

INQUIRY INTO E-PETITIONS

Organisation: Legislative Council Victoria
Name: Hon Bruce Atkinson MLC
Date received: 22 May 2017

Legislative Council of Victoria

E-petitions

What guided the decision to accept e-petitions?

Background —

Throughout previous Parliaments in Victoria, the discussion of implementing e-petitions has arisen on occasion. Of particular note, in the 55th Parliament the Scrutiny of Acts and Regulations Committee tabled its final report into Electronic Democracy¹. The Committee, amongst 89 other recommendations, recommended that ‘the Parliament of Victoria should introduce an online petitions facility on a trial basis...’. From the 90 recommendations a vast amount were enacted, however, the implementation of e-petitions was not.

In addition, during the 56th Parliament the Legislative Assembly’s Standing Orders Committee tabled its report inquiring into Epetitions². The Committee recommended that e-petitions be permitted in the Legislative Assembly and mirror the procedure already used for paper petitions, however, no action was taken in the House to adopt the recommendations.

Legislative Council experience —

On Wednesday 8 June 2016, during General Business, Ms Fiona Patten, the Leader of the Australian Sex Party and a Member of the crossbench, moved a motion for the House to implement e-petitions in the Legislative Council —

That this House —

- (1) notes that the Victorian Parliament has failed to keep up to speed with technology and electronic petitions (e-petitions), which are common throughout Australia and in everyday use in the Queensland, ACT and federal parliaments, and should be an accepted practice in Victoria;
- (2) notes that in 2009 the Legislative Assembly Standing Orders Committee recommended that the Assembly adopt such a practice, but as yet neither house of Parliament has done so;
- (3) notes that provision for e-petitions would allow more Victorians to have their say in the democratic process of the Victorian Parliament and will, therefore, improve the community’s political engagement;
- (4) requires e-petitions to be permitted in the Legislative Council in addition to paper petitions;
- (5) introduces the necessary sessional orders and/or standing orders to provide for e-petitions, including appropriate procedures;
- (6) refers the required amendments to standing orders to the Procedure Committee to report to the house by 25 October 2016; and
- (7) implements e-petitions in the Legislative Council no later than 31 January 2017.

The construction of the motion sought to go beyond simply referring the matter be inquired into by the Procedure Committee and required the House to implement e-petitions. Contributions from Members of all parties (the Government, the Opposition, the Greens and the Crossbench) all shared similar rationale for change, those being —

- Parliament should support any measure that enhances the democratic process
- E-petitions would reduce barriers to political participation and promote engagement
 - Greater access for regional areas, aged care and disability organisations
- The importance of petitions being tabled in Parliament as opposed to being hosted on other various online petition platforms

Further to this, Members noted that the format should largely mirror that of paper petitions.

The motion was agreed to on the voices.

Procedures and Processes

The Legislative Council has ensured that the process for e-petitions mirrors the procedures applicable for paper petitions set out in chapter 10 of the standing orders³. The House resolved to adopt the Procedure Committee’s recommendation for a further subsection to be added to Standing Orders to specifically

¹ Scrutiny of Acts and Regulations Committee, *Inquiry into Electronic Democracy: Final Report*, 2005 https://www.parliament.vic.gov.au/archive/sarc/E-Democracy/Final_Report/Final_Report.pdf

² Legislative Assembly of Victoria, Standing Orders Committee, *Epetitions*, May 2009 https://www.parliament.vic.gov.au/images/stories/documents/assembly/SOC_Epetitions_05-2009.pdf

³ Legislative Council of Victoria, *Standing Orders*, Chapter 10, 2017 <http://www.parliament.vic.gov.au/council/standing-aamp-sessional-orders-rules/standing-orders>

address e-petitions (SO. 10.10). The existing standing orders governing paper petitions remain unaltered. In conjunction with the new subsection, there is a practice note⁴ that, whilst not in the standing orders, guides the creation and use of the system.

To further replicate the process used with paper petitions, the practice note outlines the procedure for members of the Victorian public to become the 'principal petitioner' by lodging an e-petition. The principal petitioner is responsible for all decisions relating to the e-petition, including setting the duration for accepting signatures and finding a Member to 'sponsor' the e-petition and present it to the House. As such, there can be a period of time where an e-petition is live on the website without sponsorship from a Member of the Legislative Council.

Has there been a noticeable increase in meaningful community engagement?

The e-petition system has been live on the Legislative Council website for two months making it too soon to quantify any increase to the level of community engagement. However, it can be seen that when an individual is accessing the e-petition site to sign a petition, they commonly proceed to signing at least one other petition as well.

A series of questions have been received from users on difficulties experienced, which has further refined the frequently asked questions published on the website. The Department has recognised that the most significant barrier at present is the whole of Parliament's website not being smartphone friendly. However, through the feedback received, the information presented on the website has been altered to better assist members of the public overcome their challenges with the mobile interface.

Capital impact

In the process of researching and developing the e-petition system, the House of Representatives provided the Legislative Council with the source code for their e-petition system at no cost.

Whilst the Legislative Council has incurred expenses as a result of implementing the e-petitions system, these costs are largely to maintain the standard operating environment the Department was already using that was adapted to operate with the source code.

Further to this, the Legislative Council had assistance from the Department of Parliamentary Services IT staff. In the development of the current system, a key aim was to ensure the system was adaptable to changing circumstances with the added ability to be rolled out to the Legislative Assembly (should the House resolve to accept and implement e-petitions).

Timeframe for the implementation of an e-petition mechanism

- Resolution of 8 June 2016 for e-petitions to be implemented no later than 31 January 2017
- Research undertaken by the Department for the system design and formalising changes to Standing Orders
- Procedure Committee report tabled 24 November 2016
- IT completed the development of the database and e-petition system throughout January and February 2017
- IT undertook website penetration testing 1 March 2017
- The Department undertook user testing the week of 6-10 March 2017
- The Clerks and project team presented the system to the Procedure Committee Members the week of 6-10 March 2017
- The House resolved to adopt the new Standing Order on 8 March 2017
- E-petitions went live on the Legislative Council website for a 12 month trial on 16 March 2017
- The Department has offered training sessions to Members and Staff throughout March to May 2017.

To view the Legislative Council's e-petitions system, please visit —
<http://www.parliament.vic.gov.au/council/petitions/electronic-petitions>

⁴ Legislative Council of Victoria Procedure Committee, *E-Petitions*, pp. 5-6, November 2016

http://www.parliament.vic.gov.au/images/stories/committees/LC_Procedures_Committee/Report_No_2_e-Petitions_004.pdf



PARLIAMENT OF VICTORIA
Legislative Council
Procedure Committee

E-Petitions

November 2016

Procedure Committee Report No. 2
58th Parliament

Parliament of Victoria

Legislative Council Procedure Committee

Subject: E-Petitions

This report is also available at <http://www.parliament.vic.gov.au/procedure-committee>



LEGISLATIVE COUNCIL PROCEDURE COMMITTEE

E-Petitions

Ordered to be Published

Government Printer for the State of Victoria

November 2016

Parliamentary Paper No. 242 of Session 2014-2016

Contents

Procedure Committee.....	2
<i>Membership</i>	2
<i>Establishment & Functions</i>	2
<i>Secretariat</i>	2
<i>Contact details</i>	2
Terms of reference.....	3
Report	3
<i>Introduction</i>	3
<i>Proposed Standing Order</i>	4
<i>Practice Note</i>	5
<i>Recommendation</i>	6

Procedure Committee

Membership

Mr Bruce Atkinson (President)	<i>Chair</i>	Mr Gavin Jennings
Mr Khalil Eideh (Deputy President)	<i>Deputy Chair</i>	Ms Sue Pennicuik
Dr Rachel Carling-Jenkins		Ms Jaala Pulford
Mr David Davis		Ms Mary Wooldridge

Establishment & Functions

The Procedure Committee considers any matter regarding the practices and procedure of the House and may consider any matter referred to it by the Council or the President.

The following Members were appointed to the Procedure Committee on 26 February 2015:

The President, the Deputy President, Mr Jennings, Ms Pulford, Ms Wooldridge, Mr Davis, Ms Pennicuik and Dr Carling-Jenkins

The Committee held its first meeting on Tuesday, 10 March 2015. The President assumed the Chair and Ms Tierney was elected Deputy Chair pursuant to Standing Order 23.08(4).

On Thursday, 23 June 2016, Ms Tierney resigned as Deputy President and the Council elected Mr Eideh to be Deputy President. Consequently, Mr Eideh took up membership of the Procedure Committee in his capacity as Deputy President. Mr Eideh was elected Deputy Chair on Wednesday, 23 November 2016.

To date, the Committee has met on eight occasions during the 58th Parliament.

Secretariat

Mr Andrew Young	Clerk
Ms Anne Sargent	Deputy Clerk
Ms Vivienne Bannan	Manager, Chamber Support
Ms Natalie Tyler	Executive Assistant to the President
Ms Michelle Kurrle	Senior Chamber Support Officer

Contact details

Address:	Parliament House Spring Street East Melbourne, Victoria, 3002
Telephone:	+61 3 9651 8673
Email:	council@parliament.vic.gov.au
Website:	www.parliament.vic.gov.au/procedure-committee

Terms of reference

Inquiry into E-Petitions

On Wednesday, 8 June 2016 the Council agreed to the following resolution:

That this House —

- (1) notes that the Victorian Parliament has failed to keep up to speed with technology and electronic petitions (e-petitions), which are common throughout Australia and in everyday use in the Queensland, ACT and Federal Parliaments, and should be an accepted practice in Victoria;
- (2) notes that in 2009 the Legislative Assembly Standing Orders Committee recommended that the Assembly adopt such a practice, but as yet neither House of Parliament has done so;
- (3) notes that provision for e-petitions would allow more Victorians to have their say in the democratic process of the Victorian Parliament and will, therefore, improve the community's political engagement;
- (4) requires e-petitions to be permitted in the Legislative Council in addition to paper petitions;
- (5) introduces the necessary Sessional Orders and/or Standing Orders to provide for e-petitions, including appropriate procedures;
- (6) refers the required amendments to Standing Orders to the Procedure Committee to report to the House by 25 October 2016; and
- (7) implements e-petitions in the Legislative Council no later than 31 January 2017.

Report

Introduction

The resolution of the Council of 8 June 2016 recognised the important function of petitions as a means for citizens to raise issues and grievances with their elected representatives and noted that e-petitions, already common across many comparable jurisdictions, are an important advancement in allowing more Victorians to participate in the democratic process. In passing the resolution the Council committed to implementing e-petitions and charged the Procedure Committee with facilitating the development of an appropriate system and creating the necessary procedures to govern the framework in which it will exist.

E-petitions have been in place in a number of Australian and overseas jurisdictions for some time and the Committee considered the adaptability and suitability of these to the Victorian context.

Ultimately the Committee has taken a minimalist approach that seeks to replicate the existing paper petitions process as closely as possible in an e-petitions platform. As such, the Committee proposes a pilot approach to implementing e-petitions that is reviewable after 12 months. In keeping with this, the Committee has proposed a new Standing Order 10.10 (see pp 4–5) that is intended to be read together with a practice note (see pp 5–6) containing greater detail on the technological and administrative processes that will underpin the system.

It is the Committee's expectation that the e-petitions system will be a two stage implementation. Stage one is a 12 month pilot system, closely replicating the existing paper petition process, at the conclusion of which a review of the pilot, taking into account user feedback, will be undertaken to inform stage two. Stage two implementation will likely include a wider range of features and functionality based on the review outcomes and lived experience of the 12 month pilot.

It is also intended that the 12 month pilot review will encompass the efficacy and workability of providing much of the detailed operation of the e-petitions process in a practice note that sits outside of Standing Orders as well as how Standing Orders cater for the petitions process more generally.

The rationale for the Committee's approach includes:

- avoidance of overly cumbersome Standing Orders by allowing for the administrative and technological processes to be separate from the procedural rules;
- allowing for the existing Standing Orders applying to paper petitions to also apply to e-petitions, providing consistency and limiting confusion that might otherwise arise between the two processes; and
- providing for a clean and simple platform that will have built-in functionality to allow for future expansion and implementation of greater features following the 12 month pilot and review process.

Proposed Standing Order

After Standing Order 10.09, insert —

10.10 E-Petitions

- (1) Standing Orders 10.01 to 10.09 apply except in relation to the requirement for a petitioner's signature.
- (2) A principal petitioner may lodge an e-petition with the Clerk for publication on the Parliament's website.
- (3) The Clerk will decline to publish an e-petition not in conformity with Standing Orders.
- (4)
 - (a) The posted period for an e-petition is to be nominated by the principal petitioner and is to be a minimum of one week and a maximum of six months from the date of publication.
 - (b) At the conclusion of the posted period, the principal petitioner may extend the posted period up to a maximum of six months on request to the Clerk.
 - (c) The principal petitioner may close the posted period of an e-petition prior to the nominated conclusion date on request to the Clerk.
 - (d) In the event that the Council is due to expire pursuant to section 28(2) of the *Constitution Act 1975* within six months from the date of publication of an e-petition, the maximum posted period will be determined by the Clerk.
- (5) Once published an e-petition cannot be altered.
- (6) Persons may become signatories to (join) an e-petition by electronically providing their name, address and signifying their intention to join the petition.
- (7) For the duration of the posted period of an e-petition, signatories may be progressively presented as a petition to the House.

- (8) Upon progressive presentation of signatories to the House, the publicly displayed number of persons who have joined that e-petition will re-set to zero.
- (9) For the purposes of the records of the House, each progressive presentation of an e-petition will be recorded as a separate petition.
- (10) On any occasion of progressive presentation and once the posted period for an e-petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full for presentation by a Member.

Practice Note

The Legislative Council e-petitions system will roll-out as a staged implementation. Stage one is a 12 month pilot system designed to replicate, as closely as possible, the existing paper petition process. After 12 months a review of the pilot will be undertaken, taking into account feedback from various users, which will inform stage two. The intention is that much of the stage two implementation will comprise a wider range of features and functionality based on the review outcome.

Privacy

Signatories (joiners) to an e-petition must provide their full name and a valid Victorian address; this information will not be public prior to tabling. The information provided by signatories to e-petitions is not retained on the public web server and will not be used for a purpose other than for which it was provided.

Once an e-petition is tabled in the Council it becomes a public document and forms part of the Original Papers of the House. As with a traditional paper petition, the names and addresses of signatories will be recorded and published in a tabled e-petition.

Creating and tabling an e-petition

A member of the Victorian public may create and lodge an e-petition request online via the Parliament of Victoria website. A person who lodges an e-petition is the principal petitioner of that e-petition.

Publication of a new e-petition is reviewed by the Clerk or Clerk's delegate to ensure compliance with Standing Orders. A petition not in compliance with Standing Orders will not be accepted.

Once live publication of an e-petition is approved it will be posted on the Parliament of Victoria website for a period not less than one week and not more than 6 months from the date of publication. A principal petitioner may, on request to the Clerk, seek to extend the posted period by up to six months or, alternatively, close the posted period early. A running tally of the number of people who have joined an e-petition will be visible to anyone viewing or joining an e-petition online.

There is no requirement to have a sponsoring Member attached to an e-petition at the time it is lodged on the Parliament of Victoria website. A sponsoring Member may take up an e-petition at any time during its posted period and this information will be published on the website.

Signatories to an e-petition may be progressively presented to the House by a sponsoring Member on any occasion the principal petitioner requests this to occur. The running tally of joiners will reset to zero after every progressive presentation of a posted e-petition. For the purposes of the e-petition system the same online e-petition will continue on the website following progressive presentation, but for the purposes of tabling and the official record of the Council, each progressive tabling is taken to be a new petition to the House. A person who has joined an e-petition that is

progressively tabled may again join the same e-petition after a progressive presentation when the runny tally of joiners has been reset to zero.

For the purposes of proposed Standing Order 10.10(4)(d), in the event that a session of Parliament is due to expire during the posted period of an e-petition, that e-petition may carry-over to a new parliament. The Clerk will only exercise discretion to limit the posted period where the terms of the e-petition are specific to the current Parliament.

Once published online an e-petition cannot be altered or discontinued.

Archiving of e-petitions

The online record of all e-petitions tabled in the Council and/or published on the Parliament of Victoria website will be retained for the duration of the current Parliament.

If 12 months elapse after the conclusion of the posted period of an e-petition without a sponsoring Member attaching to that e-petition, all record of the e-petition, including personal information provided by the principal petitioner and any signatories, will be removed from the system and will not be retained.

<i>Recommendation</i>

That the House adopt proposed new Standing Order 10.10 to come into effect upon a pilot e-petition system going live on the Legislative Council page of the Parliament of Victoria website in accordance with the resolution of the Council of 8 June 2016.

Committee Room

23 November 2016