

October 30, 2006



Committee Secretary
Standing Committee on Procedure
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600
AUSTRALIA

Dear Committee,

We are pleased to submit to the Standing Committee on Procedure's Inquiry into the Petitioning Process.

GetUp! is a not-for-profit, independent, online-based, political campaigning organisation formed just over a year ago with the aim of facilitating the participation of Australians in the democratic process.

Now with over 150,000 members GetUp! has become a significant and visible force in Australia's social and political landscape demonstrating the overwhelming desire of many Australians to engage with their elected representatives. Examples of our most recent petitions can be found at:

- Climate Change: http://www.getup.org.au/campaign.asp?campaign_id=51 : 60,000 petitioners
- Children in Detention: http://www.getup.org.au/campaign.asp?campaign_id=30 : 104,700 petitioners
- Northern Territory Land Rights: http://www.getup.org.au/campaign.asp?campaign_id=36 : 30,000 petitioners

GetUp! utilises cutting edge technology to engage in an instantly responsive, reciprocal, and inclusive dialogue with its members; and then to facilitate a dialogue between the membership, politicians, the Parliament and the Government. This dialogue frequently takes the form of petitions as well as email and letter writing campaigns and telephone campaigns.

2.0 The existence of an effective and easily accessible petitioning process is a hallmark of a democratic Government.

A parliament that takes seriously its role as elected representatives of the community must, in our opinion, listen to and respond in a timely manner to, the concerns of its citizens. In a

situation where citizens are not encouraged to petition parliament, or where petitioning is an inaccessible and difficult process, the gulf between citizens and their representatives widens, eroding the 'representative' nature of parliament and increasing the perception of parliament as governing from above rather than by consensus.

3.0 Internet petitions

As an online organisation - our initial comment addresses the requirement of the House of Representatives that petitions be presented in paper format only.

Firstly, we make the point that the Australian Senate accepts online petitions - defining 'signature' to include an online signature. This disparity between the two houses of Parliament is unnecessary and confusing.

The spread of political comment and information via the internet is a rapidly increasing phenomenon. Political parties here, and in other Western democracies make full use of the internet for campaigning, information, provision of services and other purposes. The vast majority of Australian Members of Parliament and Senators have personal homepages and many provide blogs and the opportunity for online communication and feedback.

Australia has an estimated 5.1 million household internet subscribers (ABS) and an estimated 61% of adults use the internet (ABS). GetUp believes that the online petitions provide an accessible and contemporary way for Australians to have their views heard, and reflects the manner in which young people in particular communicate their political opinions.

It is our experience that information about a particular issue on which we may be campaigning spreads via the internet and by word of mouth or through the media prompting those who may not have previously known of GetUp! to access our website and participate in the campaign. Anecdotally, we have received feedback from individuals - often elderly, or living in remote areas - that they have been prompted to access the internet to participate in GetUp! campaigns about which they feel strongly.

With the internet freely available in libraries, schools, churches and community centres it appears clear that internet petitions are now more accessible in practical terms than paper petitions. Internet petitions are extremely cost effective to organise, disseminate, collect and deliver, and of course reach many more people in a short amount of time. They are also time and cost efficient for the staff whose task it is to receive and process the petition, and for anyone who might wish to analyse the information therein.

An internet petition provides several indicators of public sentiment about a particular issue. At GetUp! we have found that the speed of dissemination of a petition is an accurate gauge of

the intensity of feeling in the community. Were these indicators to accompany petitions on their presentation to the house, it would surely add value and meaning to the petition and provide Parliament with a meaningful measure of public opinion.

3.1 Concerns about internet petitions:

The Information sheet regarding petitions to the House of Representatives lists two reasons for disallowing internet petitions: concerns about difficulties in verifying signatures, and ensuring a petition has not been altered.

Our online petitioning process at GetUp! is configured to reject more than one attempt to sign a petition from the same email address. We have also implemented automated and manual procedures to audit this verification process, and also for removal of the odd obscenity.

GetUp is not aware of any cases where Internet-based petitions – or indeed paper petitions - have been altered. However, we also believe that Internet based petitions are less susceptible to tampering than regular paper-based petitions for the reason that they are more tightly controlled.

Paper based petitions are often on photo-copied forms distributed by community groups through networks of volunteers, shops, and at events. There are multiple potential 'points' at which tampering could, in theory, occur.

On the other hand, Internet based petitions have one point of data entry and collation through a web-based form - the data itself is only accessible to GetUp staff and access is monitored. We believe this system – where the petitioning process is coordinated by a reputable and accountable organization – has data integrity benefits over the ad-hoc system employed in by paper-based petitioners in the past.

4.0 e-petitions

An alternative or complement to internet petitions, and a complement to paper petitions is the e-petition process used in Scotland, and recently introduced in Queensland and being trialled in Tasmania. In this process Parliament effectively 'runs' the petition from its website - although the petition is initially set up by the concerned parties.

In our view there are several excellent facets to this process:

It is time and cost effective for the petition organisers - thereby allowing small community and special interest groups or individuals access to the petitioning process equal to that of better funded or larger organisations.

The information provided on the Scottish Parliament and Queensland Government websites is excellent and easily accessible. It is easy to see what petitions are or have been presented, to sign a petition, see what stage in the procedure they are at, what the official response has been, and what further action, if any, has been recommended or taken.

We discuss the issue of response to petitions further below - however we feel that the ability to 'track' a petition in this manner is a commendable feature of the e-petition process. The transparency and immediacy offered by this is participatory for the petitioners, signatories and observers.

4.1 Concerns

GetUp has with concerns a Parliament managed e-petition process, primarily regarding privacy issues. The process would potentially enable Government agencies to collect and store information about petitioners, their opinions, their internet use, personal details and other information. In the internet age, the question of privacy and dissemination of information is constantly under discussion, and it would be beholden upon Government to put in place the most rigorous safeguards possible to avoid the storage and collection of information.

GetUp does not support any online petitioning process which does not have explicit assurances that all information collected would be used only for the purposes for which it was intended. The Government, public service or indeed any political party must not be given access to any emails addresses or other personal identifiers as part of the petitioning process.

Of course, under the current procedures with paper petitions, Government already has access to petitioners' names, addresses and opinions should they wish to access this information. See our point below about the collection of petitioners' addresses for further comment on this issue.

5.0 Requirement for signatory's address

The House of Representatives requires that signatories to a petition provide their full address. We view this as an unnecessary collection of information and an invasion of privacy. We feel that the requirement to provide an address serves as a disincentive for individuals to participate in the petitioning (and therefore the democratic) process and do not require these details from our members. The name, state, postcode and comments of the petitioner is sufficient to provide statistical information, and guard largely against duplications and fraud. Once again - the Australian Senate does not require that signatories provide their full address, nor does the Scottish Parliament.

6.0 Response to petitions

There is no requirement in the Australian House of Representatives standing orders (211(b)) for a Minister to respond to a petition. We consider this to be an unacceptable situation, and strongly believe that it should be incumbent upon Ministers to show that they have read the petition and considered the request therein, and to provide a written response that addresses the concerns of the petitioners. Further, it is imperative that a time for Minister's responses be mandated - 14 days would be an acceptable guide. Alternative procedures which would allow for responses to petitions are considered below.

In order to prevent this process from becoming overly onerous, there should be a bona fide filter to exclude vexatious or insubstantial petitions from this the procedure outlined above.

7.0 Member to present a petition

Once again, this requirement appears redundant and needlessly bureaucratic, particularly when there is a parallel requirement that Members not introduce a petition. The procedure of finding and approaching a Member to table or present a petition is one which no doubt deters many small groups or individuals from exercising their democratic right to petition parliament.

We question the need for separate (and different) petitioning procedures in the Senate and House of Representatives and call for the ability to petition the Government of Australia in its entirety. *We feel that a petitioner should be able to address a petition to the Australian Parliament in general.*

There are, no doubt, several other alternative processes which would improve matters for petitioners in Australia. *One that has been discussed amongst our membership is for time to be allocated each fortnight or month for petitioners to present their petition publically to Parliament and to address the issues if required, and for the petition to then be referred to the appropriate Minister for a mandated response.*

8.0 Alternatives to the Australian Petitioning process - Scottish Parliamentary petitioning process

An excellent feature of the Scottish Parliamentary petitioning process is the Petitioning Committee - which goes some way to addressing the two concerns raised above regarding responses to petitions, and the requirement for a petition to be tabled by a Member.

The **mandatory responses** to petitions required in Scotland are detailed and freely available for all to access and view. This encourages democratic participation, with a petition of limited signatures receiving consideration, along side those with thousands of responses.

The fact that the Scottish Public Petitions Committee (PPC) is required to carry out its **meetings in public** is perhaps the most desirable aspect of the process. It is the often-expressed opinion of our members that transparency in Government is sorely lacking in Australia, and this would go a long way towards restoring the transparency and openness that is the right of Australian citizens.

The public nature of the process in Scotland would also serve to mitigate against frivolous and vexatious petitioners - a boon to those administering the process. The fact that not every petition is referred to a responsible Minister should reassure the House that an effective filtering process is taking place. It is notable that the Scottish process allows for petitioners to be questioned or asked to present more information as part of the consideration by the PPC.

Should the House decide to establish such a Parliamentary based system, it must not limit the petitioning process to this model. Indeed, groups must be able to petition the Parliament online and offline in a range of ways, and should be encouraged to do so. GetUp would not support the introduction of the Scottish model if it were at the expense of other non-Parliament based e-petitioning processes.

General Comments

In general, the petitioning process in Australia should be freed of any unnecessary bureaucratic red tape and overly restrictive requirements, whilst of course retaining the ability of Parliament to exclude offensive petitions, or those that address issues not relevant to Federal Parliament.

At present the effect and presentation of the process is exclusionary and off-putting for potential petitioners, and the form of petition required is needlessly restrictive and acts to deter those petitioners who are perhaps less literate or less well resourced.

In contrast to the Scottish Parliament website, information about how to petition Parliament is difficult to find on the Australian site. The tone of the information once found is not welcoming, transparent or encouraging - rather it serves to give pause to citizens wanting to present a petition, yet discouraged by having to 'cross the ts and dot the Is' to the level required at present.

To conclude, we ask that in its discussions the Committee bear in mind that the historic right to petition parliament is a crucial and central part of our democratic process.

It is GetUp's experience that many Australians feel increasingly excluded from the ongoing discussion and debate carried out in Parliament – and that an effective petitioning process is one way to redress this imbalance. The petitioning process in Australia requires significant changes, and we further submit that once this is achieved, an information campaign should be launched to inform Australians of their rights to petition, and of how to go about petitioning Parliament,

As Australia's first example of a user-driven, online campaigning organisation, and with the experience of presenting several petitions to Parliament, we feel we are in a unique position to contribute to your inquiry. We would welcome the chance to address the Committee orally should the opportunity arise, and will be happy to offer our assistance in any other way if required.

Thank you for your consideration,

Brett Solomon

Brett Solomon
Executive Director