ 32 per cent on the total received in the 42nd parliament.³² Also, the total signature count of all petitions presented increased 110 per cent on the 42nd parliament count (from 564 058 signatures to 1 187 222).
- 3.35 The third largest petition tabled in the House since 1988 (when signature counts were first recorded), with a signature count of 225 328, was presented in 2011.³³ It is significant that even if the signature count of this very large petition is deducted from the total count for the 43rd parliament, there is still a considerable increase in the total signature count – of 71 per cent.
- 3.36 The regular pattern of private meetings to assess petitions and receive responses and other correspondence, followed by the Chair's presentation on the following sitting Monday is the Committee's core business. Increases in the numbers of petitions received and the signature counts of 'in order' petitions are pleasing for what they imply about Australians' regard for petitioning the House. But they also mean that resources are focused on the gatekeeping and stewardship roles of the Committee.
- 3.37 These increases – and likely commensurate increases in ministerial responses – are likely to mean that a future Committee will be unable to increase the number of public round table meetings. However, it will be important to continue to hold round table meetings with principal petitioners and public servants on selected petitions.
- 3.38 The impact on Committee and secretariat resources from any future introduction of e-petitioning – and its operation in parallel with the paper system – is unknown. The Queensland Parliament's experience of a settling-in phase, followed by a balancing out of resource demands, may be repeated in the House. E-petitioning through a Committee administered site should, over time, reduce repeated secretariat liaison with prospective petitioners, reduce manual signature counts and ultimately lower the number of out-of-order petitions.

Parliamentary debate on the subject matter of petitions

- 3.39 The Committee is aware of examples in other parliaments where debate on the subject matter of a petition is enabled once particular requirements, such as a target number of signatures is reached. An example of this is in the United Kingdom House of Commons where debates have been held in

31 To 17 June 2013, at the time of report writing. Refer to Appendix C for statistics.

32 A total of 434 petitions received in the 42nd Parliament; 571 in the 43rd Parliament.

33 A petition to prevent child sexual exploitation in overseas countries, presented by the Member for Melbourne on 23 March 2011. HR *Debates* (23.03.2011) 3 020.

Westminster Hall (the equivalent of the Federation Chamber) on petitions that have received 100,000 signatures. (Admittedly, these are electronic petitions and they are addressed to the Government rather than to the House of Commons.) The process involves the Leader of the House writing to the Backbench Business Committee to notify it when an e-petition to Government has received 100 000 signatures. The Backbench Business Committee then considers whether a debate should take place.³⁴

- 3.40 The Petitions Committee has considered these possibilities in the context of the House and suggests that a future Petitions Committee may choose to write regularly to the Selection Committee to advise it of the number and topics and respective numbers of signatures of petitions that have been presented in the last month or so. This would assist the Selection Committee when it allocates times for private Members' business items in its possession (according to the current Selection Committee's general principles relating to the selection of private Members' business).
- 3.41 It is reasonable to suppose that the kinds of current issues that motivate petitioners to compile petitions will be very similar to those that motivate Members to include them in private Members' business items they propose. This informal mechanism would be flexible and would avoid the need to include elaborate mechanisms in the Standing Orders directly linked to petitions – and with the potential for disappointment and manipulation if particular numbers of signatories, for example, were set as guaranteeing some kind of debate.

Conclusions

- 3.42 The Committee considered its work, with particular reference to its role and operations and the effectiveness of the relevant Standing Orders. In so doing it has considered the practical and historical changes in petitioning the House and their possible implications for the future. It has also considered the formal changes to the petitioning framework in the last two parliaments.
- 3.43 The current framework operates well and the Committee has no particular recommendations for amendments. It reiterates its commitment to the

34 See the House of Commons Procedure Committee report, *Debates on Government e-Petitions in Westminster Hall*, Sixth Report of Session 2012-13, HC 1094, April 2013 and information on the Backbench Business Committee processes at: <http://www.parliament.uk/business/committees/committees-a-z/commons-select/backbench-business-committee/e-petitions/>, viewed 16 June 2013.

House introducing an e-petitioning system administered by the Committee, in tandem with the traditional paper-based method.

- 3.44 The Committee is pleased with the way its role and operations are conducted and it has welcomed the candid and overwhelmingly positive remarks from principal petitioners and other interested parties about the petitioning process. This process will no doubt continue to change incrementally as the petitioning environment changes. However, the current arrangements continue to be successful in strengthening accessibility, transparency and accountability. The current process maintains the six fundamental principles of petitioning which the Procedure Committee outlined as vital foundations of the House's petitions process.

