

41ST PARLIAMENT



Report 69

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Preliminary review of E-Petitions

Presented by
Hon Alanna Clohesy MLC (Chair)

February 2023

Standing Committee on Procedure and Privileges

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1 Introduction

- 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 On 9 September 2021 the Council resolved to trial an E-Petitions Temporary Order. The trial orders apply from 1 January 2022 until 31 March 2023.
- 1.3 The Temporary Orders and trial were recommendations contained in a number of PPC reports from 2016 to 2021. These are reports 40¹, 45² and 64.³
- 1.4 This report canvasses the PPC’s preliminary review of the E-Petitions trial during the 2022 calendar year.

2 E-Petitions

- 2.1 A petition is a long established practice in which a person or group of people make requests or grievances known to the legislature or the Crown. It is a means of public participation in a parliamentary democracy, the right of which was established as early as 1215 under the Magna Carta and reaffirmed by the *Bill of Rights 1689*.⁴
- 2.2 Contemporary petitions are in a written form and must comply with the Standing Orders in order to be presented to the Council.
- 2.3 E-Petitions differ slightly from contemporary petitions—they are petitions prepared in an electronic format. In almost all other respects, an E-Petition is no different from a contemporary petition.
- 2.4 The key distinction between these two types of petition is the manner in which they are circulated in the community to obtain supporting signatures. Typically, contemporary petitions are circulated in local gathering places where the petition is likely to obtain as many supporting signatures as possible. These places are usually, for example, supermarkets frequented by a greater proportion of the public. The contemporary petitions are created in a paper format and placed where signatures can be obtained in a free-hand written form.
- 2.5 In contrast, an electronically generated petition (E-Petition) may be circulated via email, or ‘shared’ on social media platforms with a link back to its host site. Signatures to an E-Petition are obtained electronically by the inputting of a combination of a person’s name, address, postcode, and email address. All or some of these elements typically comprise the petitioner’s ‘signature’.

¹ Standing Committee on Procedure and Privileges, Report 40, *E-Petitions*, Western Australia, Legislative Council, 28 June 2016.

² Standing Committee on Procedure and Privileges, Report 45, *Outstanding Matters from the 39th Parliament*, Western Australia, Legislative Council, 24 August 2017.

³ Standing Committee on Procedure and Privileges, Report 64, *Review of the Standing Orders*, Western Australia, Legislative Council, 2 September 2021.

⁴ *Bill of Rights 1689* (United Kingdom) Article 5. Right to petition — That it is the right of the subjects to petition the King and all commitments and prosecutions for such petitioning are illegal.

The Temporary Orders

- 2.6 The *Environment and Public Affairs Committee* (EPAC) commenced an own motion inquiry into the petitions process, including the developing trend to electronic petitions, on 5 June 2008.⁵ The inquiry was later discontinued, however the PPC continued to monitor the development of e-petition processes in other jurisdictions and later recommended the trial of an E-Petitions Temporary Order in PPC Report 40.
- 2.7 The Temporary Orders adopted by the Council in September 2021 established a mechanism to facilitate E-Petitions in conformity with the standing rules and orders of the Legislative Council. To an extent, the principles and rules underpinning Temporary Orders were informed by the rules and experiences of other parliamentary jurisdictions where e-petitioning has become a reputable practice.
- 2.8 The intent of the Council's Temporary Orders is to facilitate this modern way of petitioning the parliament whilst offering certainty to the Council that any E-Petition to be 'hosted' on the Parliament of Western Australia website and intended to be presented to the Council will conform with the Council's standing and temporary rules and orders. This includes conformity with such elements as:
- being made in the correct form prescribed by Standing Order 101
 - that the E-Petition is hosted on a website approved by the Council
 - that the E-Petition cannot be altered in an unauthorised manner
 - that signatures are collected in a manner approved by the Council
 - that signatories are eligible residents of Western Australia
 - that the signatures obtained meet the requirement set out in the Temporary Order
- 2.9 To date, the Temporary Orders have ensured that all of the abovementioned elements have complied with the Council's rules.
- 2.10 At the conclusion of the hosting arrangements an E-Petition and its signatures are printed by the Clerk's office and provided to the facilitating member for presentation to the Council. The presentation/tabling of the E-petition occurs in the same manner and at the same point during Formal Business proceedings as a contemporary petition.
- 2.11 An abridged explanation of the Council's E-Petitions process is as follows:
- The principal petitioner creates/prepares an E-Petition via the portal on the Parliament's website
 - The principal petitioner receives an email containing a PDF copy of their E-Petition
 - The principal petitioner presents their E-Petition to a Member of the Council with a request that the Member agree to facilitate the E-Petition
 - The Member (if they agree) signs the facilitation request and presents the E-Petition to the Clerk's Office
 - The Clerk checks the E-Petition for compliance with the Standing Orders
 - The Clerk's Office arranges for the E-Petition to be hosted on the Parliament's website
 - The principal petitioner receives an email confirmation of the E-Petition going 'live' on the Parliament's website, and a link to the specific E-Petition page

⁵ Standing Committee on Environment and Public Affairs, Special Report, *Petitions Process for the Western Australian Legislative Council*, Western Australia, Legislative Council, 5 June 2008. (Tabled paper 4061).

- The principal petitioner shares the link via email or social media to gather ‘signatories’
- At the conclusion of the nominated hosting period the E-Petition is automatically closed and the Clerk’s Office receives a notification to prepare the E-Petition for presentation to the Council
- The facilitating Member tables the E-Petition in the Council
- The E-Petition stands referred to the *Environment and Public Affairs Committee* for inquiry and report: SO 102(6).

3 Preliminary review of the trial

- 3.1 The PPC has conducted a preliminary review of the E-Petitions trial for the purpose of determining whether to recommend that the trial be extended.
- 3.2 The PPC notes that the current trial has provided valuable insight regarding the technical operation of petitions generally, and the potential application of modern technologies to improve access and participation in parliamentary democracies. The PPC has not yet formed a firm opinion as to whether these technologies will ultimately assist the transaction of the business of the Council and its committees.
- 3.3 Prior to the commencement of the trial an E-Petitions webpage and portal was established on the Parliament of Western Australia’s website at: [LC e-Petitions \(parliament.wa.gov.au\)](https://www.parliament.wa.gov.au/e-petitions). The webpage is the appropriate location maintained by the Clerk, and authorised by Temporary Order 15 as the place to host E-Petitions.
- 3.4 The first E-Petition was hosted from 2 February 2022 and closed on 16 March 2022. The E-Petition was tabled on 17 March 2022 and contained 2116 signatures.
- 3.5 On 28 August 2022 approximately 3,000 individuals joined (signed) the E-Petition: *Proposed 8 or 9 month demersal bans*. The PPC is satisfied that this event and the number of signatures collected on this date suggests that the E-Petitions system is technically and sufficiently robust to cater for large volumes of internet traffic and e-signature collections.

Challenges resolved or under review

- 3.6 Technically, the E-Petitions trial has presented a learning curve requiring the swift application of solutions to challenges as they occur. Despite anticipating most of the technical and security related challenges, a small number of procedural and practical subtleties have been encountered during the trial.
- 3.7 Generally, these challenges fell into one of the following categories:
- signing an E-Petition
 - security and auto form-fill features
 - duplicate signatures
 - alterations to E-Petitions

Signing an E-Petition

- 3.8 In early 2022 an issue regarding the ability to sign E-Petitions was identified following advice from members of the public and electorate officers. The issue related to the rejection of seemingly valid localities and postcodes.
- 3.9 The E-Petitions system was designed to verify and accept a ‘signature’ by cross-matching the suburbs and postcodes entered by the petitioner in the required fields. If one set of data does not match the other, the system will reject the attempt to sign the E-Petition.

- 3.10 The cross-matching is a protection implemented to preserve the integrity of E-Petitions and prevent mass-joining by computer applications generating false activity, or the ineligible joining of an E-Petition by non-residents of Western Australia.
- 3.11 Despite the in-built protections, this issue did emphasise a small deficiency in the data sets and cross-matching of suburbs, suburb abbreviations, postcodes, post-boxes, and the difference between suburbs, towns and other types of localities.
- 3.12 These issues are largely resolved, however, the PPC continues to work with the Parliament's Information Technology (IT) unit to monitor and investigate mechanisms to update localities where changes occur.

Security and auto form-fill features

- 3.13 The personal security features and preferences of petitioners' devices, including mobile devices, resulted in a small number of unforeseen issues regarding the rejection of data entered in required E-Petition fields.
- 3.14 The Parliament's IT unit identified that this issue was a particular problem occurring on a specific brand of device. For some petitioners the issues are unable to be resolved as they relate to the users personal security preferences and the settings selected to apply to those devices.
- 3.15 The review identified that the auto form-fill setting of petitioners' devices may insert blank spaces or special characters at the end of data entered in a field. The IT unit has implemented a solution to resolve this issue.

Duplicate signatures

- 3.16 Temporary Order 11 prohibits a person or persons from signing or joining an E-Petition more than once.
- 3.17 The review identified a minor error that permitted the addition of duplicate signatures in the first few E-Petitions hosted. Fortunately, the duplicates were identified and removed, and the IT unit implemented a solution to resolve this issue.
- 3.18 The error has helped to identify cases where multiple petitioners may have the same name and address details, though different email addresses. For example, a father and son sharing the same name and living in the same residence may each sign an E-Petition using their lawful name and address details, despite having different email addresses.

Alterations to E-Petitions

- 3.19 Temporary Order 4 prevents an E-Petition, once published, from being altered by any means other than by order of the President.
- 3.20 A small number of requests to alter E-Petitions have been approved by the President. Typically, these requests have been:
- to extend a hosting period
 - to shorten a hosting period
 - to make a minor formatting correction to a published E-Petition
- 3.21 A request for a substantive alteration to an E-Petition has not occurred.
- 3.22 The PPC considers that should a substantive alteration be requested, the approval of the President will be required. This protection has been implemented for circumstances in which petitioners who had already signed the E-Petition may not agree with, or have agreed to, the

substantive alteration should the scope or intent of the petition change as a result of the alteration—whether that was an intent of the alteration or not.

Disposal of electronic personal data

- 3.23 Temporary Order 16 requires 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 Council.
- 3.24 To assist the Clerk with this obligation, the E-Petitions system has been designed to record the date that an E-Petition is closed and printed. On a daily basis, a script is run prompting the system to search for closed petitions and any signatures that were printed more than six months ago. If the system finds any signatures prior to that date, it deletes the signature and all relevant data.
- 3.25 The Parliament’s IT unit has confirmed to the PPC that the signatures and data has been deleted in accordance with the requirements of the Temporary Order.

Statistics

- 3.26 As at 17 February 2023, 32 E-Petitions have been hosted on the Parliament’s website since 1 January 2022.
- 3.27 25 E-Petitions containing 92,632 signatures have been presented in the Council.
- 3.28 In the corresponding period, 18 contemporary petitions have been tabled containing 22,830 signatures.
- 3.29 The total number of signatures collected since 2 February 2022 (including E-Petitions yet to close) has exceeded 96,000 signatures, averaging nearly 9,000 signatures per a month, or 300 per day.

Inquiry by Committee

- 3.30 Petitions, including E-Petitions, are referred to the *Environment and Public Affairs Committee* (EPAC).
- 3.31 Four E-Petitions were listed in the EPAC’s most recent report, *Overview of Petitions: 3 December 2021 to 30 June 2022*, as petitions subject to ongoing enquiries. They are:
- Petition No. 45—Regional Electricity Network
 - Petition No. 49—State of Emergency Declarations
 - Petition No. 50—Minimum penalties for animal abuse
 - Petition No. 53—Home Indemnity Insurance
- 3.32 The EPAC has not, to date, reported on a discrete issue raised in an E-Petition tabled in the Council.

4 Extension of the E-Petitions Temporary Order

- 4.1 The E-Petitions process has complemented the existing process for petitioning the Parliament and has proven to be a user friendly alternative for Members and the public alike.
- 4.2 The PPC is satisfied that the Temporary Order is operating effectively, but intends to undertake a full review of the process to determine whether a permanent change to the Standing Orders is recommended to the Legislative Council.

- 4.3 The PPC's proposed review will include consultation with the current EPAC, all members of the Legislative Council and other relevant stakeholders.
- 4.4 The PPC anticipates that it will be in a position to make a recommendation to the Council on any substantive amendments to the Standing Orders at a later date.

Extension

- 4.5 The Temporary Orders expire on 31 March 2023.
- 4.6 In the interim, the PPC anticipates that while the trial remains operational, Council Members may receive further requests to facilitate E-Petitions up until the expiration of the orders. If such requests continue without an extension to the trial, the PPC notes that the requested hosting period must not exceed the current expiry date provided in the orders.
- 4.7 The PPC is of the view that the E-Petitions trial should be extended to facilitate its review.
- 4.8 Accordingly, the PPC makes the following recommendation:

RECOMMENDATION 1

That the E-Petitions Temporary Order be extended to apply until 31 October 2024.



Hon Alanna Clohesy MLC
Chair

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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