



Inquiry into the work of the Petitions Committee Submission by the Clerk of the House

Executive Summary

This submission comprises:

- Introduction
- The Committee's activities – Overview of work undertaken by the Petitions Committee since its establishment
- Measuring the outcomes of the new petitioning process – Comparison of statistics relating to petitions before and after new arrangements
- Effectiveness of current standing and sessional orders – Adequacy of amended rules supporting the petitioning system
- Members presenting petitions – Trends on use of opportunities by Members to present petitions
- Electronic petitioning – How could it affect resourcing? – Possible implications to Committee and staff of implementing an electronic petitioning system
- Prominence of the petitioning process – Effects of Petitions Committee activities and redeveloped website on exposure to the community
- Conclusion

The Department believes that the current arrangements for petitioning the House of Representatives are working well and represent an improvement on the traditional procedures. The new process involving the establishment of the Standing Committee on Petitions and new rules for petitioning offer petitioners an enhanced interaction with the House, and through it the Government. The standing and sessional orders supporting the petitioning process are generally effective and appropriate, and the Department would support the transition of sessional orders 34, 207 and 209 into standing orders.

The Department supports the Committee's proposals for the introduction of electronic petitioning¹, and believes that such a system would add to the increased prominence of petitions which has arisen from the Committee's activities and the redeveloped petitions webpage.

Trends discerned since 2008, such as an increase in Ministerial responses to petitions, and a reduction in the number of out of order petitions, indicate that the new procedures put in place have added much needed value to the role of petitions as a direct means by which citizens can place their grievances before the House.

¹ House of Representatives Standing Committee on Petitions, *Electronic petitioning to the House of Representatives*, November 2009.

We believe the success of the Petitions Committee and the process it oversees reflect well on the House itself. The achievements already made, even without the introduction of electronic petitioning, show that historic parliamentary processes can be adapted to modern times to the benefit of the House and the community.

Introduction

The Department appreciates the invitation to make a submission to this inquiry. With the Petitions Committee and new arrangements for petitioning having been in place for close to two years, the inquiry provides an opportunity to examine the effectiveness of the current process and the appropriateness of the standing and sessional orders supporting it.

The new arrangements for petitioning the House of Representatives arose from an inquiry by the House Standing Committee on Procedure towards the end of the 41st Parliament². A resolution of the House³ at the beginning of the 42nd Parliament implemented most of the changes to the petitioning process recommended by the committee in its report, *Making a difference: petitioning the House of Representatives*, the most significant of which was the establishment of the Standing Committee on Petitions to receive and process petitions and to inquire into and report on any possible action to be taken in response to them. Other major changes included the introduction of greater opportunities for Members to present petitions, the expectation that Ministers would respond to referred petitions within 90 days, and numerous changes to the rules for petitions, including the requirement for a principal petitioner and the ability for the public to lodge petitions either via a Member or directly with the Petitions Committee.

Further changes to the standing orders transferred the responsibility for the presentation and announcement of petitions and Ministerial responses from the Speaker and the Clerk to the Chair of the Standing Committee on Petitions. These changes established a ten minute timeslot on Monday evenings in the House for the Chair of the Committee to present petitions, Ministerial responses and reports of the Committee, and for the Chair and one other Member of the Committee to make statements concerning petitions matters. These changes were made on a temporary basis by way of sessional orders on 24 June to the end of 2008, and subsequently extended for the remainder of the 42nd Parliament. The amended standing and sessional orders relating to petitions are included at Appendix A to this submission and discussed in more detail at p4-5 of the submission.

This submission will examine the effectiveness of the petitioning process in light of the extensive changes in recent years and assess the adequacy of the current standing and sessional orders in supporting that process.

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

³ *Votes and Proceedings* No. 1, 12 February 2008, p. 11-26

The Committee's activities

Departmental records indicate that, since its establishment in February 2008, the Standing Committee on Petitions has carried out a considerable amount of work. This has included considering a large number and wide variety of petitions, holding public hearings and roundtable meetings with petitioners and Government departments, considering and reporting on the prospect of electronic petitioning and making regular statements to the House on petitions matters and the work of the Committee on Monday evenings at 8.30 pm. These regular announcements are becoming a useful accountability mechanism for the Committee and petitioners, and are discussed in more detail at p5 of this submission.

The records show that the Committee has held 42 private meetings, 13 public hearings, made 28 statements to the House (each including the presentation of approved petitions and received Ministerial responses), and presented one inquiry report to the House.

The Department notes that the Committee's approach to holding public hearings appears to have developed over this time. Initially the Committee held hearings at which petitions received over a certain time period were considered, albeit briefly. Since late 2009, however, the Committee has taken a more targeted approach to examining petitions, and rather than a large number of petitions being considered in the limited time available at hearings, a smaller number of petitions have been subject to a more thorough investigation. This approach allows the Committee to inquire more effectively into the circumstances behind such petitions, and the efforts being made by Government departments in responding to the petitions.

The Department believes that the public hearings and roundtable meetings held by the Committee are a particularly important part of the Committee's work, and represent a fundamental change to the way petitions are treated by the House, enhancing the ability of the public to raise their concerns directly with the House and to receive a considered response from the Government. The publication of responses (after formal receipt by the Committee) is another accountability mechanism, enabling petitioners and other who are interested to be better informed about the Government's views on matters that concern and interest them.

Assessing the outcomes of the new petitioning process

Statistics collected by the Department may assist in assessing the effectiveness of the current petitioning process in comparison to the situation prior to 2008. The table below shows the number of petitions received each year from 2005 to 2009, the number of signatories to petitions over the same period, as well as Ministerial responses received and out of order petitions received.

Table 1 House of Representatives petition statistics, 2005-2009

Year	Number of petitions	Signatures	Ministerial responses	%	Out of order Petitions
2005	235	230190	1	0.4%	50
2006	276	250091	0	0.0%	80
2007	250	118596	1	0.4%	51
2008	109	96769	56	51.4%	39
2009	150	281600	94	62.7%	20

Source: Chamber Research Office

While the number of petitions received appears to have dropped from 2008, this is partly the result of the Committee combining petitions in the same terms and received at the same time for the purposes of presentation. As the table shows, the total number of signatures received in 2009 was higher than the comparable non-election years of 2005 and 2006.

The most significant trend apparent in these figures is the sharp rise in the number of Ministerial responses since the beginning of 2008. This shows that the change to the standing orders in relation to Ministerial responses has had a very positive impact on that aspect of the petitioning process.

The numbers also show that there are fewer out of order petitions being received. Several factors may have contributed to this trend, including the greater prominence given to petitions and the rules for petitions on the House website and other marketing materials, and the ability for petitioners to check the terms of their petition prior to collecting signatures with the Committee (through the secretariat). As the Deputy Chair of the Committee noted during his statement on petitions in September 2009:

Increasingly, petitioners contact the Committee and its secretariat in order to check that proposed petitions fall within the parameters set by the standing orders. This welcome development will lead to a greater number of petitions being found in order and a rising confidence in the community that the concerns voiced in petitions can indeed be heard by the House.⁴

This reduction in out of order petitions means that less effort is spent by citizens on petitions which do not fit within the rules and would therefore not be tabled in the House, nor referred to a Minister for consideration and response.

Effectiveness of current standing and sessional orders

The Department considers that the current standing and sessional orders which support and govern the petitioning process are generally adequate and

⁴ HR Debates (14.9.2009) 9484

working well. In addition to establishing the Petitions Committee and its role, the relevant amendments made to the standing orders in February 2008 also related to:

- rules for the form and content of petitions;
- rules for signatures to petitions;
- methods for lodging petitions;
- the presentation of petitions;
- action on petitions by the House; and
- referring petitions to Ministers for response.

One aspect of the amended standing orders that the Department would like to raise is the requirement under standing order 204 for the terms of a petition not to exceed 250 words. While it is clear that this rule was intended to ensure conciseness, the Department considers that it may be too rigid and could lead to the exclusion of otherwise in order petitions. The Department suggests that consideration could be given to amending this standing order to give the Committee greater discretion with respect to the length of the terms of petitions.

On 24 June 2008, three standing orders were amended by way of sessional order for the remainder of 2008. The sessional orders were extended on 1 December 2008 for the remainder of the 42nd Parliament. The first of these, sessional order 34, established a ten minute timeslot on Monday evenings in the House dedicated to petitions. The other two sessional orders, Nos. 207 and 209, gave the responsibility for the presentation of petitions and Ministerial responses to the Chair of the Standing Committee on Petitions, and enabled the Chair and one other Member of the Committee to make statements concerning petitions matters during the timeslot established by sessional order 34.

The Department believes that these sessional orders are particularly important to the effectiveness of the Petitions Committee and the petitioning process, and would support all three being made more permanent as standing orders.

Members presenting petitions

As the Committee would be aware, the ability for Members to present petitions themselves has long been a feature of the House of Representatives. All petitions were presented by Members until 1972, when the system changed and petitions began to be presented by way of announcement by the Clerk.⁵ From 2001 to the end of 2007, Members were able to present petitions, but only during Members' statements. Under the amended standing orders Members are now able to present petitions during Members' 90 second and three minute statements in the Main Committee, the grievance debate in the Main Committee, and the adjournment debate in both

⁵ *H.R. Practice*, 5th ed., p617

Chambers. As the table below shows, instances of Members taking the opportunity of presenting petitions have increased markedly both in number and as a percentage of total petitions since the changes were made at the beginning of 2008.

Table 2 **Approved⁶ petitions presented by Members, 2005-2009**

Year	Petitions presented by Members	Total number of petitions	%
2005	7	235	3.0%
2006	11	276	4.0%
2007	8	250	3.2%
2008	20	109	18.3%
2009	51	150	34.0%

Source: Chamber Research Office

The Department sees this as a positive trend, given that Members presenting petitions usually speak in support of the petitioners' requests, giving greater exposure to the issues in question and as a result possibly increasing the likelihood that some action will be taken in response.

Since the establishment of the Petitions Committee, 18 petitions have been presented by Members without having proceeded through the Committee's approval process. In these instances, the Chair ensures that the petitions are referred to the Committee to determine whether they are in accordance with the standing orders. If such a petition is not approved, then no further action is taken, aside from notifying the principle petitioner. Any such petitions that are subsequently approved are then presented by the Chair of the Committee during the next period for presentation and are then sent to the relevant Minister for response as usual. This results in a situation where some petitions are presented to the House twice. While this does not seem to be ideal, it does ensure that such petitions are afforded the same exposure and receive the same treatment as others which are in order.

While it would be preferable to reduce the number of petitions that are presented by Members without having been considered by the Committee, it is unclear how this might best be achieved. One option could be to amend sessional order 207, to allow a Member to present a petition "that has been approved by the Standing Committee on Petitions" during the periods allowed. A Member would then require leave if they wished to present an unapproved petition as a document. The tabled document would then be referred to the Committee for approval as per current practice, but the requirement for leave to be obtained in this situation might alert the Member to the practice of submitting the petition to the Committee for prior approval. Another perhaps more reliable option could be to continue to educate Members and their staff about the petitioning process and the role of the Committee, through avenues such as the Chair's statements to the House.

⁶ Figures for 2005-2007 include only those petitions found to be in order by the Deputy Clerk, either before or after presentation

Electronic petitioning – How could it affect resourcing?

The Department notes the recent report of the Committee entitled: *Electronic petitioning to the House of Representatives*⁷, which recommended that a system for hosting and receiving electronic petitions be established by the House and managed by the Petitions Committee. The Department supports the Committee's recommendations, and looks forward to working with the Committee to establish an electronic petitioning system if it proves acceptable to the Government and to the House.

In the context of the Committee's current inquiry, it is worth reflecting on the impact that the establishment and implementation of an electronic petitioning system might have on the operation of the Committee and its secretariat. Resourcing will be particularly important to the successful implementation and ongoing administration of such a system. Aside from the cost associated with setting up a web-based system for hosting and receiving electronic petitions, ongoing costs such as staff time to support the system will depend on the degree to which the process is automated. Of course, some costs may be reduced if the software supporting the Queensland Parliament's electronic petitions system can be adapted for application in the House of Representatives, as recommended by the Committee.

If large numbers of petitions are received electronically, the additional work involved with certification, posting on the website, monitoring and printing them for presentation will impact on resources. It is also possible, however, that efficiency gains might be made if, for example, fewer large petitions are received on paper, leading to less physical counting of signatures.

The Department supports the Committee's recommendation that no discussion forum be provided on the proposed electronic petitioning website initially. If a discussion forum were made available at a later stage, the cost in staff time to the secretariat/Department associated with monitoring and moderating the forum could be significant and may require additional staffing support for the Committee. There could be funding implications for the department.

Prominence of the petitioning process

The petitioning process as a whole has become much more prominent as a result of the changes that were made to the system at the beginning of the 42nd Parliament. In addition to the exposure provided by the Committee's public hearings and statements to the House, the redeveloped Petitions Committee's website⁸ provides an excellent access point for information. Petitioners can now see the terms of their petitions and any Ministerial responses to the petitions on the website.

⁷ House of Representatives Standing Committee on Petitions, *Electronic petitioning to the House of Representatives*, November 2009.

⁸ <http://www.aph.gov.au/house/committee/petitions/index.htm>.

The Department believes that 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 to petitions 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. It is likely that this trend will continue to gain momentum, as knowledge spreads within the community, particularly with the publicity gained by the Committee conducting interstate hearings into petitions.

Conclusion

The Department considers that the current arrangements for petitioning the House are working well. The establishment of the Standing Committee on Petitions has proven to be a valuable part of the enhanced system. In addition to managing the petitioning process on behalf of the House, the Committee's role as the contact point between petitioners, Ministers and Government Departments is a particularly important one.

The 'principal petitioner' model seems to be an effective means of establishing a contact point for communication between the Committee and petitioners, in order to keep petitioners informed of the progress of their petition, invite petitioners to public hearings and forward Ministerial responses. Although the responses may not always be what the petitioners were hoping for, the receipt of a response is an important development in itself. 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.

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.

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