

INQUIRY INTO E-PETITIONS

Organisation: Legislative Assembly Western Australia
Name: Hon Peter Watson MLA
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PROCEDURE AND PRIVILEGES COMMITTEE

7 June 2017

Hon John Ajaka MLC
President of the Legislative Council
Parliament of New South Wales
6 Macquarie Street
SYDNEY WA 2000

Dear Mr President

INQUIRY INTO E-PETITIONS

Thank you for your letter in which you request information relating to e-petitions on behalf of the Procedure Committee of the New South Wales Legislative Council. The Legislative Assembly of the Parliament of Western Australia does not currently receive e-petitions although the question of introducing e-petitions was the subject of a Legislative Assembly Procedure and Privileges Committee (PPC) inquiry in 2008. I have attached the full report for your reference, but, in summary, the Committee's conclusion was as follows:

E-petitioning is still in its infancy with a number of competing arguments both for and against its introduction and there has not yet been enough practical experience to determine whether the benefits outweigh the costs.

There appear to be significant resourcing issues associated with the introduction of an e-petitions system and the PPC is not convinced such a system will add value to the petitions process in the Assembly.

The PPC believes there should be no introduction of e-petitions in the Western Australian Legislative Assembly at this time. However, the PPC will continue to monitor existing parliamentary e-petitions systems and will await developments in the British House of Commons and the Australian House of Representatives, before recommending any change to the petitioning process used in the Legislative Assembly.

Last year the subject of enhancing the petition process in the Legislative Assembly was raised during debate by a Member who, following our recent State Election, is now the Leader of the House, so I imagine that the topic of e-petitioning will quite likely be re-visited by the PPC during this Parliament.

I wish your Committee well with its inquiry and will read the ensuing report with great interest.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Watson".

HON PETER WATSON MLA
CHAIR, PROCEDURE AND PRIVILEGES COMMITTEE



PROCEDURE AND PRIVILEGES COMMITTEE

REVIEW OF E-PETITIONS

**Report No. 1
2008**

Presented by:

Ms Diane Guise, MLA

Deputy Speaker of the Legislative Assembly

on 20 March 2008

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PROCEDURE AND PRIVILEGES COMMITTEE

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CHAPTER 1 ELECTRONIC PETITIONS

1.1 Background

Technological advancements have changed the way parliaments deal with processes and procedures previously carried out using more traditional methods. Over the past decade a small number of parliaments have accepted, or facilitated the creation of, electronic petitions (e-petitions) in addition to or in tandem with traditional paper petitions, as part of e-democracy and e-governance initiatives.

Currently in Australia, the parliaments of Queensland and Tasmania have introduced e-petition systems (Tasmania's system is modelled on and uses the same software as Queensland's) and have amended their Standing Orders to accommodate their e-petition systems. Although the Australian Senate and Northern Territory Legislative Assembly have not amended their Standing Orders, they will *accept* petitions 'which are posted and signed electronically on the Internet' if the Member presenting them 'certifies that they have been duly posted with the text available to the signatories'.¹

Electronic petition systems have also been introduced in the Scottish National Assembly, and in the German Bundestag (which closely modelled its version on that used in the Scottish Parliament). The British Prime Minister's Office at No. 10 Downing Street launched an e-petition system in November 2006.

In response to the British Government's 2007 expression of 'in principle' support for the introduction of a parliamentary e-petition system, the House of Commons Procedure Committee conducted an e-consultation on e-petitions which closed on 15 February 2008.² The House of Commons Procedure Committee's report will be published later in 2008.

In 2007, the House of Representatives Standing Committee on Procedure in its *Making a Difference: Petitioning the House of Representatives* report recommended that an e-petition system should be introduced in the House of Representatives.³ In February 2008 the first Standing Committee on Petitions was established in that House, and one of the Committee's terms of reference is to investigate the introduction of an e-petition system within the House of Representatives.

In the Western Australian Legislative Assembly (Assembly) the receipt of petitions is covered by Standing Orders, which reflect traditional practice. In the light of the uptake of parliamentary e-petition systems as outlined above, the Procedure and Privileges Committee (PPC) resolved to examine their use, and to make a recommendation regarding their potential application in the Assembly.

¹ Harry Evans (ed.), *Odgers' Australian Senate Practice*, 11th edn, Department of the Senate, Canberra, 2004, p. 444. The wording is almost identical in the Legislative Assembly of the Northern Territory Information Paper No. 4, *Petitions*—see <http://www.nt.gov.au/lant/pub/ip4.shtml>.

² See *The Governance of Britain – Petitions: The Government's Response to the Procedure Committee's First Report, Session 2006–07, on Public Petitions and Early Day Motions*, Presented to Parliament by the Lord Privy Seal, Leader of the House of Commons and Minister for Women by Command of Her Majesty, CM 7193, HMSO, 2007, p. 6, and *The Governance of Britain*, Presented to Parliament by the Secretary of State for Justice and Lord Chancellor by Command of Her Majesty, CM 7170, HMSO, 2007, p. 47.

³ Recommendation 7, House of Representatives Standing Committee on Procedure, *Making a Difference: Petitioning the House of Representatives*, The Parliament of the Commonwealth of Australia, Canberra, 2007, p. xii.

1.2 Petitions

Petitions are a mechanism whereby the public can formally bring to the attention of the Parliament a grievance and request a remedy. Whilst the practice of petitioning has reportedly declined in modern times, petitioning is still regarded as a fundamental constitutional right and one which provides a direct channel of communication between the legislature and the people.

Traditionally, petitions addressed to the Parliament take the form of a written document outlining an issue of concern, requesting the legislature to heed the 'prayer' of the petition and take some action. Subscribers to a petition provide their name, address and signature (or mark) and a Member of Parliament presents the petition to the legislature on behalf of the petitioners.

1.3 E-Petitions

E-petitions, where now used, are online petitions which petitioners 'sign', or subscribe to, by *electronically* providing their name, address and, in most cases, their email address.

Typically, a range of other electronic functions are included on parliamentary e-petition websites enabling users to:

- view previously hosted, rejected and current e-petitions;
- check the closing date and status of e-petitions;
- obtain the name and contact details of principal petitioners;
- view the number of signatories (and, less frequently, the actual signatures) to e-petitions;
- read background information relating to a particular e-petition;
- forward an e-petition to another person via email;
- participate in an online discussion forum related to an e-petition;
- join an e-petition; and
- monitor the progress/outcome of the e-petition once it has closed.⁴

Unlike traditional paper petitions which are presented to Parliament after the close of signature gathering, and often with little or no prior involvement by a Member of Parliament, e-petition systems require the Parliament to facilitate the creation of the e-petition and provide assistance and support from parliamentarians and/or parliamentary officers throughout the subsequent stages of the petitioning process.

E-petition systems usually take the form of dedicated web pages on a Parliament's Internet website where that Parliament

- facilitates the creation of an e-petition by a principal petitioner;
- 'posts' the e-petition; and
- 'hosts' it for signature gathering for a nominated period until the e-petition closes and is presented to the Parliament.⁵

⁴ The Scottish Parliament's e-Petitioner system provides most of these functions and can be viewed at: <http://epetitions.scottish.parliament.uk/>; also see the No. 10 Downing Street site at: <http://petitions.pm.gov.uk>.

In addition to providing an online e-petition form to initiate the petition, parliamentary e-petition web pages contain background information and guidelines on the petitioning process, list those Standing Orders which govern petitions, outline eligibility criteria for signatories, and explain the Parliament's privacy and data retention policies.

Some parliamentary e-petition systems require a Member of Parliament to 'sponsor' the e-petition and a parliamentary officer to vet the petition for conformity with Standing Orders before it is approved for publication on its website, while others require proof of 'action taken to resolve issues of concern before submitting the petition'.⁶ Some parliamentary e-petition systems assume responsibility for removing duplicated or manifestly fictitious or offensive names from the lists of signatories; while those jurisdictions which host online chat room forums, notwithstanding standard disclaimers, assume a degree of responsibility for moderating the site and purging inappropriate content. At the close of the nominated hosting period, parliamentary officers are required to organise printing a hard copy of the petition and its presentation to Parliament or a petitions committee. Eventually, signatories' details are deleted from electronic storage in accordance with the Parliament's data retention policy. The ongoing maintenance of the e-petition site is the responsibility of the hosting Parliament.

1.4 Some concerns

Jurisdictions which have implemented e-petition systems have advanced a number of arguments in favour of such systems, for example that they can foster greater community engagement with the democratic process and facilitate convenient access to petitions for those who may be physically incapacitated. There are, however, many jurisdictions which have adopted a wait-and-see approach to the introduction of e-petition systems due to a range of concerns.

One of the key arguments against e-petitions is that they have the potential to detract from grass roots, face-to-face community involvement in raising public awareness of issues. Interestingly, the National Assembly of Scotland will accept subscribers from anywhere in the world on its e-petitioner site, while the No. 10 Downing Street site will accept the signatures of British citizens living overseas.

E-petitions are considered to significantly increase the information technology and staffing costs of processing petitions without a commensurate benefit, given the modest uptake of e-petitions in those jurisdictions which accommodate them. In Queensland for example, 764 paper petitions were submitted to the Parliament from 2002–2007, while only 165 e-petitions were submitted during the same period.⁷ In Tasmania, 73 paper petitions were presented to the House of Assembly between 2004–2007 in contrast to six e-petitions (and no e-petitions in 2007), while in the Legislative Council, ten paper petitions were submitted between 2006–2007 and only two

⁵ The Queensland Parliament, for example, includes the following invitation/link on its home page: 'Get involved! Start or sign a petition today'—see <http://www.parliament.qld.gov.au/>.

⁶ The Queensland and Tasmanian Parliaments insist on sponsoring and vetting, while the Scottish Parliament requires the principal petitioner to 'provide a summary of the action taken to resolve your concern including details of elected representatives approached'.

⁷ Stephen Finimore, *E-Petitions – the Queensland Experience*, presentation for ANZACATT Seminar, January 2008, p. 14.

e-petitions.⁸ It has also been noted that ‘while the Bundestag receives a high number of petitions, e-petitions do not yet constitute a large proportion of petitions presented’.⁹

Further arguments against their use include that e-petitions provide an unfair advantage to those with greater access to information communication technology, and may raise unreasonable expectations that improving the tools of petitioning may materially affect how petitions are responded to by the Parliament.

1.5 Conclusion

E-petitioning is still in its infancy with a number of competing arguments both for and against its introduction and there has not yet been enough practical experience to determine whether the benefits outweigh the costs.

There appear to be significant resourcing issues associated with the introduction of an e-petitions system and the PPC is not convinced such a system will add value to the petitions process in the Assembly.

The PPC believes there should be no introduction of e-petitions in the Western Australian Legislative Assembly at this time. However, the PPC will continue to monitor existing parliamentary e-petitions systems and will await developments in the British House of Commons and the Australian House of Representatives, before recommending any change to the petitioning process used in the Legislative Assembly.

Recommendation

Your Committee recommends:

That the Legislative Assembly does not introduce an e-petitions process at this time.

⁸ Email correspondence from Mark Baily, Legislative Council, Tasmanian Parliament (29/02/08) and Peter Bennison, Deputy Clerk, House of Assembly, Tasmanian Parliament (27/02/08).

⁹ Sonia Palmieri, in *Petition Effectiveness: Improving Citizens' Direct Access to Parliament*, Paper presented to the ASPG Conference—Parliament's Accountability to the People, 23–25 August 2007, Adelaide, p. 12.