

## 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.<sup>1</sup> 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.<sup>2</sup>
- 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 petitions<sup>3</sup>
  - 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.

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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.<sup>4</sup>
- 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.

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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).<sup>5</sup>

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.<sup>6</sup>

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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.<sup>7</sup>
- 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’.<sup>8</sup>

## 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

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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.<sup>9</sup>

- 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.<sup>10</sup> 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.<sup>11</sup> 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

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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 experience<sup>12</sup> 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.<sup>13</sup>

## 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

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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 42<sup>nd</sup> Parliament.

had commenced in June 2008.<sup>14</sup> 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.<sup>15</sup> 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.

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14 The report is available online at <http://www.apf.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.apf.gov.au/house/committee/petitions/round\\_tables.htm](http://www.apf.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).<sup>16</sup>

## 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.

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16 The transcript of this meeting can be viewed at the Committee's web page <http://www.aph.gov.au/hansard/reps/commttee/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.<sup>17</sup> 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.’<sup>18</sup> 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.

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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.