



Contact Officer: Director, Committee Support
Telephone: (02) 6277 4776

23 January 2020

Hon. Matthew Swinbourn MLC
Chair, Standing Committee on Environment and Public Affairs
Legislative Council
Parliament of Western Australia
Parliament House
4 Harvest Terrace
West Perth WA 6005

**Submission to the inquiry into the functions, processes and procedures of the
Standing Committee on Environment and Public Affairs**

Dear Mr Swinbourn

Thank you for your correspondence dated 25th October 2019.

The House of Representatives Standing Committee on Petitions welcomes the opportunity to make a submission to the inquiry into the functions, processes and procedures of the Standing Committee on Environment and Public Affairs.

Our submission to your inquiry is attached.

Yours sincerely

Mr Llew O'Brien MP
Chair

Submission to the inquiry into the functions, processes and procedures of the Standing Committee on Environment and Public Affairs

This submission addresses terms of reference (a) *the role of petitions in a modern parliament*; and (d) *the approach of other parliamentary committees in carrying out environment and petitions functions*, and also your request for information relating to ‘the history and operation of the Standing Committee on Petitions and whether there are any practices and procedures for dealing with petitions that might be of interest to the Committee as part of its inquiry.’

Establishment of the Standing Committee on Petitions

The 2007 report of the House of Representatives Standing Committee on Procedure made a number of recommendations to address the perception that petitions had declined in their effectiveness due to the lack of action or response.¹ In 2008 many of these changes were implemented, including the establishment of the House of Representatives Standing Committee on Petitions (the Petitions Committee).

Standing Order 220(a) describes the role of the Petitions Committee:

(a) A Standing Committee on Petitions shall be appointed to receive and process petitions, and to inquire into and report to the House on any matter relating to petitions and the petitions system.²

Ms Julia Irwin MP, the then Chair of the Petitions Committee, stated in 2010 that the intent of creating the Committee was to strengthen the ability of the House to provide a response to petitions:

The Petitions Committee was established with the objective of strengthening the petitions process of the House. The impetus for its creation came from a report of the House Procedure Committee in 2007, in which it was noted that there was no means available for the House to respond to petitions or to encourage Ministers to respond and, as a result, the tradition of petitioning the Parliament had declined.³

Electronic petitioning

I note that your inquiry is not considering the introduction of electronic petitioning, but the following may be relevant to the role of petitions in the future.

¹ Standing Committee on Procedure, *Making a difference: Petitioning the House of Representatives*, August 2007, p. 7. Available online at www.aph.gov.au/proc.

² House of Representatives Standing Orders, as at 19 September 2019.

³ Ms Julia Irwin MP, “Foreword” in Standing Committee on Petitions, *The work of the first Petitions Committee: 2008-2010*, June 2010, p. v.

Electronic petitions (e-petitions) were introduced at the commencement of the 45th Parliament in September 2016, following recommendations from both the Procedure and Petitions Committees.

E-petitioning was seen as a reflection of societal changes in information communication technologies, and as a means of reinvigorating traditional and administratively cumbersome processes. It was also seen as a way to make the work of the House more accessible.⁴ There was no subsequent prohibition on the submission of paper petitions, allowing citizens to exercise their right to petition via their preferred medium, and ensuring that those without internet access were not excluded from the petitioning process.

The introduction of e-petitioning seems to have increased the public's interaction with the Parliament. Since their introduction, e-petitions have been the dominant format of petition presented to the House. In the 44th Parliament (2013 to 2016), prior to the introduction of e-petitions, 255 petitions were presented to the House. In the following Parliament (45th – 2016 to 2019), the number of paper petitions presented increased to 405. In addition 850 e-petitions were presented, comprising almost 68 per cent of all petitions presented. In the current Parliament, 258 of the 295 petitions presented (87 per cent) have been e-petitions.

The petitioning process

Submission of petitions

Paper petitions are submitted to the Petitions Committee for consideration following the collection of signatures. Most are received via mail, others come via the office of a Member of the House who has accepted the petition from a constituent.

Electronic petitions are submitted online via the House petitions website.⁵ Petitioners need to confirm their identity and contact details.

Consideration by the Petitions Committee

A key role of the Petitions Committee is to determine compliance of each petition with the standing orders of the House.

The rules for form and content are the same for both paper and electronic petitions and are contained in Standing Order 204. There are some differences for paper and electronic petitions which are reflected in standing orders 205 and 205A, however these relate to the nature of the petition; for example, handwritten signatures for paper petitions and a four-week period for the collection of signatures on the House website for e-petitions.

⁴ House of Representatives Standing Committee on Procedure, *Making a difference: petitioning the House of Representatives*, August 2007, p. 37.

⁵ www.aph.gov.au/Parliamentary_Business/Petitions/House_of_Representatives_Petitions/Petitions_General/Request_a_new_e-petition.

The Petitions Committee considers each petition individually. For electronic petitions, this is prior to the petition being published on the House website and the subsequent collection of signatures. This is in contrast to paper petitions, which are considered following the collection of signatures.

Once the Petitions Committee has found an electronic petition to be in order, it is published to the House petitions website and is able to collect signatures from the public for a period of four weeks. E-petitions found to be out of order are not published on the website. In both cases, the principal petitioner is notified.

Paper petitions found to be in order are presented at the next opportunity (see below). Out of order petitions are returned to the principal petitioner and not presented to the House as petitions. In some cases, these are presented to the House by a Member and are regarded as documents, rather than petitions, and are not referred to a Minister for a response.

Reduction in out of order petitions

In recent years, roughly a third of petitions received by the Committee have been determined to be out of order. Reducing the number of out of order petitions has been an area of interest for the Committee. The Committee is of the view that ‘the rules for petitioning the House should be simple and should not exclude people because the requirements are overly onerous,’ and that ‘any out of order petition received represents disappointment and frustration for the principal petitioner and prevents them from having their concerns voiced to the House.’⁶

Out of order petitions: 45th and 46th Parliaments

	45 th Parliament*			46 th Parliament†		
	Paper	Electronic	Total	Paper	Electronic	Total
Received	405	850	1255	37	258	295
Out of order	88	283	371	13	64	77
% out of order	22%	33%	30%	35%	25%	26%

* 30 August 2016 to 4 April 2019

† 2 July to 4 December 2019

Measures that have been introduced to reduce the number of out of order petitions include the requirement for a principal petitioner, who acts as a single contact point for that petition. The Committee and its secretariat are able to engage in discussions with petitioners about why a petition has been considered to be out of order, with a clear delineation of not entering a political debate about the matters raised in the petition.

Templates have also been developed to assist petitioners to produce petitions that comply with the standing orders. A template for paper petitions is available on the House of

⁶ Standing Committee on Petitions, *Your voice can change our future: Inquiry into the future of petitioning in the House*, February 2019, pp. 24, 41. Available online at www.aph.gov.au/Parliamentary_Business/Committees/House/Petitions.

Representatives website.⁷ This template helps ensure that petitions are correctly addressed to the House and principal petitioner contact details are provided, and encourages petitioners to ensure that each page of their petition contains the request and a declaration from each person signing the petition that they are a resident or citizen of Australia.

In 2019 the Committee recommended that the same electronic form be used to either generate a paper petition, or submit an e-petition, to ensure greater adherence to this template format.⁸ This recommendation has yet to be given effect to.

Data validation and limited entry options on the electronic form to submit a petition have reduced the number of out of order e-petitions. The e-Petitions system was updated in 2019 to ensure that all petition requests start with the words, 'We therefore ask the House'. This field cannot be deleted, and has assisted with reducing the number of petitions considered out of order due to not containing a request to the House. The e-Petitions system also ensures that terms of petitions do not exceed the 250 word limit.

Presentation to the House of Representatives

The two available methods for presentation to the House are the same for both electronic and paper petitions. Once approved by the Standing Committee on Petitions, the usual method is for the Chair of the Petitions Committee to present petitions to the House as the first item of committee related business on Monday mornings. The announcement includes the number of signatures to the petition and subject matter of the petition. After the petitions have been presented, the Chair and one other member of the Committee may then make statements concerning petitions or reports of the Committee. Recent practice has been for the Chair to present a short report listing the petitions and ministerial responses presented and to make a statement of no longer than 10 minutes.

The second method of presentation is by a Member during the periods allocated for Members' statements in the House and Federation Chamber, and constituency statements in the Federation Chamber; and during the grievance debate in the Federation Chamber and the adjournment debate in either chamber (S.O. 207(b)).⁹

Paper petitions presented by Members to the House may not always be submitted to the Petitions Committee for consideration in the first instance. Such petitions are generally presented to the House as a document, and then referred to the Committee to assess whether the document should be accepted as a petition. If the Committee considers the document to be in order, it will be accepted as a petition and be eligible to be referred by the Committee to a Minister for response. If the Committee views it to be out of order, the petition will retain its status as a document tabled in the House of Representatives, but will not be referred to a Minister for further action.

⁷ www.aph.gov.au/Parliamentary_Business/Petitions/House_of_Representatives_Petitions.

⁸ Standing Committee on Petitions, *Your voice can change our future: Inquiry into the future of petitioning in the House*, February 2019, pp. 24-25.

⁹ House of Representatives, *Guide to Procedures*, 6th edition, December 2017, p. 111.

Referral for ministerial response

Following presentation, the Petitions Committee may refer each petition to a Minister for a response. Ministers are expected (S.O. 209(b)) to respond to the Committee in writing within 90 days. Responses are presented to the House at the start of each sitting Monday and are published on the Committee's website.

Increase in ministerial responses

Ms Julia Irwin MP, former Chair of the Committee, observed in 2010 that:

One of the most important outcomes of the changes has been the compliance by Ministers with requests for responses. Overwhelmingly, they have responded in an informative and timely way. It is probably rare that the response has given petitioners what they asked but they have received an explanation of the government's perspective on issues they raised, and that explanation has been made publicly available by the Committee.¹⁰

The *Work of the Session*¹¹ provides statistics on the number of petitions and ministerial responses presented during recent parliaments:

Number of ministerial responses presented

Parliament	Petitions presented	Ministerial responses presented ¹²
42 nd Parliament (12 February 2008 to 19 July 2010)	352	208
43 rd Parliament (28 September 2010 to 5 August 2013)	437	288
44 th Parliament (12 November 2013 to 9 May 2016)	263	193
45 th Parliament (30 August 2016 to 11 April 2019)	799	524

Further consideration of petitions

The Petitions Committee does not generally inquire into the matters raised by petitions. Rather, it has viewed its primary role as being to facilitate the act of petitioning the House, and meeting its delegated responsibility to assess whether petitions submitted to the House satisfy the requirements for petitions.

¹⁰ Ms Julia Irwin MP, "Foreword" in Standing Committee on Petitions, *The work of the first Petitions Committee: 2008-2010*, June 2010, p. v.

¹¹ House of Representatives, "Work of the Session", <https://www.aph.gov.au/workofthesession>, accessed 15 January 2020.

¹² Responses may have been received to a petition presented in an earlier parliament.

In previous parliaments, the Committee held public hearings in a roundtable format with both petitioners and government officials to discuss issues surrounding petitions.

In its 2016 report, the Committee emphasised that its role in relation to public hearings is only to facilitate public dialogue on a petition, and not to advocate for petition outcomes:

Public hearings are not conducted to investigate petition matters with a view to resolving or following-up any individual petition concern— merely, yet importantly, to facilitate a public dialogue on the petition issue raised. In addition, the official transcript of the evidence of the hearing is forwarded to the relevant Minister or Ministers of the portfolio area for their additional information.

... While there will be certain topics that will resonate with some members of the Committee, the Committee's role is to facilitate the presentation of petitions to the House and their referral to ministers. The Committee does not investigate details of petitions, grant petitioners' requests, make recommendations to the Government on the topic, or advocate for petition outcomes.¹³

Debating petitions

In 2019 the Committee considered possible additional actions that could be taken by the House following the presentation of a petition. The Committee encouraged Members to give notice for debates on petitions during private Members' debate, making use of an existing mechanism.¹⁴

The Committee also recommended that a dedicated period be allocated in the Federation Chamber for debate on petitions, with the Procedure Committee to consider the necessary changes to the standing orders. The Committee also recommended that petitions with at least 20,000 signatures be considered for debate during this period, and that the contributions by Ministers during such debates be recognised as a Ministerial response. At the time of this submission, the Government is yet to respond to these recommendations.

Standing Committee on Petitions

¹³ Standing Committee on Petitions, *The work of the Petitions Committee: 2013-2016*, May 2016, p. 14.

¹⁴ Standing Committee on Petitions, *Your voice can change our future: Inquiry into the future of petitioning in the House*, February 2019, p. 48.