

# **STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS**

**INQUIRY INTO THE FUNCTIONS, PROCESSES AND PROCEDURES OF THE  
STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS**



**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 11 MAY 2020**

**SESSION TWO**

## **Members**

**Hon Matthew Swinbourn (Chairman)**

**Hon Colin Holt (Deputy Chairman)**

**Hon Tim Clifford**

**Hon Samantha Rowe**

**Hon Dr Steve Thomas**

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**Hearing commenced at 3.45 pm****Professor CRISTINA LESTON-BANDEIRA****Professor of Politics, School of Politics and International Studies, University of Leeds, examined:**

**The CHAIR:** My name is Matthew Swinbourn; I am the chair of the committee. Thank you for coming and being part of our hearing today. These proceedings are being recorded by Hansard and a copy of the audio will be placed on our committee's website in the next couple of days. As we are meeting via Zoom today, I would like to advise you that present with me at our end is our committee staff and our Hansard reporter, and also Hon Samantha Rowe; the deputy chair, Hon Colin Holt; and Hon Tim Clifford. It is fine to call us by our first names; we are relatively informal on these things.

Before we begin, just for the record, could you please state your full name and the capacity in which you appear before the committee.

**Ms LESTON-BANDEIRA:** Thank you. Thank you for having me. I am Cristina Leston-Bandeira and I am Professor of Politics at the University of Leeds in the UK. My research is mainly on Parliament and citizens and a lot of petitions.

**The CHAIR:** You will have signed a document entitled "Information for Witnesses". Have you had a chance to read and understand that document?

**Ms LESTON-BANDEIRA:** Yes, I have; thank you.

**The CHAIR:** If, for some reason, you wish to make a confidential statement during today's discussion or if your evidence will include any sensitive or controversial material, such as an allegation about another person, you should request that the evidence be taken in private session. I might add, we do not really anticipate that that will happen, given the subject matter of our hearing, but if it does and the committee grants your request, it may defer receipt of the confidential evidence and make alternative arrangements to receive that evidence from you. This is to ensure that the evidence will be received in secure conditions.

A transcript of your evidence will be provided to you. To assist the committee, if you refer to any documents, can you refer to their full title. Also, because we are using Zoom, if at any stage you cannot hear us, perhaps just wave; likewise, if we cannot hear you, we might wave at you as well. Obviously, we will make the most of the technology and so we will see how we proceed. In terms of the transcript from today's hearing, it will be made public and you will be given an opportunity to make any corrections to it. Until it is made public, could you please ensure you keep it private and confidential.

Do you have an opening statement? I think we want to proceed on a relatively informal basis because I think what we want to do is extract from you as much as information as we can, but in an easy and comfortable way. What I have noticed in this area is that there is not a lot of academic work being done on the petitions role, particularly in the Westminster-type systems, yet it seems to me it is an extremely important role that happens. If you want to make a general statement based on your research, please feel free to do so.

**Ms LESTON-BANDEIRA:** Thank you very much. There are a few questions that we will go through, but as a general statement I will say that obviously petitions have been with us for centuries and centuries and they have always been there and no-one really has paid much attention to them until, with the twenty-first century, we went to online petitions and the possibility of e-petitions and they

have become much more important and people are much more aware of that. It is also the fact that we have a society that is much more wanting to participate in things. It is not just the technology. It is also that our society today, our public, is very different to our public, say, 50 years ago—they want to be involved; they want to have a say. We have seen an explosion of petitions since then, particularly with Parliaments becoming more electronic and more prevalent in what they do. The key thing about them that makes them work well is about being fair and clear and being integrated with parliamentary business. So, being seen by the public as being fair and clear but also being linked to parliamentary business so they do not work in parallel. I think those two core principles are really important.

[3.50 pm]

**The CHAIR:** Okay, yes. All right, so we have sent to you some questions that we want to go through, so we will just work our way through those. So the first of those is that in your article, attached to your submission, you refer to addressing the public's expectation gap on petitions. Are you able to briefly describe for us the gap between the public's expectations of the petition system in the UK House of Commons and the reality before the reintroduction of the petitions committee?

**Ms LESTON-BANDEIRA:** Yes, so, the expectations' gap was basically derived from the government, so not Parliament. The government at the time decided to bring in an e-petition system, and they brought in the e-petition system, which to me, in fact, was not a system; it was just a website—so a website which actually looked very trendy and anyone could submit something really, really easily. It was very accessible. And on the website it said, "If you get to 100 000 signatures, then this will be debated by Parliament. And in that, it was actually misleading because there was no process brought into Parliament. So it was something created by government with no talking with Parliament. But then, obviously, the people who were submitting these petitions or signing these petitions were expecting that their petitions would be decided by Parliament.

So they created a scenario where Parliament then had to accommodate that in one way or another, and the way they accommodated that was by utilising the backbench business committee at this time. I do not know if you are familiar with that backbench business committee; I do not know if you have one. But it was a committee that was brought in in 2010 in the UK, and it is meant just for backbench business. So backbench MPs can bring in business through that. So it is obviously for them. But with government bringing in this idea that anyone can submit a petition and if it has got 100 000 signatures, it would be debated in Parliament, Parliament ended up by having a problem they had to sort out and the way they did it was by having the backbench business committee dealing with these petitions. But it meant that, because of the procedural process of the backbench business committee, those petitions could only be debated if an MP would sponsor one of those petitions, bring it to Parliament and then discuss it. The government's expectation was that the public would expect today to have lots of signatures, then it would be automatically debated, when that was never the case. There was not even a process on that. So they raised expectations very high in that people could now bring issues to the fore, but they did not bring any processes to deal with those. And that was the change in 2015—the creation of processes to deal with petitions and, with that, the creation of the petitions committee.

**The CHAIR:** Thank you. And has the petitions committee, in your opinion, addressed this gap?

**Ms LESTON-BANDEIRA:** Yes, absolutely. I think so. I mean, you are never going to please all the public. You are never going to please everyone, but right from the start its aim has been to address that gap, to address the idea of expectations. In the debate they said, "Not all petitioners' views and matters will be able to be addressed, but we will listen to it" and that listening is really important. So by creating a petitions committee where you have members and staff just processing petitions,

then you have someone listening to those; you have someone processing those and bringing in the views of the public. By doing that, but at the same time, by being very clear in the information that they put out on the website, and I really want to emphasise that, how important that is, by making it clear what is possible, what is not possible—so one of the things that they have done particularly well is using, in some ways, the techniques from the government, because the system in the UK House of Commons is actually collaborative with government. So they have used that know-how, that technique, the skills that the government digital service has in terms of accessibility and how to communicate with the public—they have used that to make the Parliament petition site very accessible, very clear, so the site is very clear by using simple language saying, “When you get 10 000 signatures, the government will respond. When you get 100 000 signatures, it will be considered for debate.” It knocked out “it will be debated” but it will be considered. And all the communication is all very clear, so if you do a petition today, sign it, and then if it is accepted, it will be on the site, and in there, on the page of the petition, it will say, “Once this gets 10 000 signatures, it will get a response from the government. If it gets 100 000—”

So the information is always there, not just on the general site, but also with each petition. So by doing that, it has addressed that gap in two ways: by introducing processes that deal with the flow of petitions and, on the other hand, by keeping the information very clear and accessible, and setting expectations at the right level, let us say. Basically, you might agree or disagree with it, but if the rules are the rules and you explain the rules, then the public is going to accept those better.

**The CHAIR:** And I suppose being successful creates its own risks in some regard.

**Ms LESTON-BANDEIRA:** Yes.

**The CHAIR:** How would you recommend a petitions committee balance this sort of success in reducing the expectation gap with the quality of the way they deal with petitions, and then the fact that if they are very good at it, then they are going to end up with more petitions being tabled; they have limited time and those sorts of things. And I suppose another question that comes to my mind is the 10 000 and 100 000 limit. I mean, is there also a risk in terms of introducing “If you get up to that number, something can or might happen” that you might be missing important issues in the community because they may not be popular and they may be difficult to get support for. So I think there was two questions, really, in there.

**Ms LESTON-BANDEIRA:** Yes. No, definitely. I mean the numbers, I think, they just act almost like a safety net, as a threshold, and there are other systems like the Scottish system, for instance, or even the German system, which is a very well-established system, where you do not have the thresholds as much, and where any petition is accepted and discussed. There is definitely an argument to say if nothing happens to it—only has under 10 000 signatures—you may actually be missing out a lot of things. You may be missing out issues that might come through, say, a minority group, or issues that affect a lot of people. Quite often, you also have the other way round, which is that some issues, actually, are not that important; it is just people are fed up with something. For instance, a few years ago, as you probably know, we had a referendum in this country. On the weekend after the referendum, a lot of people were very upset with the referendum and the petitions committee was invaded with petitions. There was just a huge flow of petitions. Another —

**The CHAIR:** I think you had a petition, sorry —

**Ms LESTON-BANDEIRA:** Another example of that is the one of Trump, for instance—that the people did not want Trump to come for a state visit. That is what I call a protest type of petition. So it works both ways. You might get petitions actually that are not a particular action and just people say that they are getting really high signatures, you may have real issues that actually do not come to the fore. But one of the things that the UK House of Commons committee has done is—I mean, it has a

threshold, because people, clearly, do participate a lot; they sign a lot of petitions, so it is almost like a safety net for them to work with because otherwise they would be completely overwhelmed with the volume, and that you will see that there are actually different systems being in there.

But the other thing that the system has is that because there is a committee, the committee can do anything that any other committees can do, so if they see a value in a petition that it maybe is not getting that many signatures but actually is really important, then they take action on it. So I will give you an example. They had a petition about teaching British sign language in schools, which only got to something like 35 000 signatures, I think, after a long time. But that is the sort of issue that a lot of people would not connect with. What the committee decided to do was to debate that petition anyway, and they actually did a lot of work with the petitioner. They brought the petitioner in. They did a small video with him, and they did a lot of publicity around British sign language. And today, for instance, in Prime Minister's question time in the UK, they are automatic translating to British sign language, and there is no doubt that started because the committee saw that petition that would never get a lot of signatures but recognised there was an issue in there and debated it anyway.

But it is a fine balance, though, and I totally agree with that. Each Parliament, each community, is different, so the numbers will be different for your Parliament and the numbers would be different for Scotland and it is about finding that balance between the two of them.

**The CHAIR:** Yes, and I appreciate that. We do not have any minimum threshold for ours here, but there is no mechanism, for example, that if you reach a certain threshold, the Parliament will debate your issue. I think it might be one of the matters in which we consider as we are going forward, because I think there are times when the most appropriate way of dealing with an issue is for it to be debated on the floor of Parliament rather than to be dealt with before a committee. It depends on the nature of the issue. But we have also commenced inquiries on the basis of petitions that had one signature because the substantive matter is an important one, and, as I say, that is what makes me think of those circumstances where you might be missing if you set that sort of bar way too high.

[4.00 pm]

We have only got 2.5 million people here in Western Australia so if we got 100 000 signatures on a petition, you would be doing exceptionally well! I am sure every government would be paying attention to what was in that because of that. The biggest ones we usually get are about 15 000; that was the largest I think we have had during this term of Parliament. What I picked up from your work is that—I have got a legal background in alternate dispute resolution and I probably relate it back to the concept of procedural fairness. It is about the process and how the process delivers that, and I think that comes through as one of the six processes that you talk about. Do have an idea about what the minimum amount of contact a dedicated petitions committee should have with a principal petitioner, for example? I know there is no magic formula, obviously, but what would your model process be?

**Ms LESTON-BANDEIRA:** Well, my model process would be that every time an action is taken on a petition, that the petitioner is informed about that. When a petition is received, that the petitioner knows about that. If there is correspondence going to the government minister, that the petitioner knows about that. Every time there is an action in there, that the petitioner is informed about it. This is because from the outside, from the public's perspective into the Parliament, you and the staff may know what work you are doing and which petitions and it may be just obvious for you—the procedure is to do this so that is what we will do, because that is what we have to do—but the public from outside does not see any of that and there is so much mistrust on public institutions and on Parliaments that the fact that they do not see it, if they do not see it and do not hear about it, it is

almost as if it does not exist, it does not happen. Parliaments tend to have an abstract image to the outside. I have done lots of interviews with people who participated in consultation-type exercises in Parliaments, whether it is petitioners, whether it is other types of exercises, and one of my favourite quotes from one of my interviewees was when she said that it was like throwing a ball into an ocean; you know, throw it in there, you know it is somewhere in there but you have no idea what has happened to it. That feedback is really important. It is difficult to say because, obviously, it depends a lot on the processes but as a general principle, every time an action is taken on a petition, the petitioner should be informed.

**Hon COLIN HOLT:** Can I just follow up with that? You have outlined basically six steps for information and information process, for want of a better word at this point in time. Any insight into the decision-making of committees along that information process? How does a committee make a decision that a petition with two signatures on it is worth pursuing or having an inquiry or there are other decisions a committee makes and it may say it is frivolous and vexatious so we will not continue with an inquiry? In your research have you had any insight into that decision-making process rather than information flow?

**Ms LESTON-BANDEIRA:** Yes. Do you mean in terms of what is informed—what the public hears from that? Is that what you mean, in terms of how much do you say to the public.

**Hon COLIN HOLT:** We can easily tell—hang on, I had better rephrase that. You should be able to tell what the committee is doing, right, is what you are saying, but there is a whole level of decision-making behind what the committee is doing. Have you any insight into what the decision-making behind the scenes has that makes a good process?

**Ms LESTON-BANDEIRA:** I am referring really just to procedural type of information so not necessarily to the decision-making discussions between members. If a committee is meeting in private and doing its own discussions, I actually think there is a lot of leeway of keeping those private and not necessarily public. It is more about communicating what happened to it, that it has come in now, and it has gone somewhere else now, they have made a decision or the committee has decided just to archive it because there was no basis to carry on. You are not going to please everyone, so you are going to take decisions that people are not happy with, but it is about just explaining what has happened to it—it has been considered, it has been looked at it and it has been decided that it is not going to go forward. In some cases, there might be some justifications which again we can see them as just procedural, and I know you have some questions about that. For instance, if you have a repeat petition, if it is about the same issue, in my view, I do not see why that should still be taken into account. The justification could be it has not been taken into account or it has not been accepted because there is already one open on that. Again, it is always about following the procedures. It is always about using the procedures and explaining what is happening back to the petitioner. But it is not necessarily about going into the inside of that decision-making or inside of the different point of views from the committee because the committee actually has more legitimacy in the work it does if it acts as one in terms of the decisions they make.

**The CHAIR:** So, just in terms of finalising petitions, the practice of our committee is for the majority of petitions what we will do is we will receive them, we will ask the principal petitioner to provide us with a submission of no more than two pages and also the tabling member—because every petition has to be tabled by a member; we do not accept petitions that are not tabled—can also make a submission, and then once we have received that submission, the normal step would then be to seek a response from the relevant government minister or, if it is a matter that pertains to local government, the local government, and, rarely, but sometimes it might relate to a private organisation or a business, and to seek their response. What the committee will do after receiving

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those responses is make a decision as to whether it makes further inquiries or it closes the petition, and typically when we close our petitions, what we do is we write back to the tabling member and the principal petitioner advising them, “This is the process that we have followed and these were some of the responses received”, but we do not provide any reasons or justifications for the actions we have taken or why we are not engaging in further inquiry. I suppose what we would like from you is what your views might be about how a committee should best inform a petitioner on the outcome of the committee’s consideration. Should it just be perfunctory or should there be substantive reasoning given? I suppose you can nuance your answer because you might say it could depend on the circumstances or the content of the petition, but we are just trying to get a better idea as to what you might think would deliver that or narrow that expectation gap that exists between the citizen and its Parliament.

**Ms LESTON-BANDEIRA:** I think that there should always be links to the process as much as possible, so if the committee has decided to close a petition because there is just no argument in there to move forward, and if the committee feels happy and content with that decision, presumably it is because the committee has investigated that, has looked into the matter and has come to that decision. As long as that is communicated in a clear manner to the petitioner, I do not see why that is an issue. It is difficult to say. I know that it is fine to say, “We will just stick to the process and give the procedural reason behind it” and that petitioner might be contact you again and start another discussion with that. There are some times when those discussions just do not lead anywhere; they just go round and round and round. If there are occasions, though, where actually the petitioner would be better off by going and doing a specific action, then maybe that could be recommended to the petitioner.

It is always the principle of applying the procedures but trying to find a solution for that petitioner, and it might be that actually it would be better off for the petitioner to go and campaign, for instance, with a different organisation or build a case and then come back to you. I would always follow the lead of trying to resolve the issue that the petitioner is raising, but sometimes resolving that might be to refer them somewhere else. One of the things, for instance, that I think is good practice is when you close a petition, you close the petition but say, “This is as much as we have been able to do” and it might be that you actually have been able to advance the issue a lot. You might have been able to get a response from government or a change of some sort. But in any case you say, “This is what you can do now if you want to pursue this issue”, so “You could go and do a campaign”, or “You could go and contact so-and-so”.

[4.10 pm]

It is always important, I think, to understand and communicate that to the public—that the petition itself does not achieve anything; it is what you do with the petition that achieves a change. If you are addressing your committee with a petition, that is great, but things will change only if your committee does something with it. If your committee does something with it and it achieves that change, great. If it actually goes beyond your actions, beyond your remit, then it is up to the petitioner to think about, “What else can I do?” Quite often, as you know being in politics, politics does not change from one day to the other—it is about a drip, drip sequence of actions over a number of years and then eventually you might achieve a change. You might achieve a small change that might not have been what you wanted to do from the beginning. I think guiding the petitioner in terms of, “These are the procedures. This is what we’ve done and this is what we achieved, and if you want to pursue it more, then what about if you go and contact whoever or you can do whatever, so you can take it in this way.”

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**The CHAIR:** I think one of the issues we have with managing expectations as a committee is that it is usually other members of Parliament that institute petitions as a way of dealing with a constituent's issue. While we may give as much information as possible about the process and what is possible, it is often our colleagues that are usually not managing the expectation gap and are potentially saying that the petition might be able to achieve more than it can possibly achieve. I am not sure there is much we can do about that, because even if we took the responsibility away from members of Parliament for tabling petitions and did an e-petition-type process that did not require that, I mean members of Parliament would still encourage people to do e-petitions and there would be those that would use that sort of process. I think there are some vexatious matters in the process that we are never going to be able to resolve.

**Ms LESTON-BANDEIRA:** Yes. In that case you are talking about petitions that are not necessarily just driven and led by the public; they also mingled with politics, so they are also used as a political discussion, let us call it, between different members. There you have a different nature to petitions, really. We still see a little bit of that. In the UK we still have the traditional MP petition which is submitted by a member, but they are not the e-petitions so they are just brought in by specific members. Obviously, they are usually about constituency matters. I think there is value in all petitions but you sort of change the nature slightly of a petition when it is linked to a member, because if a member is then using that as part of their political campaign, it becomes more about the politics of the parties of the members than, as I say, just about the public. That is in terms of the difference. I totally agree with you that it then becomes very difficult to manage expectations because you are basically managing party politics-type of expectations, which is really difficult to deal with, particularly in the current climate.

**The CHAIR:** Yes. Our committee is across parties, so we have that benefit here of the fact that we all—how do I describe it—have to take responsibility for what our own parties do to us, so someone can go back to their party room and go, “What do you think you're doing?” But that is the benefit here: that whatever outcomes we have got, it has broad support across the parties. Just in terms of what petitions should not be accepted, I think I have got from you an impression that almost all should be accepted in one shape or another. We do have obviously petitions that raise repetitious matters but we also have petitions that could only ever be described as vexatious, so we are always in a balance of how we deal with those. Do you have any idea of how to deal with those sort of petitions that might, for example, raise salacious or defamatory allegations against others or are just simply trite in what they are asking for?

**Ms LESTON-BANDEIRA:** Yes. Again, it is about how you set the rules, and if it is breaking the rules, you should just not accept it. I am not saying by any means that you should accept all petitions. I think there is nothing wrong with not accepting it if they are not meeting the rules. It is difficult for me to say because it depends so much from culture to culture and from Parliament to Parliament. In general, what I see from different Parliaments is obviously anything that is offensive should not be accepted, and anything that is inflammatory should not be accepted. All of these things are also subject to interpretation, obviously. Anything that is not requiring a clear action maybe should not be accepted. Some Parliaments demand a specific action to be taken rather than just an opinion. That is a useful way of distinguishing or differentiating between different types of petitions. We have another question later on about the courts. I do not know if you want to talk about it.

**The CHAIR:** Yes.

**Ms LESTON-BANDEIRA:** In my view, it should not be something that is under the courts at the time—I do not know if you want to talk about that now—for a number of reasons. One of the reasons is just a core principle that the political should not interfere with the judicial, so if you start having

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political decisions or decisions made within a political institution that are being discussed within the judiciary, you could say that there is interference in there. But also, if a process is going through courts, they will be going through a lot of evidence, quite often confidential evidence, that the Parliament would not necessarily have access to, so it will just mix up and make the process very messy for no-one's benefit and you have too many voices hearing it. I think the principle of not dealing with petitions in courts is a good one and avoids problems of interpretation and problems between institutions.

Having said that, some systems, like in Germany for instance, they have an ombudsman role, which is slightly different from being in the courts. It is about resolving issues. In there, it is very much about whether it is private issues or personal issues. Are your petitions just about the public, about the collective good, or are they also about private matters? Again, there are different ways of interpreting it. In the German system, they effectively have what they call the *res publica* and *res privata* type of petitions. The *res privata* is almost like the ombudsman issue. What they do there is they deal with a specific petition—it is usually issues of grievance of employment for instance or that sort of thing. They deal almost like a one-to-one process of resolving grievances and trying to bring employers together with the petitioner, or whatever the issue might be. Then they have the *res publica*, which are the ones from which effectively you can take lessons from it or draw legislation out of it. It affects the collective.

It is not just about resolving the individual issue of one person but about the collective. I think increasingly, really, because we are working more and more in public spaces, particularly in Parliaments, and because there are more and more demands that Parliaments' discussions are public and are about the public good, that petitions dealt with by Parliament should be more and more about that collective. Could we make a law out of that? Could we scrutinise legislation, a particular law, that could affect everyone rather than just a private matter of one person? It is very different types of subjects in there and it is about establishing where you think you are. A lot of it is to do with the traditions of the country, is it not, and of the nation and of the region. In the German system, because of their tradition of ombudsman petitioning, that is how it works for them. As a result of that, for instance, the *res publica*—the collective type of petitions—you can find them online. The others you cannot find them online—they are private matters. They are a very different nature.

In the UK, that just would not work because of the system. But in my view, it should be kept separate, so that there is no interference between the judicial and the political. In terms of what to accept and what to not accept, you know, there are core principles. The core principles to me are: it should ask for an action; it should not be offensive or defamatory; and it should be something that you can do something about—that Parliament can do something about and that Parliament has jurisdiction over.

**The CHAIR:** Yes. Do you have a view about vexatious and frivolous petitions, more specifically, in terms of what process might be best to deal with them? If they are frivolous or vexatious, then the intent of the petitioner is probably generally one of malice, I suppose, or just time wasting. Sometimes people are just misguided; they have an underlying, substantive issue that they need to be addressed but they just do not know how to deal with it in a constructive way. Do you think there is a role, then, for committees to help them through? It almost sounds like social work to some degree. All Parliaments will have this. We often call them frequent flyers.

[4.20 pm]

**Ms LESTON-BANDEIRA:** What I am going to say is what I know about how Parliaments have dealt with those. If you decide that you only accept petitions that ask for specific action, then if you are

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doing that, it will get rid of a lot of those, because a lot of those are not actually asking for specific action; they are just giving a comment or they are just saying something that is so frivolous that there is actually no action in there. If there is still an action, though, and you can see clearly it is not serious action—it is not something to be taken seriously—the UK Parliament does have as one of its catchcries jokes or similar things which I think some of it would fall into that, and they just reject them because they are not taken seriously. So they take that as one of the reasons.

Something else to bear in mind is that I know you do not have that system, but if you have people signing the petitions and, by itself, identifying the ones that do matter and the ones that do not matter, that is another way of sifting them through. If it is a frivolous or vexatious issue, very likely it will not be signed by other people because it is just someone having a go and trying to make a point. Another way of differentiating them is by letting the public decide—so, which ones are they signing? If you say your threshold is 20 signatures or whatever, those are more likely to not get to those 20 signatures. That is another way of dealing with them. In whatever these things, if you have criteria like you need at least 20 signatures or 100 signatures to be considered, that is quite objective criteria, but if your criteria are about asking for an action or it not being a joke, as you know, coming from a legal background, there is always going to be some level of interpretation there and some level of subjective interpretation therefore. In those cases, it is about making sure you have clear procedures, does it get communicated clearly to the public and about having confidence in the procedures and in what is being communicated and deciding, “No, this is frivolous. This is actually not a proper petition. I’m not going to waste my time on this” and move on to something else.

**The CHAIR:** Yes. We do not have a minimum number of signatures. I think our minimum is one. That in itself has been a positive and a negative. I think one of the issues we have here is that the convention in the Legislative Council in Western Australia is if a member is asked to table a petition, regardless of its content, the member generally agrees to do it. They will not necessarily be endorsing the petition by the fact that it has been tabled, but that is the convention if someone wants that to happen. I know some members do refuse in certain circumstances, but others just see it as part of their duty to do that, so it may be something we have to give more consideration to as we go forward.

In terms of petitions that deal with substantially the same matter, we know in the Scottish Parliament that they do have provisions for that, which seems to me to be quite rigid. Do you have a view about that specifically—about petitions that deal with substantially the same matters? We often get ones that are different only by degrees and the petitioner or the tabling member argues that it is not the same as the previous petition, and there is usually a very fine argument about difference. I suppose you might say to us, “Well, that’s really a matter that you decide as a committee”, but it kind of undermines, because it takes up our time. At what stage? We have actually just had a session with the South African Parliament and they talk about a lot of their petitions are dealt with by their procedures office or the parliamentary officers before they get to the committee itself and they will reject petitions at that stage rather than having them come before the Parliament and then to the committee and then the committee makes that decision. Do you have a view about the different systems and what might be best to keep that open, accountable Parliament-type model and managing the expectation gap that you talk about?

**Ms LESTON-BANDEIRA:** I was going to talk about that. I was trying to think of the term; I cannot think of the term—sort of a scaling-up type of process, which in some ways is a bit what you just described. You may have that some decisions are taken by the parliamentary staff themselves; it does not have to go to members—some should be accepted; some should not be accepted. Then, coming back to the issue of interpretation, if there is a doubt about it, where there is an action or where there is not an action, whether it is offensive or not, moving that forward to the top clerk

within that team and then from that to the clerk who is above them in terms of their boss—the Clerk of the Journals would be in the UK. If that still does not solve it, then take it to the committee and then the committee makes a decision, and because the committee are the representatives and ultimately that decision is the one that stands. That is one way of having a sort of almost a hierarchy of taking those decisions—so, not the same group is deciding all of them, but it is just the simplest decisions are made by a specific group and then it scales up.

In terms of whether to have the same matters, again, it is going to come back to interpretation, but I think if the same matter is on a petition that is a live petition that is being considered by Parliament, I do not see why there should be a new petition about that. In my view, it should be a reason for not accepting a petition—because there is one already being discussed on that matter. But, again, it will come back to interpretation. Some people might say, “Mine is slightly different.” I know that one of the main discussions the UK House of Commons have with potential petitions is exactly about that. The main reason—the main criteria—why petitions are rejected in UK Parliament is because of repetition. It is people trying to submit a petition that is already out there, it is still open and it is being considered. Petitions in the UK are open for six months and, during that time, they are collecting signatures. Then after that, or sometimes in between, they may debate it or other things may happen. If there is a petition on the same topic that you want to submit and that is still live, it is not accepted. Personally, I think that is perfectly fine criteria to use to reject petitions—do not accept it. I do not like the term “reject”, which is a term the UK House of Commons use. I think it is better to say “to not accept because it does not fit the criteria”.

In the Portuguese Parliament, you have the tradition of having lots of repeat petitions and that quite often is used in Portugal by organisations like trade unions. The teachers trade union, for example, just for the sake of argument, will submit a petition and they will have their teacher members submitting the same petition effectively saying the same thing. You could group them, but if it is exactly the same petition, I think it is a better practice just to have one petition and have lots of people signing it, showing they supported that petition, rather than going through the same process which can be quite a longwinded process and take quite a bit of resources, when you are actually addressing them all in one go. In my view, I think it is perfectly legitimate to make the argument: “There is already a petition on this topic, so instead, if you want to support that, go and sign that one or follow this process, rather than having repeat petitions.”

There are other things you can do, but, again, it always comes back to interpretation. The team in the House of Commons—I have seen them doing that—will have discussions with petitioners who will insist that their petition is different from something else. What they do in the House of Commons is if you submit a petition and, in their reasoning, they think there is another petition exactly on the same topic, they will email back to you and say, “This has not been accepted” or they will say, “This has been rejected because there’s already a petition on this subject” and they put the link on the email and say to them, “Go and sign this one.” Quite often what happens is that the petitioner might go back to the committee and say, “No, mine is not about that; mine is different” and then there is a discussion. If they manage to convince the clerk that it is indeed different with different consequences, then they will let it open. If they do not manage to convince the clerk, they will say, “No, I’m sorry, but it is the same; just go and sign the petition.” But there is always going to be a level of interpretation, obviously.

Something else also in Parliaments where there is a debate of petitions, what you might do when it comes to the debate or inquiry or whatever it might be, is to have petitions which may be on very similar issues and deal with them together, which I am sure you already do anyway. For instance, in the UK Parliament last year, there were lots and lots of petitions about Brexit, each one slightly different—so each one obviously accepted because it was slightly different. What you ended up

with was debates on Brexit from both sides because there were petitions from one side and petitions from the other side and they were just all brought together and they discussed those in that way.

[4.30 pm]

**The CHAIR:** Just for your information, our process here is that we often get a petition that is tabled by a member and then during the course of our inquiries into that petition another member might table an identical or very substantial petition, and what we usually do is join them together in that regard. But early on in our parliamentary term of this Parliament we had multiple different petitions, or slightly different petitions, regarding fluoride in water, because our Water Corporation here was starting to fluoridate water in some of our remote and regional towns, and there is a particular group that was going around getting petitions signed. Each petition was slightly different because it related to a different town. We did all our work up front on the first one that came in, and then subsequent to that, when they came through, we simply referred them to the work and the responses of government that had happened in relation to the very first one, because they were substantially the same. What they were doing was they were anti-fluoride; they did not want it to happen, they claimed it was a poison and all those sorts of things, or a medication, and so the work had been done up front. We had been able to sit back on all the work we did in the first petition and refer them to that. Unfortunately, I think they have dried up a little bit now, if you pardon the pun, for water. That is the process that we have used, but it is not one that we have got written down anywhere. It is what we have talked about and discussed amongst ourselves.

**Hon COLIN HOLT:** Just to follow on that, from your example where you had a number of Brexit petitions often with opposing views, would you say their expectations were met when they were not dealt with, in a sense? One of the things is about expectation and information flow relaying your decision, and the committee has probably got nowhere to go, really, except to say, “We note your petition, and it is being dealt with in a parliamentary sense or a government sense.” Do you think that is okay in terms of what the petitioners expect out of that sort of stuff?

**Ms LESTON-BANDEIRA:** Yes, I think so. As long as it is clear we will debate, we will try to do our influence in the way we can, but obviously do not expect necessarily that you will get a change from that. It is the same with any petition. It is a type of scale. The Brexit petitions are what I call protest type of petitions, and as any protest type of petitions it is about making your voice heard, just like people who join a demonstration out on the streets. They are just angry about something, unsatisfied about something, they go and do a demonstration. They do not necessarily expect that the government is going to change their law, their policy, but at least they have expressed their views and they feel that they have made the noise. With the Brexit types of petitions it is the same type of issue. A lot of the people are very unhappy about the situation. But also, I mean, in this case, to be fair, it is also about sharing that there are actually opposing views on the same thing and it is one of those issues that really has divided the country. Sometimes in the UK if you are from a community of people who did vote “remain”, and all of their families and friends all voted remain and they cannot possibly see how we could leave the European Union, it is actually useful for those people to see that there are other people who feel a different way, and if Parliament is reflecting that, it is bringing those two communities together and showing there are opposing views. So, again, it is performing that role of showing dissatisfaction, but at the same time also showing there are different perspectives. If I speak personally, I was the one who voted to remain, and a lot of my family, the people around me are from a “remain” background, but if you are in that group, it is actually really difficult to see the perspective from the other group, because, particularly in social media discussions and all of that, you really can live in a bubble and you do not see the other perspective. What something like the Brexit petitions debate has done is to show that there are

different points of view and there are people who may be perfectly nice and normal like you who just think differently from you, and I think that Parliament is just a way of expressing that. Again, I come back to expectations. It is not necessarily about getting what you wanted; it is about having to feel that you have been listened to. That is not to say that there are not a lot of people unhappy that they have left the EU; just like the other way if we had stayed, a lot of people would be unhappy, because we had stayed. It is just the nature of politics.

**The CHAIR:** Yes. In your paper you state that a high volume of petitions is rejected by the UK House of Commons. Are you able to explain to us why that might be the case? We just want to understand what the different reasons for that might be.

**Ms LESTON-BANDEIRA:** I will give you a very simple reason, which is an advantage and a disadvantage. It is the fact that it is so easy to submit a petition.

**The CHAIR:** Right, okay.

**Ms LESTON-BANDEIRA:** If you go to the Scottish Parliament for instance or the European Parliament or many other Parliaments—Portuguese Parliament, Irish Parliament—and you want to submit a petition online, you have to register first, you have to give a load of information, and then you create your petition. If you want to create a petition in the UK House of Commons, in 10 minutes you have got a petition created. In some ways that is good, because it is very, very accessible. There are people who I interviewed, for instance, who had never voted in their lives who created a petition and suddenly got to a hundred thousand signatures and then they ended up in Parliament, visited Parliament, and all of that. So it has got a good side to it. The negative side to it is that because it is so easy to submit, and the system, for instance, does not necessarily check—it is supposed to check for repetitions, but it does not really do it very well; that is something that they are working on to try to change. A lot of the petitions that are rejected are actually repeat petitions. They are petitions about something that has just happened; there is a petition about it already. Because it is done very quickly, it is not written properly, it is not clear why the action is—or it might be something that the government or Parliament cannot do. Quite often, what happens with petitions also is that they happen in what are called waves of petitions. Now we have the crisis of coronavirus. Whenever anything big happens in the country, that is then reflected in the petition system. Obviously, with the coronavirus—COVID-19 crisis we have had a huge influx of petitions about that. The volume is triple the size at the moment. It is just absolutely going in every day. What happens with that is even if you had a system of that checks for repeat petitions, you may have a queue of petitions that are waiting to be moderated, but you cannot see them online yet, so you think your petition is not there yet, but you submitted something and it is just still being considered by the staff and they are just not doing it quickly enough and you cannot see it in there. Quite often, the repeat petitions come in those waves. People are just unhappy about the situation and they decide to submit a petition. So the main reason that they are rejected is that they are repeated. That is the main thing. The other one is because the action is not clear; another one might be because it is not something that Parliament or government can do.

**The CHAIR:** Do you have a view about where the balance should sit in terms of the bar for getting in in terms of a petition. We do not have e-petitions here in Western Australia. It is a matter that has been under constant consideration by our privileges committee, but has not yet been adopted. I guess the question is: would you prefer the Scottish system in terms of a higher bar or the House of Commons system, for which, by your own account, there was a much lower bar, in terms of what is a better model?

**Ms LESTON-BANDEIRA:** I think I would prefer the latter one, the UK system, but with a better online technology, because the system was introduced in 2015 and it works very well, but there are lots of

issues with it that need to be addressed, and now it is 2020 and they still have not been addressed. In here there is another point that comes in that is the fact that it is a collaborative system, so the actual site is managed by the government digital service. The staff in Parliament know what the problems are, they deal with these problems day in day out, but it is making the two teams work together and changing it that has not quite happened yet. But to answer your question, if we had to choose between one and the other, I would go for the latter because the former one, where you have to register—I mean there are lots of advantages to it also, but what happens to it is that it is the usual suspects who are participating; it is the usual people who would be accessing the system anyway who are getting involved. In some ways, there is nothing wrong with that, but it depends what you want to do with your petition system.

[4.40 pm]

If you wanted to be a real, genuine, up-down, bottom-up, way of bringing issues to the fore that MPs might not be aware of then, obviously, the more open you keep it, the better. Otherwise, you might get just people who are already—the lawyers, the academics, the journalists, the professionals—who already know about the issues. They already know how to address those. They already know about how to write to a member or how to contact their professional associations. If I think of some of the most interesting petitions that have been brought to the UK Parliament, they are not by those people, actually, interestingly. For instance, there was one about car insurance for young people, because it is so expensive. There was another one about paedophiles—about having a register for paedophiles, and another one about British sign language. Any of these were not submitted by your usual suspects. They were submitted by people either from the working class, people who have never voted before, and the reason why they have submitted a petition is because they have got really, really annoyed about an issue—it really touched them. It is what I call substantive type of petitions. They got so annoyed and fed up with something that they went to submit a petition. However, an online system—if it is making it too accessible and getting everything in, then it also can get in the way of parliamentary staff. You can argue that by having so many then you are not giving enough attention to those who could have the attention. I would have the latter system, but tweak it and improve it, because there are a lot of things we can do with technology now. One of my PhD students—we work on digital engagement and what we can do with digital tools. It is never going to be a substitute for being put by people anyways, but there are lots of ways you can select it—you can guide. I think it just needs to be improved on, really.

**Hon COLIN HOLT:** Can I just ask a question on follow-up to that, because I think it is a really interesting point. The UK system, you are arguing, has increased participation for those people who do not generally participate in the more formal sense. Do you think it also increases the participation rates by those guys who do know the system, so they also flood the system—e-petition system?

**Ms LESTON-BANDEIRA:** I think those people—they are already up there. They are already using the system anyway. There is a particular group of people who tend to use a lot of e-petitions. Those people are already doing that regardless of Parliament having an e-petitions site, actually. They are going to change.org, for instance, to Avaaz. They are going to those other sites. The answer to your question is yes, in terms of there is more of a disparity between the two groups. That is why it is important—even more important—that Parliament, or the Legislative Council, whatever it may be, does make their system more participatory so you are not getting exactly the same people. There is evidence to show that in today's politics there are particular groups of people and particular groups of interest—for instance, environmental issues. Environmental issues are one of those typical areas where e-petitions are very popular and they are a particular tool of participation and acting in politics. Those are very, very active. That is why it is important, as much as possible, to bridge that

gap—to show that Joe Bloggs out in the street who actually has no connections whatsoever, but has as many problems as anyone else, knows that they can raise their issues also.

**Hon COLIN HOLT:** Thank you.

**The CHAIR:** Here, planning issues are, perhaps, one of the most common ones we have to deal with, which is interfaced with environmental issues as well. There are certain areas of the city and the state which seem to give us more than other areas, if I can put it that way. We do have this issue where even our paper-based petition system still entrenches some privileges. There are still groups out there that do not understand the processes. We have compulsory voting here in Western Australia, of course, so almost everybody does participate in the political process, but it would be fair to say that we have people who have much better developed complaining skills than other people, so they are more inclined to use the resources of the committee. I mean that with the greatest of respect, of course. That is part of the issue about whether or not we reach all those groups that want to access us. That, really, leads me into the vexed question of: Do you have any suggestions for us about how we might improve our committee system? I am not sure if you have had much chance to examine what we do, but is there anything in particular that stands out that you think we could do better or differently, that would improve the expectation gap—that would narrow it and increase our accountability and openness to our constituents?

**Ms LESTON-BANDEIRA:** Honestly, it is always a bit arrogant for people from outside coming to say what you should be doing, because you know much better what you are doing than I do. From having a quick look at the processes online and from what I know of other Parliaments, I would say that one of the things that would help would be to change the name of the committee so that people understand better that this committee deals with petitions, because it is not necessarily that clear for people from outside that this is the petitions committee. In terms of communicating and making those communications clearer, something that I think Parliaments often struggle to do is understand how to communicate in a way that the public actually understands—in a way that is as plain-language as possible. There are lots of reasons for that, because parliamentary language is part of the process. That is the language we use to deal with the processes. But it really is useful and it does pay off by having some work done on looking at how processes are communicated to the outside world in the way that someone who might not know much about Parliament would understand it. Obviously, you do not have e-petitions and you are not considering that at the moment, but that can bring lots of advantages in terms of an area that we have not spoken much about—it is the signatories and what you can do with the signatories, the people who have supported the petition. By using a system of being able to communicate back, but it is not communicating back just to the petitioner, but also to the people who are supporting them. I imagine at the moment you cannot do that. You can only correspond with the petitioner, but not the people who have signed it. That brings a different pool of people to which to talk to about those issues. I do not know how much you do in your inquiries, but one of the things that has worked well and that distinguishes the UK House of Commons from other Parliaments that I have looked at is the range of different—they almost have a portfolio of different types of activities they can do. Having that flexibility—being able to do one-to-one hearings, to be able to do workshops on the issue, trying to get more views from the public about what are the matters—what are the real problems in there. Whether it is face-to-face—they have done deliberative workshops face-to-face with people, but they have also done online forums, online surveys. They have used social media, also, for that. The example that I want to single out here is the portfolio of different types of activities that you can have. I think that is useful because, if we think that all petitions are the same and should be processed in the same way, then maybe we are missing out a little bit in there. For some petitions it will be useful to do some things; others, it would not be useful to do that and to do something else instead. That would be one of the things I

would suggest that you might be able to do without having to change much in terms of what you already do.

**The CHAIR:** All right, Professor, we really do appreciate you taking the time today to share your insights and expertise with us. I do not think it is arrogant in the slightest for you to share your views about what we might do better. We have asked you to do that specifically because I think it is really important for us not to just continue to do the same things over and over again without having some sort of reflection on that as a Parliament. As I said, I think, at the beginning, there was a lack of academic research and commentary in the space, which I think you are probably very well aware of. But it is such an important and obvious way for Parliaments to get better connection with their constituencies, aside from the actions of government. If we can do it better, we need to find ways of doing that, of course, and we will see how we go with our committee. I will say to you, because we are a bicameral system here, the Legislative Assembly has a petitions process, but all it does is table them. They do not do anything unless the house makes a specific resolution, which I do not think they have done in this term of Parliament, to investigate; whereas our Legislative Council process is that the tabling of the petition is a starting point for further inquiry, not the end point. I think would be good if the protest petitioners stayed in the Legislative Assembly so that they can just protest if that is what they want to do and they can leave us with the ones that we can dedicate our resources and energy to.

[4.50 pm]

Thank you very much for participating. What we will do from this point is our clerk will send you a copy of the transcript of today's hearing. If you can view that transcript and make any edits that you think do not accurately reflect the evidence that you gave—if, for example, there is a substantive change you need to make—you will need to put it in a separate letter to say that it does not reflect your view, because that sometimes happens. I am sure that you are familiar with the *Hansard* process as it is, but while that transcript is in train, it remains private; so just do not make it public at all until it is made public on our website. It will be published on the website later on. Our process going forward is that we may send you some more questions if through the course of our inquiry deliberations some additional issues arise. So if you are happy to take those, we may send them to you as we go. But our process will be to consider—we have some more hearings coming up—and then to deliberate, and then, hopefully, we will write a report. In fact, we will probably send you a copy of the report as a courtesy.

I hope you are keeping well in this COVID crisis over there; you guys have been more significantly affected by it than we have. Thank you very much for taking the time to speak with us today.

**Ms LESTON-BANDEIRA:** Thank you very much. And, yes, any questions, please do come back to me; that is absolutely fine. My pleasure. I hope it was useful.

**The CHAIR:** Yes. Thank you.

**Hearing concluded at 4.51 pm**

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