

41ST PARLIAMENT



Report 73

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

E-Petitions

Presented by
Hon Alanna Clohesy MLC (Chair)
September 2024

Standing Committee on Procedure and Privileges

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EXECUTIVE SUMMARY

- 1 The Procedure and Privileges Committee (PPC) recommends that the Legislative Council permanently adopt the temporary rules and orders for e-petitions.
- 2 The temporary orders have been operational since 1 January 2022 and were extended by resolution of the Council on 14 March 2023. Unless otherwise resolved, they are due to expire on 31 October 2024.
- 3 During the PPC's review several administrative and procedural matters affecting the functioning and integrity of the trial e-petitions system were identified. The most significant of these matters is the authentication of signatures.
- 4 Petitions attracting significant public attention are similarly attracting a sizable number of signatures. The authentication of signatures has been a matter considered by the PPC in previous reports. Principally, the issue is whether the Council and its Members can have confidence in the integrity of an electronic process generally, and the petitions they generate for presentation to the Council.
- 5 During the review, improvements to the Council's e-petitioning system including the addition of two-factor authentication were implemented to verify petitioner signatures. If a petitioner does not complete the new verification step the petitioner's signature will not be counted or included in the finalised petition. The new measures have substantially resolved the integrity and authentication issues, though continued responses to technological advances may be required as they occur.
- 6 The PPC examined the temporary orders and the operation of its 17 subsections, aided by a valuable and insightful submission from the Environment and Public Affairs Committee.
- 7 The review has identified a number of the temporary orders that are either superfluous to the continued operation of e-petitions or are more appropriately contained in a continuing resolution of the Council. The PPC has proposed a means to merge and combine the remaining temporary orders with existing Standing Order 101 to retain all orders relating to petitions within Chapter XI: Formal Business Procedures.
- 8 The PPC has made 5 findings and 2 recommendations.
- 9 The PPC considers that the e-petitions process and procedures are appropriate for inclusion in the Standing Orders of the Legislative Council.

Findings and recommendations

Findings and recommendations are grouped as they appear in the text at the page number indicated:

FINDING 1

Page 4

The primary role of the facilitating member is facilitating the hosting of an e-petition on the Parliament's website. A facilitating member should have the right to not proceed with the presentation of an e-petition they have facilitated.

FINDING 2

Page 5

A principal petitioner is the owner of an e-petition until such time as it is presented to the Council and may request that an e-petition be deleted, destroyed, or that it not be presented.

FINDING 3

Page 8

Petitioner privacy and the e-petition data held by the Legislative Council is being appropriately managed.

FINDING 4

Page 12

E-petitions have not adversely impacted the resources or operations of the Standing Committee on Environment and Public Affairs.

FINDING 5

Page 14

E-petitions have facilitated increased public engagement with the parliamentary petitions process.

RECOMMENDATION 1

Page 16

That the **Temporary Orders** and **Standing Order 101** be repealed, and new Standing Order 101 be inserted as follows [insertion of new or amended text in **red**] —

101. Form and Contents of Petitions and e-petitions

- (1) A petition shall –
 - (a) be addressed to the President and Members of the Council;
 - (b) state the action or remedy sought from the Council, which must be repeated at the top of every page of the petition;
 - (c) be legible and unamended;
 - (d) be couched in reasonable language;
 - (e) be in the English language, or be accompanied by a certified English translation;
 - (f) contain the name, address, and original signature or mark of the petitioners;
 - (g) be signed by the person or persons promoting the petition, who must reside in Western Australia or, if a corporation, have its registered office in Western Australia; and
 - (h) if from a corporation, be made under its common seal or, if the corporation does not have a common seal, a copy of the corporation's articles of incorporation must be attached to the petition.

- (2) **An e-petition shall –**
- (a) **be made in the correct form prescribed by Standing Order 101(1);**
 - (b) **be facilitated by a Member who shall provide the Clerk with a signed acknowledgement that they are prepared to facilitate the petition;**
 - (c) **state the nominated period for the petition to be hosted that is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament’s website;**
 - (d) **be joined by persons filling out their correct details and personally agreeing to join the e-petition, and by no one else, except in the case of incapacity from sickness or disability;**
 - (e) **only be joined by residents of Western Australia.**
- (3) A petition shall not –
- (a) have any documents attached to it;
 - (b) be presented by a Member who has signed the petition as a petitioner;
 - (c) reflect upon a vote of the Council in the same calendar year;
 - (d) seek a direct grant of public money from the Council;
 - (e) contain statements adverse to, or make allegations of improper, corrupt or illegal conduct against, a person whether by name or office; or
 - (f) contain or disclose a matter in breach of a secrecy provision of, or order imposed or made under the authority of, a written law.
- (4) **An e-petition shall not –**
- (a) **include or have attached to it any of the exclusions prescribed in Standing Order 101(3);**
 - (b) **be substantively altered other than by order of the President once published on the Parliament’s website;**
 - (c) **deal with substantially the same grievance or request substantially the same action as another petition hosted on the Parliament’s website;**
 - (d) **be signed by a person more than once.**
- (5) **An e-petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and prepared for presentation to the Council, by a Member nominated by the principal petitioner, in accordance with Standing Order 102 once the posted period for the e-petition has elapsed.**
- (6) **In the case of both petitions and e-petitions, the** Member presenting the petition shall sign the petition at the top of the front page of the petition.

- (7) The total number of petitioners shall be stated at the top of the front page of the petition.
- (8) The petition must be certified to conform with the Standing Orders by the Clerk before it may be presented to the Council.

RECOMMENDATION 2

Page 18

That the Legislative Council —

1. Authorises the Clerk to create and maintain an appropriate website on which to publish e-petitions and other explanatory information.
2. Directs the Clerk to dispose of all electronic personal data relating to the posting and joining of an e-petition within six months after an e-petition is printed and presented to the Legislative Council.
3. Authorises the Clerk to make administrative alterations to e-petitions, as required, in consultation with facilitating members and principal petitioners.
4. Further authorises the Clerk to do all things reasonably necessary to implement the resolutions.

1 Introduction

Reference and procedure

- 1.1 The Standing Committee on Procedure and Privileges (PPC) keeps under review the rules of procedure and the operation and effectiveness of the Council's standing and temporary orders. The PPC does so in accordance with its term of reference 1.4 as follows:
 - 1.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the Council and its Committees, and recommend to the Council such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the Council or its Committees.
- 1.2 The various procedures facilitating e-petitioning to parliaments have been examined by the PPC for a considerable time. Procedures adapted to the requirements of the Legislative Council have been trialled in a temporary order since January 2022.
- 1.3 For the purposes of this final review of the Council's e-petitions temporary order the PPC invited submissions from all current Members of the Council and the Environment and Public Affairs Committee (EPAC) on 26 March 2024.
- 1.4 This report canvasses the PPC's final review of the e-petitions trial and its recommendation that the Council incorporate the temporary order into its Standing Orders.

Background

- 1.5 In September 2021 the Council resolved to trial the temporary orders recommended by the PPC in its 64th report.¹ The initial trial was for the period 1 January 2022 to 31 March 2023.
- 1.6 After a year of operation, the PPC presented Report 69, *Preliminary review of E-petitions*. The report provided the Council with an overview of the procedural, practical and technical subtleties relating to the operation of the temporary orders and contained a further recommendation that the temporary orders be extended until 31 October 2024. The extension was agreed to by the Council on 14 March 2023.
- 1.7 The rationale for the recommended extension was to grant the PPC the necessary time to complete its review of the temporary orders and related procedures, and to consider whether to recommend substantive amendments to the Standing Orders incorporating e-petitions as a permanent feature.

Statistics

- 1.8 As at 30 June 2024, 93 e-petitions have been hosted on the Legislative Council's page of the Parliament's website since the temporary order became operational on 1 January 2022.
- 1.9 78 e-petitions with more than 260,000 signatures have been presented to the Council.
- 1.10 In the corresponding period, 36 contemporary paper petitions with nearly 43,000 signatures have also been presented to the Council.
- 1.11 Like contemporary paper petitions, e-petitions presented to the Council are automatically referred to the EPAC in accordance with Standing Order 102(6).²

¹ Standing Committee on Procedure and Privileges, Report 64, *Review of the Standing Orders*, Western Australia, Legislative Council, 2 September 2021, pp 25-27.

² Standing Order 102(6): Every petition presented shall stand referred to the Environment and Public Affairs Committee.

- 1.12 The EPAC's submission advises that the majority of petitions received by the EPAC since the introduction of the temporary orders are now commenced via the Council's electronic petitioning system.³
- 1.13 As at 30 June 2024, the EPAC has considered and finalised⁴ 59 petitions that originated as e-petitions in conformity with the Council's temporary orders.⁵

2 E-petition review

- 2.1 The PPC recommends that the temporary orders for e-petitions be incorporated into the Standing Orders of the Council.
- 2.2 The PPC's recommendation is principally based on its previous reviews and feedback from the Council's members and the EPAC.
- 2.3 The implementation of the practical and administrative improvements identified in previous reviews have largely resolved the technical difficulties identified in PPC Report 69. This final review, however, has identified a few remaining administrative and procedural matters that the PPC considers will improve the functioning and integrity of an e-petition process for the Legislative Council.
- 2.4 The temporary order consists of 17 subsections that are largely administrative in nature and operate in unison with the Standing Orders, particularly Standing Orders 101 and 102. Upon review, the PPC considers that a number of these orders are superfluous to the continued operation of e-petitions should the Council resolve to incorporate the temporary orders into the Standing Orders. On this basis, the PPC recommends that those particular orders either be amended or form part of a continuing resolution of the Council to give effect to the administrative procedures required to support the hosting and publishing arrangements required for e-petitions.
- 2.5 The PPC's analysis and recommended amendments to the procedural and administrative matters are examined in the following sections.

Role of the facilitating member

- 2.6 The temporary orders introduced a new front-end facilitation role accompanying a further commitment to present the same e-petition upon its closing. The PPC is conscious that the facilitation role is not a role that accompanies the traditional method for petitioning the Parliament, nor is it the requirement that a specified member present it.
- 2.7 The PPC of the 39th Parliament very deliberately recommended that a temporary order use the word 'facilitate' rather than 'sponsor'.⁶ This distinction is important because it defines and unmistakably separates a member's role from the possible perception of being either a supporter of the terms of the petition or having a personal stake in the petition.
- 2.8 Under the temporary orders, two distinct roles are contemplated for a member who has agreed to facilitate a petition.

³ Standing Committee on Environment and Public Affairs, Report 65, *Overview of Petitions 1 July 2023 to 31 December 2023*, Western Australia, Legislative Council, March 2024, p 2.

⁴ 'Finalisation' does not mean that the issues raised in a petition have been resolved, just that the EPAC has determined that there is no further action or role required of the committee in relation to a particular petition.

⁵ The Environment and Public Affairs Committee reports its reasons for finalising a petition in the regular *Overview of Petitions* reports.

⁶ The Council's e-petition model is based on that of the Queensland and Tasmanian parliaments. Each of those models refer to the role of a member as being that of a sponsor.

2.9 The first role is captured within the meaning of the term facilitate.

Facilitation

- 2.10 In simple terminology ‘facilitate’ means to make (an action or process) easy or easier. Essentially, a member of the Council is doing something that assists a process to occur—in this case, the hosting of an e-petition on the Parliament’s website.
- 2.11 The member who provides to the Clerk the signed acknowledgement form together with the petition details is the ‘facilitating member’. This document is important because it provides the member’s agreement to facilitate the e-petition and the authority to the Clerk to publish it for hosting purposes.⁷ Without either of these elements a petition cannot be published or hosted on the Parliament’s website.
- 2.12 In contrast, a member’s facilitation is not required for a traditional paper petition and there is no authority required to create a paper petition or circulate it within the community. A principal petitioner⁸ can do all things required to publish, circulate and collect signatures without the assistance of a member.
- 2.13 Given the scope of what is required of a member in relation to e-petitions, the PPC concurs with the recommendation of the 39th Parliament’s PPC to use the word ‘facilitate’ rather than ‘sponsor’. The PPC concludes that a member’s facilitation role primarily relates to the action of providing the means to authorise the hosting of an e-petition on the Parliament’s website. Facilitation does not mean and is not intended to mean that a member lends their support to the petition, or has carriage, ownership, or an interest in the petition.

Presentation

- 2.14 Temporary Order 2(7) states:
- Once the posted period for an e-petition has elapsed, a paper copy of the petition shall be printed by the Clerk ... and presented to the Council by the Member that facilitated the e-petition.
- 2.15 The temporary orders contemplate that the facilitating member’s second role is to present the e-petition to the Council.
- 2.16 However, the PPC notes that while a facilitating member may ordinarily be the member who presents an e-petition to the Council, the Standing Orders provide a means for other members to present petitions or, in this case, e-petitions in the absence of the facilitating member.⁹
- 2.17 Noting the above, the PPC considered whether the seemingly mandatory obligation in the temporary orders were consistent with the Standing Orders, and whether a facilitating member should be obliged to present an e-petition in circumstances where:
- support for an e-petition is withdrawn by the principal petitioner
 - a facilitating member does not wish to be further associated with the e-petition
- 2.18 The PPC considers that clarification is required if either of the above occurs.

⁷ Temporary Orders 2(1)(b) and 2(3).

⁸ There is a capacity for a member to create a petition or e-petition so long as they do not seek to present it themselves: Standing Order 101(2)(b). In such circumstances the member would be acting as a principal petitioner rather than a facilitating member.

⁹ Standing Order 57, *Action on Behalf of an Absent Member*.

E-petitions not yet presented to the Council

- 2.19 The traditional process for petitioning the Parliament is that a petitioner raises an issue in writing to which other citizens attach their support (their signature). The petition is presented to a member of the Council accompanied by a request from the principal petitioner that it be presented to the Council. Under this process, a member is free to either accept or decline the request, the latter of which provides the principal petitioner with a further opportunity to approach another member of the Council and remake the request.
- 2.20 When read literally, the wording of Temporary Order 2(7) does not appear to leave an opportunity for the facilitating member to *not* present the finalised petition. The mandatory presentation of a petition, however, would not be practical in a range of circumstances. For example:
- if the facilitating member is no longer a member of the Council when the posted period elapses
 - if a petition does not receive any signatures
 - if the substance of the grievance has been resolved – i.e calling for the Legislative Council to not pass a particular Bill which has since passed during the hosting period
 - if the facilitating member has inadvertently signed the e-petition themselves
- 2.21 The PPC is of the view that an interpretation that creates a mandatory obligation on a member, whether real or perceived, is an undesirable interpretation of the temporary orders.

FINDING 1

The primary role of the facilitating member is facilitating the hosting of an e-petition on the Parliament's website. A facilitating member should have the right to not proceed with the presentation of an e-petition they have facilitated.

Request from a principal petitioner to dispose of a petition

- 2.22 The PPC notes that a principal petitioner may decide to *not* proceed with a petition. This may come in the form of a request to:
- withdraw a facilitation request already made
 - delete or destroy a petition that has commenced the signature collection process
 - not present a finalised (closed) petition
- 2.23 A request may occur at a time during the hosting period or at the close (finalisation) of the petition prior to presentation, and may be due to such circumstances as:
- the grievance raised in the petition has been resolved
 - the subject matter of the petition has been remedied in another way during the hosting period
- 2.24 At issue is whether a request from a principal petitioner to dispose of a petition should prevail over, for instance, the views of the facilitating member, or any other person who may have already signed the petition prior to the principal petitioner's request.
- 2.25 The notion that a principal petitioner retains ownership of an e-petition ostensibly in the hands of the Council via the hosting arrangements is a difficult concept to reconcile. However, to draw a comparison the PPC notes that there is no guarantee that a traditional paper petition will be presented to the Council. The fate of those petitions remains entirely within the control of the principal petitioners until such time as they are presented to the Council and become a parliamentary paper. A paper petition, while in the principal

petitioner's control, may be destroyed, or never provided to a member with a request that it be presented.

- 2.26 On this matter, the PPC has formed the view that it is desirable to view an e-petition as belonging to and remaining in the principal petitioner's control until such time as it is presented to the Council, regardless of the hosting arrangements facilitated by a member. This view reaffirms the separation between a member as being anything other than a facilitator of the petition and confirms that the principal petitioner is the owner of the petition and may decline to have it presented.
- 2.27 The PPC observes that it is always the prerogative of the principal petitioner to decide whether to progress a grievance to the Parliament. However, should any other person be aggrieved by the deletion or destruction of an e-petition, the aggrieved person(s) may themselves lodge a new e-petition request on the same subject matter and thus recommence the collection of signatures in support of a particular grievance.
- 2.28 Consistent with the Clerk's obligation to destroy all petition data in accordance with Temporary Order 2(16), the PPC notes that the Clerk will have a corresponding duty to destroy all data related to a petition that is discontinued upon the request of a principal petitioner.

FINDING 2

A principal petitioner is the owner of an e-petition until such time as it is presented to the Council and may request that an e-petition be deleted, destroyed, or that it not be presented.

Proposed amendment to Temporary Order 2(7)

- 2.29 At present the Standing Orders set out the following roles relating to members and petitions:
- a Member who has signed the petition as a petitioner shall not present it (SO 101(2)(b))
 - the Member presenting the petition shall sign the petition at the top of the front page of the petition (SO 101(3))
 - a Member proposing to present a petition shall lodge it with the Clerk to certify that it conforms with the Standing Orders (SO 102(1))
 - the Member presenting the petition shall read the address to the Council, the text or a summary and advise the number of signatories to the petition (SO 102(3))
- 2.30 Should the temporary orders be adopted by the Council as permanent Standing Orders, e-petitions will be treated in the same manner as paper petitions.
- 2.31 In proposing that the role of a member is that of a facilitator, the PPC considers it unnecessary to include in standing or temporary orders a specific requirement that the facilitating member be the member that must table a particular e-petition.
- 2.32 Temporary Order 2(7) states:
- Once the posted period for an e-petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Council by the Member that facilitated the e-petition.
- (emphasis added)
- 2.33 The PPC proposes that Temporary Order 2(7) be amended to:
- delete the apparent requirement for the facilitating member to present the petition

- apply the ordinary procedures prescribed in Standing Order 102
- 2.34 To illustrate the PPC's proposed amendment, the PPC suggests an amended form of words as follows:
- An e-petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and prepared for presentation to the Council, by a Member nominated by the principal petitioner, in accordance with Standing Order 102 once the posted period for the e-petition has elapsed.
- 2.35 The PPC expects that the facilitating member will be the member that presents the e-petition.
- 2.36 However, the proposed amendment provides the facilitating member and the principal petitioner with an option to seek alternative presentation arrangements. The principal petitioner may approach another member with a request to present a closed e-petition.
- 2.37 Best practice is that the facilitating member seek to confirm the proposed presentation arrangements with the principal petitioner.
- 2.38 The PPC's proposed amendment to the temporary order is reflected in Recommendation 1.

Alterations to e-petitions

- 2.39 Temporary Order 2(4) states:
- Once published on the Parliament's website an e-petition cannot be altered other than by order of the President.
- 2.40 The effect of the temporary order is that it prevents an e-petition, once hosted, from being altered by any means other than by order of the President. The interpretation applied to date means that an 'alteration' may include such things as amendments to the length of the hosting period or making small formatting or grammatical corrections.
- 2.41 A small number of requests to alter e-petitions have been approved by the President to date. Typically, these requests have been to:
- extend a hosting period
 - shorten a hosting period
 - make a minor formatting correction to a published e-petition
 - delete an e-petition
- 2.42 A request for a substantive alteration to an e-petition has not occurred.
- 2.43 The PPC considers it appropriate that a request for a substantive alteration must be approved by the President. The President's approval is a protection implemented to ensure that e-petitions that have already been signed by petitioners are not changed. The PPC notes that this practice protects petitioners who had already signed an e-petition from having their signature attached to a petition they may no longer agree with as a result of the substantive alteration.
- 2.44 The PPC agrees that this protection remains relevant.
- 2.45 However, the PPC notes that the majority of requests to alter e-petitions are to correct formatting, grammar or amend the hosting period. The PPC considers that administrative type requests such as those outlined above may be actioned by the Clerk without referral to the President for authorisation.

- 2.46 The PPC proposes no amendment to the words of the temporary order. Instead, the PPC recommends that the Council authorise the Clerk to make administrative alterations to e-petitions upon the request of, and with agreement between, the facilitating member and the principal petitioner.
- 2.47 Rather than including the above recommendation in a standing or temporary order, the PPC suggests that the recommendation above form part of a continuing resolution of the Council as discussed in paragraphs 4.16 – 4.17. The PPC’s recommendation is captured within the administrative arrangements in the proposed resolution at Recommendation 2.

Privacy and security of electronic data

- 2.48 A completed and finalised e-petition is a document that, in addition to the grievance, contains neatly formatted and easy to read petitioner data including residential addresses and personal contact information.
- 2.49 E-petitions have undoubtedly made this information more accessible should individuals or public or private organisations seek to obtain copies of a petition. The potential to harvest e-petition data is also made easier given their neatly and clearly formatted appearance.
- 2.50 The risk to the Parliament and the Legislative Council is that the potential misuse of petitioner information can lead to:
- reputational damage
 - loss of trust in the Parliament
 - discouragement from petitioning or engaging with Parliament and the Legislative Council
 - implications for engagement with parliamentary committees

Privacy

- 2.51 The PPC has previously considered the issue of privacy as discussed in paragraphs 5.10 and 5.11 in PPC Report 64. That report noted the submission from Hon Colin de Grussa suggesting that consideration be given to the making of names and addresses of petitioners confidential.
- 2.52 On this matter the PPC observes that the practice of the Council is not to publish the names or details of petitioners on the Parliamentary website, except for the principal petitioner’s name. Prior to a petition being published in the Council’s database of tabled papers or the EPAC’s list of petitions referred, all petitioner information is removed for petitioner privacy. The only place where these details may be found is within the physical tabled document itself.
- 2.53 The practice implemented by the Council, however, is not impervious to petitioner information being made available. A petition presented to the Council becomes a parliamentary paper and a public document upon its presentation. As a ‘public document’, it has long been the practice of the Council that public documents be made available to any person for inspection, or a full unredacted copy provided upon request. This practice extends to petitions, and a copy of any petition including the signatories to a petition may be requested from the Clerk’s Office.
- 2.54 Where a request is received for an unredacted copy of a petition, the Clerk’s Office has implemented the additional practice of attaching a covering letter providing a caution regarding the use of the petition’s data. The template letter is as follows:

Petitions tabled in the Legislative Council, including the names and addresses of its signatories, become public documents upon presentation to the Council.

If a petitioner is subjected to any treatment in the nature of harassment or interference, the Legislative Council may consider such actions a contempt of the Council. Any person found guilty of a contempt may be subject to penalties.

In making use of the names and/or addresses of petitioners, you should be careful not to give them any cause for complaint that they are being harassed or interfered with because of their petition.

- 2.55 The PPC observes, however, that petitioners do not join petitions blindly and there must be some acceptance that their names will be recorded somewhere and in some fashion. For example, prior to either creating or joining an e-petition, petitioners are required to accept the e-petitions condition of use and the following acknowledgement:

By electing to join an e-petition, you acknowledge that your name, address and email address will be published on the physical tabled paper of the e-petition retained by the Legislative Council. This personal information will not be viewable in any form on the web site, however, the hard copy of the tabled paper of the e-petition containing this information may be obtained from the Clerk of the Legislative Council.

- 2.56 The PPC does not view acceptance of the above as complete absolution should petitioner privacy or data be compromised, however, the PPC is confident that the Council has taken appropriate and measured steps to protect petitioner privacy and data as practicably as possible, noting also the further steps the Council may take should it become aware of a potential contempt arising from the petitions process.

Data security

- 2.57 With respect to data held by the Council, Temporary Order 2(16) requires the Clerk to dispose of all electronic data relating to the posting and joining of an e-petition within 6 months after an e-petition is printed and presented to the Council.
- 2.58 The PPC has previously reported that the Parliament's Information Technology (IT) unit has confirmed that all data is being destroyed as required and remains confident that the disposal of data is being actioned in accordance with the orders of the Council.
- 2.59 The PPC does not propose any alteration to the current practice pertaining to the presentation, publication or hosting of petitions presented to the Council and is confident that petitioner privacy and all data compiled in petitions is being responsibly managed.

FINDING 3

Petitioner privacy and the e-petition data held by the Legislative Council is being appropriately managed.

Authentication of signatures

- 2.60 Several recent e-petitions presented to the Council have attracted sizable quantities of signatures.
- 2.61 In exploring the potential advantages of electronic petitioning, the Legislative Assembly's Procedure and Privileges Committee (LA PPC) considered the potential to generate large numbers of signatures, commenting:

e-petitions have the potential to reach a larger audience and generate more signatures compared to traditional paper-based petitions. Online sharing and

social media platforms allow petitions to spread rapidly, amplifying their impact and raising awareness about the issues at hand. This is particularly relevant to rural, regional and remote parts of Western Australia, where it may be physically impractical to gather paper signatures from numerous small communities spread across vast distances.¹⁰

- 2.62 Petitions attracting significant public attention are not new. In past parliaments the Council has received traditional paper petitions with large volumes of signatures, however the occurrence of such is the exception rather than the rule. The PPC notes that electronic petitioning and the relatively new phenomenon of regular petitions containing large volumes of signatures attached may become a more frequent occurrence in the future.

Authentication

- 2.63 The authentication of petitioners as genuine signatories to a petition has been an issue considered by the PPC and reported in reports 40 and 64.

- 2.64 Principally, the issue of authentication is a matter related to the integrity of the petitions process generally, and whether this integrity can be circumvented by the mass-joining of electronic petitions by, for instance, computer programs.

- 2.65 In 2016 the then PPC commented on the issue as follows:

the PPC notes that signatories to traditional paper petitions presented to the Council are accepted at face value to be genuine, eligible residents of Western Australia. There is currently no verification process used to determine whether a signatory to a petition is an eligible petitioner. There is a proven capacity, however, to eliminate the risk of mass-joining of E-petitions as currently exist in other jurisdictions.¹¹

Face value acceptance of petition data

- 2.66 Very little has changed with respect to the face-value acceptance of signatures to petitions or the checking procedures applied by the Clerk's Office prior to the presentation of a petition—as has been reiterated in PPC reports 64 and 69.

- 2.67 The historic face-value acceptance of signatures in traditional paper petitions originates from the manner in which these petitions are made. Generally, a petition's address, subject matter (grievance) and prayer are legibly made, however the signatures and petitioner information reflect all the diversity and characteristics of the petitioners themselves. Legibility in traditional paper petitions creates an occasional issue that is in total contrast to the neatly formatted columns of data appearing in e-petitions.

- 2.68 The challenges of verifying petitioner data in paper petitions is not easily overcome, hence the face-value acceptance. The PPC notes that it is likely that paper petitions have historically and continue to contain duplicate signatures that cannot be easily identified by the manual checking procedures applied by the Clerk's Office.

- 2.69 The PPC does not consider that duplication in any way invalidates the legitimacy of a petition. A petition that contains an invalid signature, or many invalid signatures, does not affect the overall validity of a petition or the manner in which it is treated upon its referral to the EPAC.

¹⁰ Standing Committee on Procedure and Privileges, Report 5, *Electronic Petitions*, Western Australia, Legislative Assembly, 9 November 2023, p 3.

¹¹ Standing Committee on Procedure and Privileges, Report 40, *E-petitions*, Western Australia, Legislative Council, June 2016, p 2.

2.70 Whether a petition is a traditional paper petition or an e-petition, scrutiny is applied by a checking procedure. Nevertheless, the potential for error remains substantially the same. On this matter the PPC has been consistently plain with respect to its advice.

Resolution

2.71 In June 2024 the Parliament's IT unit undertook a significant review of the e-petitions system and implemented further improvements including the addition of an email verification process to ensure that email addresses were valid addresses and petitioners are residents of Western Australia. If a petitioner does not complete the new verification steps the petitioner's signature will not be counted or included in the finalised e-petition presented to the Council.

2.72 The PPC is advised that this fix substantially improved the integrity and authentication issues.

2.73 Despite the procedures mentioned above, the PPC notes that evolving technology may present the potential for such things as duplicate signatures or the use of false email accounts to occur again at some future point.

2.74 In this space, and given the evolving nature of technology, the authentication of signatures will require ongoing scrutiny and the application of 'fixes' in response to technological advances as they occur.

2.75 As noted in PPC Report 40, instances of fraud that the Council becomes aware of may be dealt with as a contempt under Standing Order 94, from which significant penalties may be applied by the Council.

Word limits

2.76 In November 2023 the LA PPC presented its Report 5, *Electronic Petitions*, and recommended that a word limit be applied to e-petitions, commenting:

Imposing word limits encourages the Principal Petitioner to concisely describe their issue and what action they wish the Assembly to take. Your Committee recommends a word limit of 250 words apply (in total) to state the issue and the remedy requested. This is consistent with the word limit in other jurisdictions and is comparable to having a petition limited to the size of an A4 page.¹²

2.77 The PPC sees merit in e-petitions being succinctly stated and recommends that the text of e-petitions be limited to 250 words, exclusive of the address and prayer.

2.78 The PPC suggests that the Clerk implement the above recommendation as part of the administrative functions under the recommended continuing resolution of the Council discussed in paragraphs 4.16 – 4.17. The PPC's recommendation is captured within the administrative arrangements in the proposed resolution at Recommendation 2.

Summary

2.79 The PPC continues to be satisfied that the e-petitions temporary order is operating effectively and as intended and recommends that the Council adopt the temporary orders into its Standing Orders, albeit in a slightly amended form to take account of and resolve the issues explained in the preceding paragraphs.

2.80 The PPC is of the view that the temporary orders do not require further substantive amendments. The arrangement and order in which the PPC proposes that the temporary

¹² Standing Committee on Procedure and Privileges, Report 5, *Electronic Petitions*, Western Australia, Legislative Assembly, 9 November 2023, p 7.

orders be combined within the existing Standing Orders means that some of the temporary order will be merged or identified as superfluous to the needs of the Council.

- 2.81 The PPC's proposal to combine the standing and temporary orders are set out in part 4 and the accompanying explanatory table.

3 Ancillary matters

- 3.1 An approach to increase the Council's engagement with the wider Western Australian community and the potential impact on the Council's existing resources were not primary motivators for the PPC when initially considering an e-petitions temporary order.
- 3.2 The PPC was aware that Western Australia was one of the last remaining Australian jurisdictions to introduce an e-petitions procedure and that e-petitions were generally successful, simple, and a welcomed innovation in the jurisdictions in which they had been implemented.
- 3.3 In part, it was the goal of the then PPC to modernise the Council's Standing Orders in line with the other contemporary Australian jurisdictions.
- 3.4 The following paragraphs address matters the PPC considers consequential to the recommendation to adopt e-petitions into the Standing Orders.

Impact upon the Environment and Public Affairs Committee

- 3.5 The EPAC was established with its functions being inquiring into and reporting on various matters that may affect the environment, any Bill referred by the Legislative Council, and petitions. As the EPAC itself has noted, since its establishment its core function and workload has been the consideration of petitions referred to it by the Legislative Council.¹³
- 3.6 During a 2015 review of an unrelated tranche of temporary orders, the PPC resolved to inquire into a temporary order for e-petitions and commenced a short consultation process with the EPAC.
- 3.7 The then EPAC responded to the PPC's inquiries in early 2016 expressing its initial reservations regarding an e-petitions temporary order. In short, the EPAC was concerned that the introduction of e-petitions would lead to a surge of additional petitions drawing on the resources of that committee, and potentially impacting the EPAC's ability to consider and finalise petitions.
- 3.8 The EPAC correspondence stated that a temporary order 'will undoubtedly have an impact on [the] Committee's work',¹⁴ and drew the PPC's attention to the EPAC's pre-existing inquiry function with respect to petitions:

The point of difference between this Committee and other Australian jurisdictions that have implemented an e-petitions process is that the Committee already inquires into every petition that is automatically referred under the Standing Orders of the Legislative Council. No other State Parliament has a dedicated committee that considers all petitions, often involving detailed and in-depth scrutiny of the matters raised by the principal petitioner.¹⁵

¹³ Standing Committee on Environment and Public Affairs, Report 54, *The functions, processes and procedures of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role?* Western Australia, Legislative Council, September 2020, p i.

¹⁴ Standing Committee on Procedure and Privileges, Report 40, *E-petitions*, Western Australia, Legislative Council, June 2016, p 9.

¹⁵ *ibid*, p 10.

- 3.9 In June 2016 the PPC resolved to recommend a trial of temporary orders facilitating e-petitions and presented Report 40, *E-petitions*.
- 3.10 Report 40 considered the possibility of increased petitions being presented due to the ease in which the petitions can be created, but also the seemingly less onerous means for gathering supporting signatures. It was obvious to the then PPC that increased referrals would have some resourcing impact on a review body such as the EPAC. The EPAC's concerns were acknowledged, however, the PPC was confident that the resourcing impacts could be managed and would be limited, commenting:
- the PPC is confident that, despite any complexities that may arise, the Parliament possesses the expertise and technical capability to trial an E-petitions process in the Legislative Council with limited impact on resources.¹⁶
- 3.11 Between 2012 and 2021 the average number of petitions presented to the Council was 52 per year. Since 2022 and the commencement of the temporary orders, the above average has not increased, though e-petitions have overtaken paper-based petitions as the preferred medium and the presentation of contemporary paper petitions has decreased by half.
- 3.12 As at 30 June 2024 e-petitions account for 80 per cent of all petitions presented to the Council and the surge of additional petitions anticipated by the 2016 EPAC has not eventuated.
- 3.13 In contrast, the EPAC's recent submission to the PPC provided the following advice:
- The Committee has experienced no adverse impacts on its operations from the e-petitions Temporary Order.¹⁷
- 3.14 Rather than impeding its ability to consider and finalise petitions, the EPAC submission advised that the temporary order had instead provided the EPAC with advance notice of the subject matter and number of e-petitions it might expect to receive following presentation. The EPAC advised:
- [the] benefit of e-petitions to the Committee is the foresight they provide as to what, and how many, petitions will be tabled in due course ... this provides the Committee an opportunity to research issues in advance. Unlike e-petitions, the Committee receives no real warning when a paper petition is to be tabled in the House, and subsequently referred.¹⁸
- 3.15 Finally, the EPAC's submission stated that it:
- has been greatly receptive of the e-petitioning system introduced in the Legislative Council in September 2021, and supports its continued utilisation.¹⁹
- 3.16 The PPC thanks the EPAC for its helpful and insightful submission and its continued work inquiring into the petitions presented to the Legislative Council.

FINDING 4

E-petitions have not adversely impacted the resources or operations of the Standing Committee on Environment and Public Affairs.

¹⁶ *ibid*, p 3.

¹⁷ Submission 1 from Standing Committee on Environment and Public Affairs, 19 April 2024, p 2.

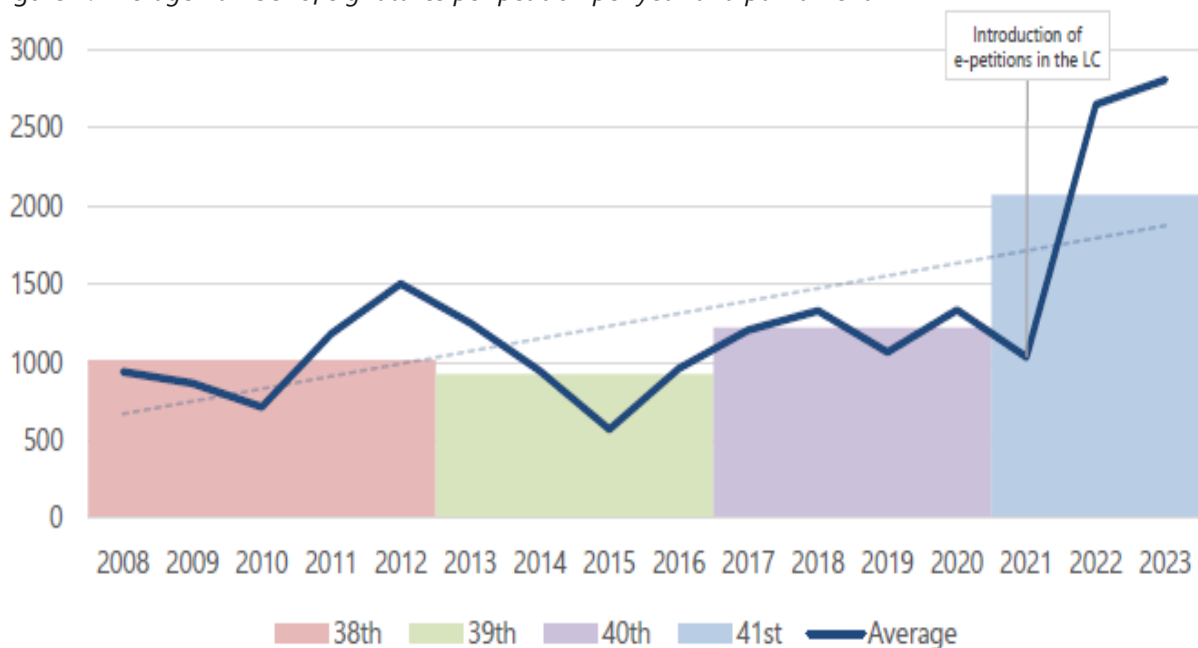
¹⁸ *ibid*.

¹⁹ *ibid*, p 1.

Community engagement

- 3.17 Community engagement was not a primary driver of the PPC's initial recommendation to introduce e-petitions. The principal objective was to facilitate a modern means of petitioning the Parliament, consistent with the approach taken by other jurisdiction both within and outside of contemporary Australian parliaments.
- 3.18 Since the introduction of e-petitions the Parliament's IT unit has noted a marked increase in traffic to the Council's webpage. Between 15 May 2022 and 30 June 2024, Google Analytical statistics show that the Council's e-petitions landing page has receive close to 2 million views and nearly 500,000 plus users interacting with the page.
- 3.19 This traffic is primarily driven by Western Australian residents engaging with the petitions process either as principal petitioners or signatories to hosted petitions. The increased level of community participation with the parliamentary petitions process appears to be an unexpected though welcomed result from an engagement perspective.
- 3.20 In its submission to the PPC, the EPAC noted that one reason parliaments are moving to adopt and preference e-petitions are their increased ability to boost public engagement.²⁰ Notably, the EPAC provided the following statistical diagram demonstrating that the 41st Parliament has clearly seen greater engagement than the previous 3 Parliaments despite not yet being completed:

Figure 1. Average number of signatures per petition per year and parliament



[Source: Submission 1 from Standing Committee on Environment and Public Affairs, 19 April 2024, p 2.]

- 3.21 The PPC notes that the EPAC's view with respect to public engagement remains consistent with its Finding 2 in EPAC report 54, that:

Petitions are an important mechanism in parliamentary democracies that enable engagement between citizens and their parliament.²¹

²⁰ Submission 1 from Standing Committee on Environment and Public Affairs, 19 April 2024, p 1.

²¹ Standing Committee on Environment and Public Affairs, Report 54, *The functions, processes and procedures of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role?* Western Australia, Legislative Council, September 2020, p 5.

- 3.22 Given the PPC’s own statistical evidence gathered, the PPC concurs with the EPAC with respect to the apparent increased level of community engagement that e-petitioning facilitates between the Parliament and the public.

FINDING 5

E-petitions have facilitated increased public engagement with the parliamentary petitions process.

Report 54 — Standing Committee on Environment and Public Affairs

- 3.23 This report deals exclusively with e-petitions and does not provide a comprehensive review of the entire petitions process, orders or procedures.
- 3.24 On 17 September 2020, the EPAC presented its Report 54 entitled: *The functions, processes and procedures of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role?*
- 3.25 The report contained 20 findings and 14 recommendations.
- 3.26 In the executive summary the EPAC stated:
- The Committee has concluded that its Terms of Reference should focus on its core function of considering petitions and has made a number of recommendations which will, if adopted by the Legislative Council, result in it becoming a dedicated petitions committee and renamed the Standing Committee on Petitions.
- 3.27 Further to the proposed renaming and narrowed focus for the EPAC, the report proposed several additional initiatives including liaison with the Ombudsman’s office and procedures facilitating enhanced petitioner participation prior to the finalisation of the petitions process.
- 3.28 The PPC considers that the matters traversed in EPAC report 54 merit further consideration by the Legislative Council and is of the view that it would be helpful for the EPAC to reflect on whether that committee still holds the same views as the EPAC from the 40th Parliament.

4 Proposed amendment to the Standing Orders

- 4.1 The temporary orders adopted by the Council on 9 September 2021 are attached at Appendix 2.
- 4.2 The PPC has considered several means to incorporate the e-petitions temporary order into the Standing Orders.
- 4.3 Rather than a new schedule or a new standing order containing 17 subsections, the PPC proposes that the temporary orders be merged amongst the existing Standing Order 101 so that all procedures relating to petitions remain within the same section of the Standing Orders.

Temporary Orders 2(1) to (3), (6) and (10)

- 4.4 These orders set out the form and content of e-petitions and require that e-petitions be consistent with and comply with the substantive requirements of petitions pursuant to Standing Order 101.
- 4.5 These orders are set out in proposed new Standing Order 101(2)(a) to (e).

Temporary Orders 2(4), (5) and (11)

- 4.6 These orders prescribe the exclusions that e-petitions must comply with. These orders are set out in proposed new Standing Order 101(4)(a) to (d).

Temporary Order 2(7)

- 4.7 This order required the Clerk to prepare a closed petition for presentation to the Council and deletes the former mandatory presentation by a facilitating member. This order is set out in proposed new Standing Order 101(5).

Temporary Orders 2(8) and (9)

- 4.8 Members of the Legislative Council retain their membership of the Council during periods of prorogation and may continue to provide their agreement to facilitate petitions up until 21 May in an election year.
- 4.9 The PPC notes that the facilitation agreement, as discussed in paragraphs 2.10 – 2.13 merely provides a means authorising the publishing of petitions on the Parliament’s website for the purpose of collecting signatures in the manner authorised by the Council.
- 4.10 As such, the PPC views the arrangements in these temporary orders as administrative in nature and not required for the purposes of facilitating the continued hosting of e-petitions.

Temporary Order 2(12)

- 4.11 Not required. This order reflects the long-standing practice of the Council to only publish the name of the principal petitioner.

Temporary Orders 2(13) and (14)

- 4.12 These orders are administrative in nature and are not required.
- 4.13 With respect to (14), the PPC notes that the Clerk or any member may seek a ruling from the President in relation to any number of Standing Orders, including the orders relating to petitions.

Temporary Orders 2(15) and (16)

- 4.14 These orders are administrative in nature and are not required. The PPC recommends that the Council adopt the continuing resolution set out in Recommendation 2 to give effect to the orders.

Explanatory table

- 4.15 To assist the Council’s understanding of where and how the temporary orders are proposed to be incorporated into the existing Standing Orders, the PPC has set out in the following table the proposed location where the temporary orders are either incorporated into the existing Standing Orders:

Table 1. *Temporary Orders incorporated into Standing Orders*

| Temporary order | Comments |
|------------------------|--|
| 1 | incorporated into new SO 101(2) |
| 1(a) | incorporated into new SO 101(2)(a) |
| 1(b) | amended and incorporated into new SO 101(2)(b) |
| 1(c) | incorporated into new SO 101(2)(d) |

| Temporary order | Comments |
|-----------------|---|
| 2 | amended and incorporated into new SO 101(2)(c) |
| 3 | merged into new SO 101(2)(b) |
| 4 | incorporated into new SO 101(4)(a) |
| 5 | incorporated into new SO 101(4)(b) |
| 6 | incorporated into new SO 101(2)(e) |
| 7 | amended and incorporated into new SO 101(5) |
| 8 | not required — administrative procedure |
| 9 | not required — administrative procedure |
| 10 | incorporated into new SO 101(2)(d) |
| 11 | incorporated into new SO 101(4)(c) |
| 12 | not required — administrative procedure that reflects the long-standing practice of the Council |
| 13 | not required — administrative procedure |
| 14 | not required |
| 15 | not required — incorporated into proposed resolution |
| 16 | not required — incorporated into proposed resolution |
| 17 | not required |

Administrative procedures

- 4.16 The PPC considers that there is no utility including in the Standing Orders those temporary orders identified as being administrative in nature. However, the PPC recognises that those administrative procedures are required to give practical effect to the operation of an e-petitions process.
- 4.17 The PPC recommends that the Council pass a resolution authorising the Clerk to do all things reasonably necessary to implement and support the e-petitions orders.

5 Recommendations

- 5.1 The PPC is of the view that the result of the e-petitions trial is almost exclusively positive.
- 5.2 The PPC has been satisfied that the e-petition orders, procedures, and processes have operated effectively for both Members and petitioners alike and continues to complement the traditional process for petitioning the Parliament.
- 5.3 Accordingly, the PPC makes the following recommendation:

RECOMMENDATION 1

That the **Temporary Orders** and **Standing Order 101** be repealed, and new Standing Order 101 be inserted as follows [insertion of new or amended text in **red**] —

101. Form and Contents of Petitions **and e-petitions**

- (1) A petition shall –
- (a) be addressed to the President and Members of the Council;
 - (b) state the action or remedy sought from the Council, which must be repeated at the top of every page of the petition;
 - (c) be legible and unamended;
 - (d) be couched in reasonable language;
 - (e) be in the English language, or be accompanied by a certified English translation;
 - (f) contain the name, address, and original signature or mark of the petitioners;
 - (g) be signed by the person or persons promoting the petition, who must reside in Western Australia or, if a corporation, have its registered office in Western Australia; and
 - (h) if from a corporation, be made under its common seal or, if the corporation does not have a common seal, a copy of the corporation's articles of incorporation must be attached to the petition.

(2) An e-petition shall –

- (a) be made in the correct form prescribed by Standing Order 101(1);**
- (b) be facilitated by a Member who shall provide the Clerk with a signed acknowledgement that they are prepared to facilitate the petition;**
- (c) state the nominated period for the petition to be hosted that is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's website;**
- (d) be joined by persons filling out their correct details and personally agreeing to join the e-petition, and by no one else, except in the case of incapacity from sickness or disability;**
- (e) only be joined by residents of Western Australia.**

(3) A petition shall not –

- (a) have any documents attached to it;
- (b) be presented by a Member who has signed the petition as a petitioner;
- (c) reflect upon a vote of the Council in the same calendar year;
- (d) seek a direct grant of public money from the Council;
- (e) contain statements adverse to, or make allegations of improper, corrupt or illegal conduct against, a person whether by name or office; or
- (f) contain or disclose a matter in breach of a secrecy provision of, or order imposed or made under the authority of, a written law.

(4) An e-petition shall not –

- (a) include or have attached to it any of the exclusions prescribed in Standing Order 101(3);
 - (b) be substantively altered other than by order of the President once published on the Parliament's website;
 - (c) deal with substantially the same grievance or request substantially the same action as another petition hosted on the Parliament's website;
 - (d) be signed by a person more than once.
- (5) An e-petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and prepared for presentation to the Council, by a Member nominated by the principal petitioner, in accordance with Standing Order 102 once the posted period for the e-petition has elapsed.
- (6) In the case of both petitions and e-petitions, the Member presenting the petition shall sign the petition at the top of the front page of the petition.
- (7) The total number of petitioners shall be stated at the top of the front page of the petition.
- (8) The petition must be certified to conform with the Standing Orders by the Clerk before it may be presented to the Council.

5.4 To give effect to the remaining administrative matters discussed in this report the PPC recommends that the Council pass a resolution in the following form:

RECOMMENDATION 2

That the Legislative Council —

1. Authorises the Clerk to create and maintain an appropriate website on which to publish e-petitions and other explanatory information.
2. Directs the Clerk to dispose of all electronic personal data relating to the posting and joining of an e-petition within 6 months after an e-petition is printed and presented to the Legislative Council.
3. Authorises the Clerk to make administrative alterations to e-petitions, as required, in consultation with facilitating members and principal petitioners.
4. Further authorises the Clerk to do all things reasonably necessary to implement the resolutions.



Hon Alanna Clohesy MLC
Chair

APPENDIX 1

PROPOSED STANDING ORDER 101 (AS AMENDED)

101. Form and Contents of Petitions and e-petitions

- (1) A petition shall –
 - (a) be addressed to the President and Members of the Council;
 - (b) state the action or remedy sought from the Council, which must be repeated at the top of every page of the petition;
 - (c) be legible and unamended;
 - (d) be couched in reasonable language;
 - (e) be in the English language, or be accompanied by a certified English translation;
 - (f) contain the name, address, and original signature or mark of the petitioners;
 - (g) be signed by the person or persons promoting the petition, who must reside in Western Australia or, if a corporation, have its registered office in Western Australia; and
 - (h) if from a corporation, be made under its common seal or, if the corporation does not have a common seal, a copy of the corporation's articles of incorporation must be attached to the petition.

- (2) An e-petition shall –
 - (a) be made in the correct form prescribed by Standing Order 101(1);
 - (b) be facilitated by a Member who shall provide the Clerk with a signed acknowledgement that they are prepared to facilitate the petition;
 - (c) state the nominated period for the petition to be hosted that is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's website;
 - (d) be joined by persons filling out their correct details and personally agreeing to join the e-petition, and by no one else, except in the case of incapacity from sickness or disability;
 - (e) only be joined by residents of Western Australia.

- (3) A petition shall not –
 - (a) have any documents attached to it;
 - (b) be presented by a Member who has signed the petition as a petitioner;
 - (c) reflect upon a vote of the Council in the same calendar year;
 - (d) seek a direct grant of public money from the Council;

- (e) contain statements adverse to, or make allegations of improper, corrupt or illegal conduct against, a person whether by name or office; or
 - (f) contain or disclose a matter in breach of a secrecy provision of, or order imposed or made under the authority of, a written law.
- (4) An e-petition shall not –
- (a) include or have attached to it any of the exclusions prescribed in Standing Order 101(3);
 - (b) be substantively altered other than by order of the President once published on the Parliament’s website;
 - (c) deal with substantially the same grievance or request substantially the same action as another petition hosted on the Parliament’s website;
 - (d) be signed by a person more than once.
- (5) An e-petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and prepared for presentation to the Council, by a Member nominated by the principal petitioner, in accordance with Standing Order 102 once the posted period for the e-petition has elapsed.
- (6) In the case of both petitions and e-petitions, the Member presenting the petition shall sign the petition at the top of the front page of the petition.
- (7) The total number of petitioners shall be stated at the top of the front page of the petition.
- (8) The petition must be certified to conform with the Standing Orders by the Clerk before it may be presented to the Council.

APPENDIX 2

TEMPORARY ORDERS ADOPTED BY RESOLUTION OF THE HOUSE ON 9 SEPTEMBER 2021



TEMPORARY ORDER

BY RESOLUTION OF THE HOUSE ON 9 SEPTEMBER 2021

1. Duration of Temporary Order

This Temporary Order applies from 1 January 2022 until 31 March 2023.

2. E-petitions

- (1) An e-petition is a petition —
 - (a) in the correct form prescribed by Standing Order 101;
 - (b) facilitated by a Member and lodged with the Clerk for publication on the Parliament's website for a nominated period ("posted period");
 - (c) by which persons must indicate their support of ("join the petition") by electronically providing their name, address (including postcode) and email address, and signifying their intention to join the petition.
- (2) The posted period for an e-petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's website.
- (3) The Member facilitating the e-petition must provide the Clerk with the details of the petition in the correct form, the posted period and a signed acknowledgment that they are prepared to facilitate the e-petition.
- (4) Once published on the Parliament's website an e-petition cannot be altered other than by order of the President.
- (5) Only one e-petition dealing with substantially the same grievance and requesting substantially the same action by the Council shall be published on the Parliament's website at the same time.

- (6) Only residents of Western Australia will be eligible to join an e-petition.
- (7) Once the posted period for an e-petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Council by the Member that facilitated the e-petition.
- (8) An e-petition published on the Parliament's website, but not presented to the Council prior to the prorogation of the Parliament or the dissolution of the Legislative Assembly, may be presented to the subsequent Parliament and become a petition of the subsequent Parliament.
- (9) An e-petition may be facilitated during any adjournment of the Legislative Council and during any period of prorogation.
- (10) Persons must join an e-petition by filling out their correct details and personally agreeing to join the e-petition, and by no one else, except in the case of incapacity from sickness or disability.
- (11) A person cannot sign or join an e-petition more than once.
- (12) Only the name and address of the Principal Petitioner shall be made public on the Legislative Council's website.
- (13) The Clerk may decline to publish an e-petition on the website not in conformity with these Orders and shall advise the facilitating Member accordingly.
- (14) The Clerk or any Member may seek a ruling from the President of the Legislative Council relating to the conformity or otherwise of any e-petition with these Orders.
- (15) The Clerk is authorised to create and maintain an appropriate website on which to publish e-petitions and other explanatory information and do all things necessary in order to give effect to these Orders.
- (16) The Clerk must dispose of all electronic personal data relating to the posting and joining of an e-petition within six months after an e-petition is printed and presented to the Legislative Council.
- (17) The Standing Orders for petitions have application to e-petitions insofar as they can be applied.

Standing Committee on Procedure and Privileges


Date first appointed:

24 May 2001

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

'1. Procedure and Privileges Committee

- 1.1 *A Procedure and Privileges Committee is established.*
 - 1.2 The Committee consists of 5 Members, including the President and the Chair of Committees, and any Members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chair, and the Chair of Committees is the Deputy Chair, of the Committee.
 - 1.3 With any necessary modifications, Standing Order 163 applies to a co-opted Member.
 - 1.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the Council and its Committees, and recommend to the Council such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the Council or its Committees.'
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