

The Purpose, Practice and Effects of Petitioning the Victorian Parliament*

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Introduction

Petitioning parliament is a direct way for individuals or groups in the community to place their concerns before parliament and ask for action to be taken. Public petitions may pray, for example, for a change to the law, the reconsideration of an administrative decision or redress of a local or personal grievance.

The practice of petitioning parliament dates back to the reign of King Edward I in the 13th century. The modern form of petitions was developed in the 17th century by the House of Commons in England, with the House agreeing in 1669:

That it is the inherent right of every commoner in England to prepare and present petitions to the House of Commons in case of grievance, and the House of Commons to receive the same; and

That it is an undoubted right and privilege of the Commons to judge and determine, touching the nature and matter of such petitions, how far they are fit and unfit to be received.¹

The effect of the above resolution was inherited by parliaments throughout Australia and it became the right of every Australian to petition their state and/or federal parliament.

The basic principles of petitioning and the processes for presenting a petition to parliament have changed little over time. In modern times, however, petitioning does not have the same primary role as an initiator of legislation or other action by

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¹ Sir W McKay KCB (ed.), *Erskine May Parliamentary Practice: Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (23rd edn), LexisNexis Butterworths, London, 2004, p.932.

the parliament as it did in early history. Petitions are not debated in the House upon presentation and very few petitions result in an immediate or direct action.² Further, there are now other, and often more effective, means of dealing with individual grievances — for example, by direct representation by an MP, the Ombudsman and various courts and tribunals. More general public grievances can also be publicised very effectively through the media and can often be brought to the attention of the House by parliamentary committees. Therefore, there seems to be a common view, at least among some members and staff of the Victorian Parliament, that petitioning is no longer the most relevant or effective mechanism for addressing individual or community concerns.

What then are the merits of petitioning parliament in modern times? Have the above views influenced trends in the number and type of petitions presented to the Victorian Parliament? Are petitioners' concerns given the consideration they deserve? Do other parliaments have more effective processes for public petitions? These issues will be examined in the following paper.

Profile of Public Petitions Presented to the Victorian Parliament

Despite some scepticism about the merits and effectiveness of public petitions, petitioning remains a popular method of presenting a wide range of views to the Victorian Parliament.

Number of Petitions and Signatories (1996 to 2006)

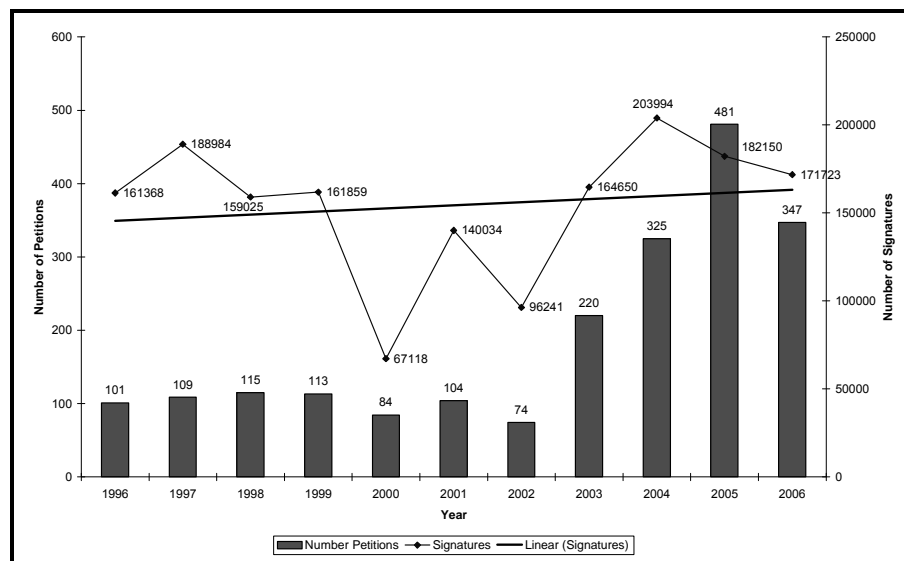
The number of public petitions presented to the Victorian Parliament has increased substantially over recent years (refer Figure 1). In 2006, 347 petitions were presented – 259 in the Legislative Assembly and 88 in the Legislative Council.³

Despite the increase in the number of petitions presented, there has been no significant increase in the number of people signing petitions each year. This is accounted for by a significant decrease in the average number of signatures per petition. In 1996, the average number of signatures on each petition was 1 598, while in 2006 the average number of signatures was only 495 (refer Figure 2).

² Originally, the procedure of the House of Commons imposed few restrictions on debate surrounding the presentation of petitions, which served as a method of introducing subjects from outside the House and could be used for obstructing other kinds of parliamentary business. Thus, following simultaneous growth in both the number of petitions being presented and government demands on the time of the House, a series of standing orders was adopted in 1842, which, as subsequently amended, made the presentation of petitions a formal proceeding that was incapable, except in rare cases, of giving rise to immediate debate. Refer *Erskine May Parliamentary Practice: Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (23rd edn), 2004, p.932

³ Data for the Legislative Assembly provided by the Legislative Assembly Procedure Office. Data for the Legislative Council compiled from Minutes of Proceedings, Legislative Council, 1996 to 2006.

Figure 1
Number of Petitions and Signatures Presented to the Victorian Parliament — 1996 to 2006



Source: Data for the Legislative Assembly provided by the Legislative Assembly Procedure Office. Data for the Legislative Council compiled from Minutes of Proceedings, Legislative Council, 1996 to 2006.

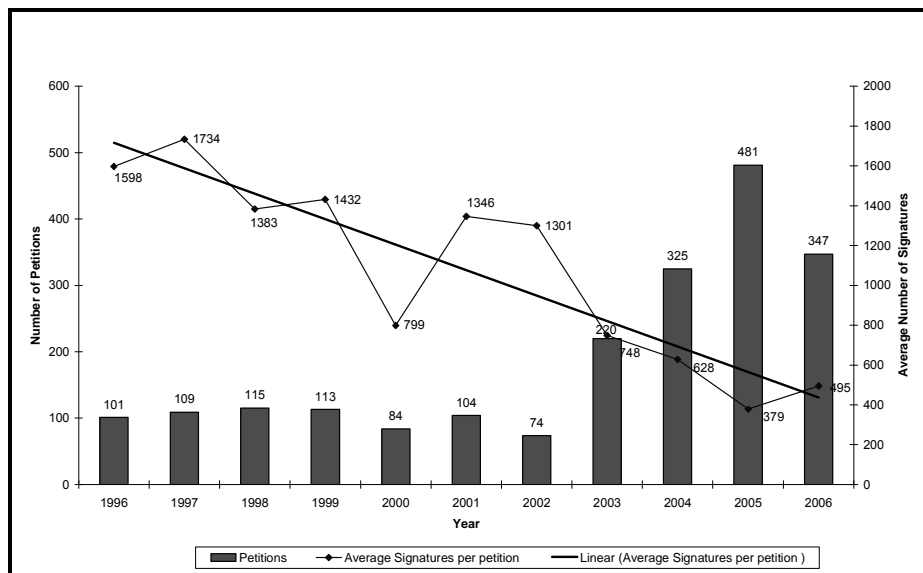
It is interesting to note that a substantial number of identical or very similar petitions were tabled in one or both Houses of the Victorian Parliament during 2006 (for the purposes of this paper, such petitions are termed ‘repeat petitions’).⁴ In total, 264 ‘repeat petitions’ had essentially the same or an identical request to that of one or more other petitions presented. Among these ‘repeat petitions’ were 46 ‘unique petitions’ that were presented an average of 5.7 times.⁵

The recent trend has seen ‘repeat petitions’ account for a far greater proportion of all petitions presented. In 1996, there were only 40 ‘repeat petitions’ presented in total, represented by 11 ‘unique petitions’ presented an average of 3.6 times each. Thus, in 1996, ‘repeat petitions’ accounted for only 40% of total petitions, compared with 77% of petitions presented in 2006.

⁴ It is important to note that the Victorian Parliament treats each petition that is presented by a member as a separate petition. The Victorian Parliament does not distinguish between ‘repeat petitions’ and ‘unique petitions’. These terms have been constructed solely for the purposes of the current discussion.

⁵ For example, there were 62 petitions praying for clauses of the Education and Training Reform Bill dealing with home-schooling to be redrafted; 34 petitions praying for the Racial and Religious Tolerance Act to be repealed; 15 petitions against fluoridation of water supplies in various rural and regional communities; and 11 praying for the proposed hazardous waste storage facility to be located in Nowingi to be abandoned.

Figure 2
Average Number of Signatures Per Petition — 1996 to 2006



Source: Data for the Legislative Assembly provided by the Legislative Assembly Procedure Office. Data for the Legislative Council compiled from Minutes of Proceedings, Legislative Council, 1996 to 2006.

It seems that 'repeat petitioning' can be explained by a combination of factors. Discussions with MPs indicate that sometimes it is simply a matter of poor campaign coordination that sees more than one petition on the same issue presented (often, with each petition containing only a small number of signatures). Many would claim that this form of 'repeat petitioning' dilutes the impact of the petition, as often, the number of signatures acts as an indicator of the depth of support for or concern about the matter raised in the petition. There are, however, also many proponents of 'repeat petitioning' who believe that a petition will be more influential if it is presented on multiple occasions. Proponents note that there is a greater chance that ministers, other MPs, the media and/or other interested parties will take more notice of an issue or concern that is raised repeatedly. This is particularly so where each 'repeat petition' contains a substantial number of signatures, where 'repeat petitions' are presented by a diverse range of petitioners over an extended period of time and/or where 'repeat petitions' are combined with other public lobbying or parliamentary strategies.

A recent example of 'repeat petitioning' being used successfully is the campaign against the proposed toxic waste facility to be located at Nowingi/Hattah, south of Mildura. Between October 2004 and October 2006, the Victorian Parliament was presented with 38 petitions (with a total of 31 426 signatures) against the proposed

toxic waste facility.⁶ These petitions were presented by nine different members including members of the Liberal and National parties and two independents.⁷ As noted later in this paper, members also used a range of other parliamentary mechanisms to constantly highlight concerns about the toxic waste facility. Subsequently, the Victorian Government announced that it had reversed its decision to locate a toxic waste facility in Nowingi/Hattah.⁸

It is interesting to note then, that procedures in some other parliaments, including the New Zealand House of Representatives and the Scottish Parliament, limit petitioners' ability to present 'repeat petitions'.⁹

Subject Matter of Petitions Presented to the Victorian Parliament

As shown in Figure 3, the education portfolio accounted for a greater proportion of petitions (29.8%) in 2006 than any other subject portfolio. Other portfolios accounting for over 10% of all petitions were Planning and Local Government (11.6%), Roads (10.4%) and 'Other Portfolio' (13.6%).¹⁰

When removing the effect of 'repeat petitions', however, the portfolio profile of petitions changes somewhat (refer Figure 4). Thus, when accounting only for each 'unique petition', the most common portfolio areas of petitions presented to the Victorian Parliament in 2006 were Planning and Local Government (22.4%), Roads (18.4%) and Public Transport (13.6%).

⁶ Data extracted from *VicHansard*,
<<http://tex.parliament.vic.gov.au/bin/texhtml?form=VicHansard.adv.>>.

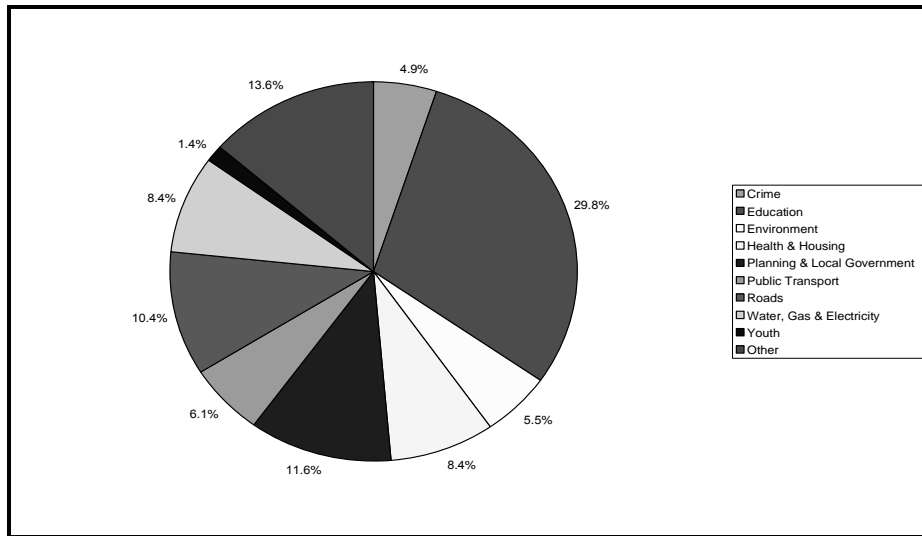
⁷ *ibid*.

⁸ On 9 January 2007, the Acting Premier, John Thwaites MP announced that the Victorian Government would not proceed with the proposed long term waste containment facility at Nowingi. Refer media releases, Department of Premier and Cabinet website,
<<http://www.dpc.vic.gov.au/4A256811001D78BF?Open>>.

⁹ In New Zealand, petitions that are similar to another petition finally considered in the current term of Parliament cannot be presented. Such petitions may be accepted only where they contain substantial and material new evidence that has become available since the consideration of the earlier petition. In Scotland, petitions that are the same or substantially similar and which are lodged by or on behalf of the same individual or organisation during the same parliamentary session shall be inadmissible unless a year has passed since the original petition was considered by the Public Petitions Committee.

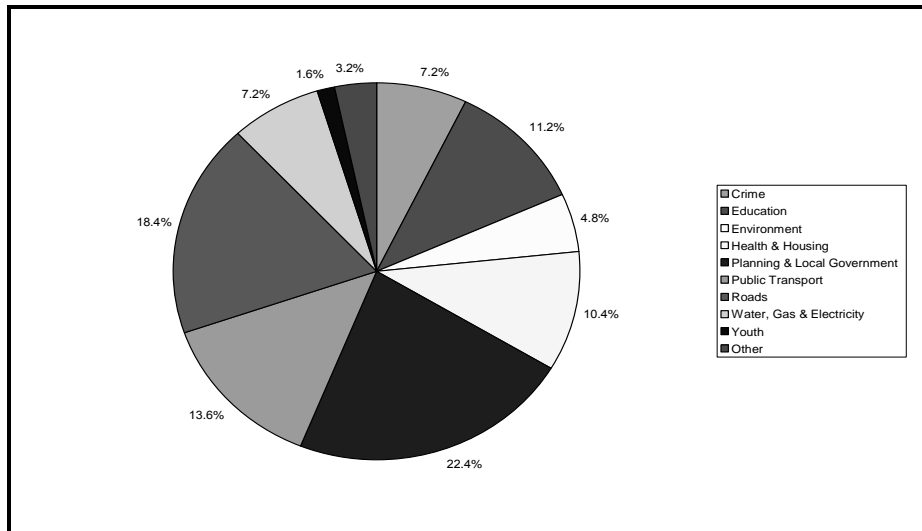
¹⁰ Analysis contained in the following sections is based on data extracted from *VicHansard*, using the search function to identify petitions presented during 2006. This function identified 346 petitions (one less than identified in the previous section of the report) with a total of 171 682 signatures (compared to 171 723 signatures reported in previous section).

Figure 3
Subject Matter of Petitions by Portfolio
(% of all petitions) — 2006 (n=346)



Source: Original analysis of petitions presented throughout 2006.

Figure 4
Subject Matter of Petitions by Portfolio
(% of 'unique petitions') — 2006 (n=125)



Source: Original analysis of petitions presented throughout 2006.

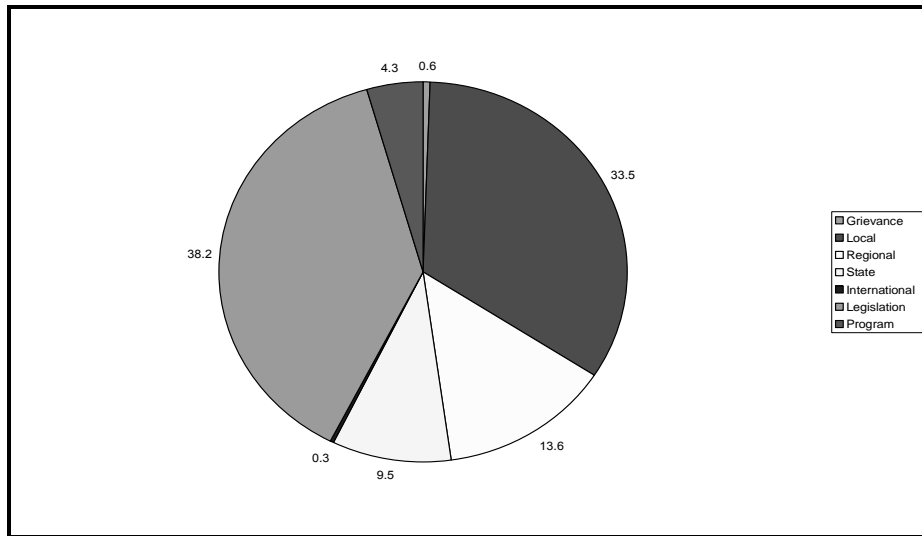
Petitions presented to the Victorian Parliament can also be categorised according to the scope of the issue or concern being raised – that is, whether the petition request relates to a personal grievance or a local, regional, state or international issue. Alternatively, a petition may address current or proposed legislation or may be confined to a matter of funding or administration of a specific government program or service (refer Figure 5). Again, the effect of ‘repeat petitioning’ significantly changes the distribution of petitions among the various categories (refer Figure 6).

A substantial proportion (38.2%) of total petitions presented in 2006 addressed current or proposed legislation. Of the 132 petitions addressing legislation, there were only nine ‘unique petitions’. For example, there were 62 ‘repeat petitions’ requesting the redrafting of clauses of the Education and Training Reform Bill pertaining to home-schooling, 34 requesting the Racial and Religious Tolerance Act be repealed and 8 requesting the Charter of Human Rights and Responsibilities Bill be defeated.

Petitions addressing local issues were the next most common (33.5%). Of the 116 petitions in this category, there were 83 ‘unique petitions’ covering a broad range of issues and portfolio areas. Examples include petitions about a local police station, courthouse, school, hospital, public transport service, road, gas connection or other local facility or service.

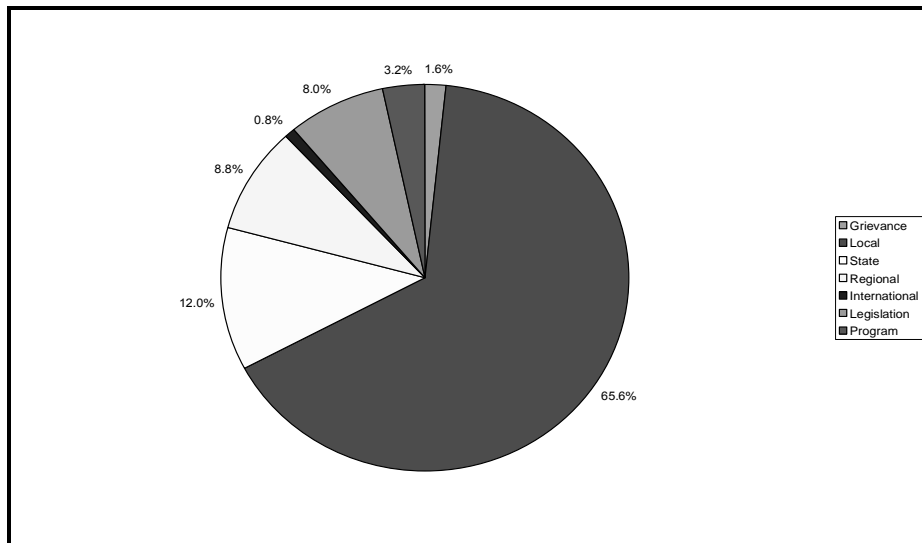
Petitions categorised as regionally focused (such as those against fluoridation of water supplies or calling for improvements to a regional train service) or state focused (such as petitions calling for standard minimum sentencing or improved accessibility of pre-schools) were less common, accounting for 13.6% and 9.5% of petitions, respectively. The least common petition types were those relating to a specific government program, international issue or personal grievance.

Figure 5
Type of Issue Addressed in Petitions
 (% of all petitions) — 2006 (n=346)



Source: Original analysis of petitions presented throughout 2006.

Figure 6
Type of Issue Addressed in Petitions
 (% of 'unique petitions') — 2006 (n=125)

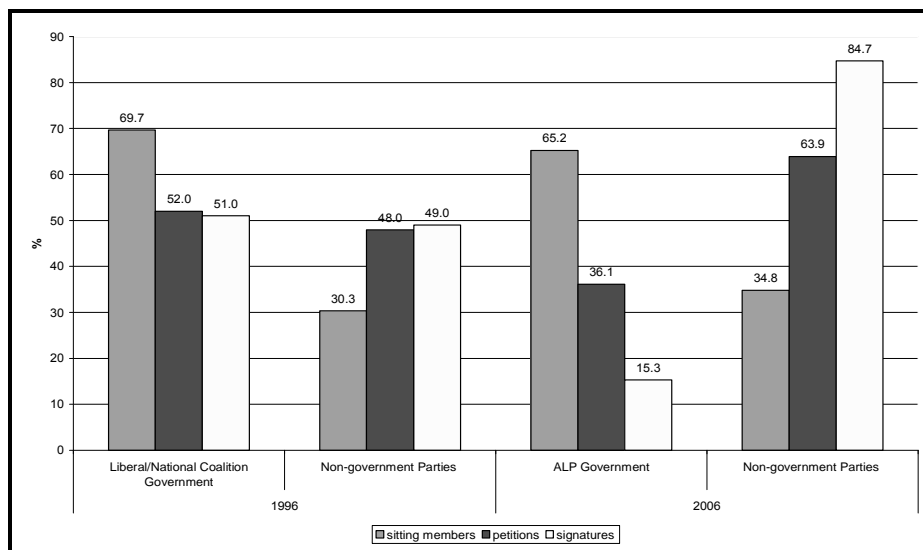


Source: Original analysis of petitions presented throughout 2006.

Members Presenting Petitions

Figure 7 demonstrates that members of the respective parties forming government are less likely to present a petition than other MPs. For example, members of the non-government parties comprised only 30.3% of sitting members in 1996, but presented 48.0% of petitions, accounting for 49.0% of all signatures presented that year. Similarly, members of the non-government parties accounted for 34.8% of sitting members in 2006 but 63.9% of petitions and 84.7% of signatures.

Figure 7
Proportion of Petitions Presented by Government and Non-government Parties
 (% of all petitions) — 2006 (n=346)



Source: Original analysis of petitions presented throughout 2006.s

The obvious question raised by the above data is whether public petitioning is a tool being used and/or exploited by MPs or whether petitions do in fact represent genuine concerns of individuals or groups in the community. Recent evidence presented to a UK House of Commons Procedure Committee inquiry into public petitions suggests that in many instances, petitions are generated by MPs or their electorate office staff:

I think the petition procedure is a very useful one in engaging with one's electors. I suppose there are two ways in which it can arise. Either you have got an idea and you float it and someone comes up with a petition, or, indeed, it is really grass roots... either way, it is a useful engagement with the public... of course, the secret

of politics always is to do something you know is going to happen anyway and campaign for it vigorously...¹¹

It is undoubtedly the case that [petitions] can engender particularly local publicity for a cause or a grievance. I think a lot of our colleagues in the House find that to their advantage... I think the reality is that many MPs are secretly the promoters. An awful lot of them are used as a mechanism for garnering support for the position that the Member of Parliament wishes to raise in the House.¹²

It is not possible to determine accurately the proportion of petitions generated by members of the Victorian Parliament. However, a review of Hansard reveals that in 2006 there were at least two instances of members referring to petitions initiated by candidates for the November 2006 election, one member referring to a petition that he had initiated, another referring to a petition and lobbying campaign he had been heavily involved in and a fifth member referring to a petition initiated by another member of his party.¹³ It seems to be not uncommon then, for Victorian MPs to initiate or promote a petition within their constituency.

The above evidence will no doubt create some scepticism regarding the merits of public petitions, especially in the context of this paper, which argues for a raised status for petitions and improved mechanisms for responding to petitioners' concerns. It is therefore suggested that the extent of member involvement in public petitions should perhaps be further explored in the context of any formal review of the petitioning process.

Inadmissible Petitions

The Victorian Parliament (like many other parliaments) does not monitor or report on the number of petitions that are deemed inadmissible. A review of Hansard reveals that in 2006 there were references to at least eight petitions that had not met the requirements for being presented to the House (on one occasion, the MP took responsibility for the petition not meeting requirements).¹⁴ It is likely that in many more instances, petitions not meeting requirements were simply returned to the member and, presumably, the principal petitioner, thereby never receiving the recognition that they perhaps deserve. It is therefore suggested that the Victorian Parliament monitor the admissibility and inadmissibility of petitions, identify the causes of inadmissibility and devise strategies to improve communication with MPs and members of the public about the correct form for public petitions.

¹¹ UK House of Commons, *Uncorrected Transcript of Oral Evidence*, Procedure Committee, 17 January 2007, viewed on website, <<http://www.publications.parliament.uk/pa/cm200607/cmselect/cmproced/uc217-i/uc21702.htm>>, 12 February 2007.

¹² *ibid.*

¹³ Data extracted from *VicHansard* using the search term 'petition'.

¹⁴ Four inadmissible petitions were raised during adjournment debate, two during member statements, one via a question on notice and one through a point of order raised during presentation of petitions.

Procedural Rules for Presenting Petitions to the Victorian Parliament

The standing orders of the Legislative Assembly and the Legislative Council each set out the requirements for the format, content and presentation of petitions in their respective House.¹⁵ The rules are very similar in the two Houses. Some important features are:

Petitions must be presented by a member who has not signed the petition.

Petitions must be legible, addressed to the respective House, be in English (or accompanied by a certified English translation) and be respectful and temperate in their language.

Petitions must contain the names and addresses of petitioners together with their original signatures (a petition must contain at least one signature). Petitions must not contain any signatures that have been pasted or in any other way transferred or attached to the petition. Only a petitioner incapable of signing may get someone else to sign for him or her and it is an offence for a person to add the names and signatures of others to a petition.

Petitions must state the action or remedy sought from the respective House (a statement of grievance or opinion alone cannot be received as a petition)

The Clerk of the respective House must certify that every petition presented is in accordance with the standing orders and procedures of the House.

The Legislative Council places two important restrictions on petitions: (1) a petition will not have letters, affidavits or other documents attached to it; and (2) a petition will not make application for or request a direct grant of public money to be paid to an individual. The Legislative Assembly places only the first of these restrictions on petitions.

There are two ways in which petitions may be presented in the Legislative Assembly. Generally, petitions are presented during formal business under Standing Order 50. The Clerk announces to the House the petitions lodged for presentation; for each petition, the Clerk states the name of the member who lodged it, the identity of the petitioners, the subject matter of the petition and the number of signatures. The only questions the Legislative Assembly may consider when a petition is presented are 'that a petition is tabled' and 'that it be taken into consideration' (on a stated future day).¹⁶ Standing Order 49 offers an alternative procedure for presenting a petition, whereby a member may read the terms of a

¹⁵ Legislative Assembly Standing Orders 44 to 52; Legislative Council Standing Orders 10.01 to 10.09.

¹⁶ Legislative Assembly Standing Order 51. Note: The House may consider a petition immediately if it concerns a personal grievance that may require an urgent remedy.

petition and the number of signatures during statements by members.¹⁷ If presenting a petition in this manner, the member cannot later move that the petition be taken into consideration under Standing Order 51.

The procedures of the Legislative Council differ in that members of the House (rather than the Clerk) announce each petition. Under Standing Order 10.06, a member will read the request and subject matter of the petition and the number of signatures. If desired by the member presenting the petition, the full text of a petition may be read to the Council by the Clerk.¹⁸ The questions on presentation are essentially the same as in the Legislative Assembly: 'that the petition do lie on the table' and, if desired, 'that it be taken into consideration (on a stated future day).'¹⁹

The above procedures do not differ significantly from the requirements for presenting a petition to other Westminster-style parliaments. There are, however, some major differences in procedures for dealing with petitions once presented, as discussed later in this paper.

E-Petitions

An emerging trend seen in recent years has been the development of e-petitioning systems, which run in conjunction with traditional paper petitioning processes.²⁰ The various systems have been designed to make the petitioning process more transparent and responsive and easier for members of the community to have their say on issues that are important to them. E-petitioning can be particularly beneficial for rural and remote communities or smaller groups and individuals who may not have the time, money or expertise to launch a traditional petitioning campaign. E-petitioning also offers the potential to reach a wider audience than is the case for paper petitions, although it is properly the role of petitioners, and not the parliament, to promote the petition.

¹⁷ This has happened on only one occasion: during member statements on 1 April 2004, Ms Lily D'Ambrosio MP (Mill Park) presented a petition calling for extension of the Epping rail line to South Morang.

¹⁸ A review of Minutes of Proceedings reveals that this has occurred only seven times during the period 1996 to 2006, with all such instances occurring since 2001.

¹⁹ The Legislative Council also makes provision under 10.08 for the House to consider a petition immediately if it concerns a personal grievance that may require an urgent remedy.

²⁰ In Australia, Queensland and Tasmania are the only states to currently have e-petitioning systems operated by their respective Parliaments, although other parliaments are showing some interest. The Australian Senate and the Northern Territory Parliament also accept e-petitions sponsored by members on their own or other organisations' websites, providing the member certifies that the petition was duly posted with the full text available to signatories. Scotland's e-petitioner system is the most prominent international example of e-petitioning, although the UK Government (not Parliament) launched an e-petition system on its 10 Downing Street website, <<http://petitions.pm.gov.uk/>>, in November 2006.

The Scottish Parliament has operated its e-petitioner system since February 2000 and since then, 134 e-petitions have been hosted. The system allows a petition to be hosted on the Parliament's website for an agreed period (the recommended period is 4 to 6 weeks) and each e-petition has its own discussion forum. When the agreed period for hosting the e-petition ends, the petition is formally submitted to the Public Petitions Committee for consideration in the usual way (refer below for further discussion).

In August 2002, the Legislative Assembly of Queensland approved sessional orders that established an online petitioning system.²¹ The genesis for e-petitions was the Queensland Government's *Restoring Integrity* good government plan, which included a commitment to trial the feasibility of online petitions being accepted by the Queensland Parliament.²² In August 2004, the Parliament of Tasmania adopted sessional orders enabling it to accept e-petitions and a system very similar to that in Queensland was implemented.

E-petitions are hosted on dedicated webpages of the Queensland and Tasmanian parliaments for a minimum of one week and a maximum of six months. Unlike the Scottish e-petitioning model, there is no discussion forum to enable visitors to discuss and debate the petition or related issues. A useful mechanism on the Queensland and Tasmanian systems is the option for petitioners to supply their email address in order to receive an automatic notification when a ministerial response is posted on the website.

An evaluation of the trial of the e-petitioning system in Queensland found a high level of support for the system in the community and among MPs. In particular, the evaluation highlighted support for the increase in transparency as a result of ministerial responses to both e-petitions and paper petitions being made available online.²³ However, it also identified further enhancements to the service, including improved marketing of and education about the service, both across government and within the community.²⁴

In May 2005 the Victorian Parliament's Scrutiny of Acts and Regulations Committee tabled a report on its inquiry into electronic democracy. The report recommended the introduction of an e-petitioning system, subject to ongoing evaluation as to the benefits offered to Victorians.²⁵ The Committee also

²¹ In late 2003, the Queensland Parliament implemented the e-petitions system on an ongoing basis through the adoption of new standing orders.

²² Mr N Laurie, 'E-petitions Trial: A new process in Queensland', *The Parliamentarian*, Issue 4, 2003, p.385.

²³ M Hogan, N Cook & M Henderson, *The Queensland Government's e-democracy agenda*, paper prepared for the Australian Electronic Governance Conference, Centre for Public Policy, University of Melbourne, Melbourne, 14-5 April, 2004, p.8.

²⁴ *ibid.*

²⁵ Scrutiny of Acts and Regulations Committee, *Inquiry into Electronic Democracy*, Parliament of Victoria, May 2005, p.207.

recommended inclusion of an online discussion feature similar to the Scottish model, citing the advantages of as follows. The general and diffused benefits of increasing public discourse around political and policy issues, with general benefits to individuals' levels of understanding and engagement with the political process. Provision of additional information and debate surrounding the merits of each petition, providing potential signatories with more information than that provided by the principal petitioner in the drafting of their petition; and increased information regarding each petition available to third parties, including MPs, the media and government policymakers and implementers.²⁶

In evidence to the inquiry, the then Speaker, Mrs Judy Maddigan MP, gave support to the introduction of e-petitions and indicated that the Queensland Parliament had agreed to provide the relevant software and administrative assistance for getting the system established.²⁷

Unfortunately, the Government's response to the Committee's recommendation was non-committal, simply noting that the matter is one that is properly for the Parliament's consideration.²⁸

It seems inevitable that the Victorian Parliament will at some time again formally consider introducing an e-petitioning system. Parliaments that fail to adapt to modern forms of communication and service delivery risk being perceived as increasingly irrelevant and/or inaccessible institutions. This is likely to be particularly true for the younger generation who have grown up with advanced technologies that allow almost instantaneous access to a seemingly limitless range of information and communication services.

It should be noted that there may be some level of 'generational resistance' to the introduction of an e-petitioning system among some members and/or officers of the Victorian Parliament. Informal discussions reveal views among some that e-petitions devalue the petitioning process by making the collection of large numbers of signatures 'too easy' and limiting the level of personal communication, lobbying and interaction among members of the community and their local representatives. Similar views have been presented in evidence to the UK House of Commons Procedure Committee during its current inquiry into public petitions.²⁹ Some have also warned that introduction of fancy new e-petitioning systems may serve to artificially raise petitioners' expectations about the likely success of their petition. The Victorian Parliament is therefore to be cautioned against hasty implementation

²⁶ *ibid.*, p.206.

²⁷ J Maddigan, Speaker, Legislative Assembly, *Minutes of Evidence*, Scrutiny of Acts and Regulations Committee, Electronic Democracy Subcommittee, 16 February 2005.

²⁸ Department of Premier and Cabinet, *Victorian Government Response to Scrutiny of Acts and Regulations Committee Report on Victorian Electronic Democracy*, November 2005, p.35.

²⁹ UK House of Commons, *Uncorrected Transcript of Oral Evidence*, Procedure Committee, 17 January 2007, viewed on website, <<http://www.publications.parliament.uk/pa/cm200607/cmselect/cmproced/uc217-i/uc21702.htm>>, 12 February 2007.

of the latest technologies, without giving proper consideration to potential improvements to the way in which petitions are dealt with once presented.

Outcomes of Petitioning the Victorian Parliament

Assessing the effectiveness of a public petition is a very difficult and subjective process. Of the 125 'unique petitions' presented to the Victorian Parliament during 2006, only 18 (14.4%) have resulted in a visible tangible outcome or action sought by the petitioners (as at the end of December 2006).³⁰ Three petitions can be deemed 'partially successful' in achieving petitioners' aims, one petition arose due to a matter of miscommunication (meaning the action sought was irrelevant) and issues highlighted in 14 petitions (11.2%) remain the subject of community consultation and/or review by the government.³¹ It appears that 51 (40.8%) petitions were 'unsuccessful' in getting the remedy or action sought.³² And in the remaining 38 (30.4%) instances, it is not possible to determine the exact outcome.³³ While these various outcomes have been observed, it is emphasised that it is impossible to determine what level of influence the petition had, compared with other lobbying activity or other factors.

In attempting to evaluate the effectiveness of public petitioning, it is also important to consider the expectations of those participating in the process. A recent Scottish study found that the key expectation of petitioners when initially submitting their petition was that it would be handled fairly.³⁴ Beyond this, 86% thought that petitioning would give them a voice in the parliament (that their concerns would be listened to) while only 54% reported that they thought their petition would result in a change to policy in Scotland.³⁵

³⁰ Original analysis based on telephone and email queries to members presenting petitions and/or their electorate office staff, contact with various relevant organisations, internet search, media monitoring, search of *VicHansard* and a review of policy announcements of members and their parties during the 2006 election campaign.

³¹ *ibid.*

³² Petitions deemed 'unsuccessful' include those where the status quo continues and/or where the remedy or action has been rejected by the government. Included in this category are nine petitions that resulted in a specific election commitment from the opposition, but no similar commitment from the government.

³³ It has not been possible to determine an outcome for all petitions for a number of reasons. Examples include: (1) the petition request was non-specific; (2) members who presented petitions (or their offices) could not be contacted due to the Victorian Election held in November 2006; (3) some members had presented a petition on behalf of another member or in their capacity as previous holder of a specific portfolio and were therefore unaware of the outcome; (4) it is too soon to assess whether the desired action has been taken.

³⁴ Dr C J Carman, University of Glasgow, *Assessment of the Scottish Parliament's Public Petitions System 1999 – 2006*, commissioned by the Scottish Parliament Information Centre for the Public Petitions Committee, 30 October 2006.

³⁵ *ibid.*

Perceptions of and opinions about public petitioning also vary considerably among parliamentary staff and MPs interviewed during this study. Some consider the petitioning process to have little value, as very often it seems that the government, other MPs and the media take little notice of the issues raised in petitions. Some considered the petitioning process as 'a time waster' that can be 'unduly influenced by large lobby groups and thus unrepresentative of community feeling' and/or a 'mechanism that is exploited by the opposition'. Others were far more positive about public petitions, with some MPs stating that they value the process greatly and citing benefits such as 'engaging with the electorate', 'empowering the community', 'engendering cooperation within a community regarding a controversial issue' and 'allowing people to have their say'.

In summary, there are divergent views about the relative effectiveness of public petitioning, despite a general consensus that the rights of members of the community to petition parliament should be retained. This being the case, there appears to be an argument for the Victorian Parliament to review existing petitioning procedures and identify whether any enhancements are necessary or desirable.

Debate on Petitions in the House

A lack of opportunity to debate petitions has often been mentioned as a weakness of public petitioning processes in various parliaments.

Although no debate may take place when a petition is tabled in the Victorian Parliament, a member may move that the petition be taken into consideration on a future day.³⁶ During 2006, 125 petitions (48.8%) presented to the Legislative Assembly were ordered to be taken into consideration, although none were eventually considered.³⁷ In contrast, no petitions presented in the Legislative Council were ordered to be considered. These statistics perhaps provide some weight to arguments that petitions are not properly or fully considered by the Parliament.

In 1994, the Canadian House of Commons debated a motion to consider the advisability of amending the standing orders, so that at least once per session petitions could be considered by the House and, potentially, debated and brought to a vote.³⁸ The motion arose due to concerns that petitions were not being given the honour and diligence they deserve, that their value was being left untapped, and that the way in which petitions were being dismissed regardless of the number of

³⁶ It is noted that both the Legislative Assembly and the Legislative Council make provision for a petition to be considered immediately if it concerns a personal grievance that may require an urgent remedy.

³⁷ Statistics provided by the Legislative Assembly Procedure Office show that no petition has been taken into consideration over the period 1979 to 2006.

³⁸ Motion of Mr I McClelland (Edmonton Southwest), Canadian House of Commons, Monday 21 February 1994.

signatures or the importance of the issue was ‘really a slap in the face for both the signatories and for democracy’.³⁹ The UK House of Commons Procedure Committee is currently considering whether debates on petitions should be held in Parliament.⁴⁰

As was noted during debate in the Canadian House of Commons, however, there are many alternative opportunities, other than at the time of presenting a petition, for members to either debate or otherwise bring to the attention of the House, matters raised in public petitions. This is well illustrated by the example of the proposed hazardous waste facility to be located at Nowingi/Hattah, which was the subject of 11 petitions presented to the Victorian Parliament during 2006. During the same year, members also raised concerns about or opposition to the hazardous waste facility twice during address-in-reply, seven times in adjournment, 10 times during member statements, once in matters of public importance, twice in grievances, 18 times in questions without notice, three times during statements on reports and once in general business.⁴¹ The same matter was also raised on 14 separate occasions during debate on seven different Bills.⁴² It should be noted that this example is by no means unusual and it could therefore be argued that there are already sufficient opportunities for members to debate issues raised in public petitions.⁴³ Other methods of strengthening the petitioning process should therefore be considered.

Ministerial Responses

Each House of the Victorian Parliament has a standing order that requires the Clerk to refer a copy of the terms of every petition to the minister responsible for the administration of the matter that is raised in the petition.⁴⁴ This has been the practice of the Legislative Assembly since 1976 and the Legislative Council since 2003.

³⁹ Mr I McClelland (Edmonton Southwest), Canadian House of Commons, Monday 21 February 1994.

⁴⁰ For further information, refer to the UK House of Commons Procedure Committee webpage, <http://www.parliament.uk/parliamentary_committees/procedure_committee.cfm>.

⁴¹ Data extracted from *VicHansard* using the search ‘toxic waste’, <<http://tex.parliament.vic.gov.au/bin/texhtml?form=VicHansard.adv>>.

⁴² Environment Protection (Amendment) Bill; Murray-Darling Basin (Further Amendment) Bill; Victorian Renewable Energy Bill; Land (Further Miscellaneous) Bill; Evidence (Document Unavailability) Bill; Appropriation (2006/2007) Bill; Public Sector Employment (Award Entitlements) Bill.

⁴³ Just some of the many examples from 2006 include petitions about accessibility and responsibility for pre-schools (this matter was also raised in adjournment, matters of public importance, second reading speeches, member statements, statements on reports, questions without notice, general business & valedictory statements); decommissioning of Lake Mokoan (matters of public importance, second reading speeches, adjournment, questions without notice, members statements & grievances); fluoridation of water supplies (members statements, adjournment & questions on notice); standard minimum sentencing (second reading speeches, matters of public importance); and country taxis (second reading speeches, adjournment & members statements).

⁴⁴ Standing Order 52, Legislative Assembly; Standing Order 10.09, Legislative Council.

The Victorian practice is similar to that in a number of other jurisdictions, although unfortunately, and in contrast to some parliaments, neither House of the Victorian Parliament currently makes provision for a government or ministerial response to a public petition to be presented to the House, other than by leave.⁴⁵ Indeed, some parliaments, including the Tasmanian and Northern Territory parliaments and the Canadian House of Commons,⁴⁶ *require* ministers to respond to public petitions.⁴⁷ Thus, it seems that the Victorian practice of simply referring a petition to the responsible minister is a simple, tokenistic gesture that really does not provide the petitioner with a satisfactory outcome.

The Queensland Parliament takes a unique approach to ministerial responses to petitions: it requires the Clerk to publish responses to paper petitions and e-petitions on the Parliament's website. Responses to 124 petitions presented throughout 2006 had been published on the website by the end of January 2007, representing a response rate of 73.8%.⁴⁸ This is considerably greater than in the Australian House of Representatives, where only one or two ministerial responses are received each year, or the Legislative Assembly for the Australian Capital Territory, where only six ministerial responses have been presented since December 1995.⁴⁹ It is useful to consider then, the quality and relevance of ministerial responses presented to the Queensland Parliament.

Figure 8 provides a summary of the types of ministerial responses presented to the Queensland Parliament in 2006. A common response (46.0%) is to outline the government's position or decision on the matter raised in the petition. While such responses often reject the views and/or requests of petitioners, these responses do not necessarily represent an unsatisfactory outcome for petitioners. Often, ministers provide detailed information about their position, demonstrating respect for the petitioners' concerns and clarifying the decision and decision making process. At the very least, petitioners can be confident that their concerns have been heard and given some level of consideration by those in authority. Further, it may be that in

⁴⁵ Parliaments currently making provision for a government or ministerial response to be presented to the House as a matter of course include the Legislative Assembly for the ACT, the Australian House of Representatives and the UK House of Commons.

⁴⁶ If a petition presented to the Canadian House of Commons remains without a response from the government after 45 days, a standing committee of the House is required to look into the reason. Mr Terence Moore, Clerk of Petitions, advised that since this procedure was introduced in September 2003, the failure of the ministry to respond to 22 petitions has been referred to various committees.

⁴⁷ In Tasmania, the text of each petition must be communicated to the Premier by the Clerk. A government response to each petition is required to be laid before the respective House within 15 sitting days of its communication to the Premier. In the Northern Territory, the Clerk refers the petition to the relevant Minister who is required to respond within 12 sitting days, although there is no requirement to respond if the petition is similar to another previously presented and responded to.

⁴⁸ It should be noted that this figure may have since increased. The average response time as at 31 January 2007 was 53.9 days. The shortest response time was 8 days and the longest was 252 days.

⁴⁹ Advice provided by: Mr Dennis Pecar, Petitions Manager, Australian House of Representatives; and Mr Tom Duncan, Clerk, Legislative Assembly for the Australian Capital Territory.

some instances, ministerial responses allay petitioners' concerns by providing information they were not fully aware of and contact details for those who may be able to assist petitioners further.

Figure 8
Type of Ministerial Responses to Petitions Tabled in Parliament of Queensland — 2006

Response Category	Number	%
Explanation of the government's decision or position	57	46.0
Notes that the matter is currently (or will be) under review or the subject of continued public consultation	15	12.0
Notes that the matter has been resolved in line with petitioner concerns (either prior to or following presentation of the petition)	22	17.7
Notes that the matter is currently being dealt with (either by government or other party)	6	4.8
Notes that alternative action has been taken	4	3.2
Refers to a previous response to a similar/identical petition	3	2.4
Notes that the Government is not responsible for the matter raised or does not have the power to act	6	4.8
Notes that the matter requires federal government intervention or support	5	4.0
Provides clarification or correction of a matter contained in the petition (petition may have arisen due to misinformation in the community)	3	2.4
Other	1	0.8
Uncategorised	2	1.6

Source: Original analysis of ministerial responses posted on the Queensland Parliament's website.

Perhaps less satisfying are responses where ministers simply state that the Queensland Government is not responsible for the matter raised or does not have the power to act (4.8% of responses), or that the matter requires intervention or support by the Australian Government (4.0%). While some such responses make clear that the matter is genuinely beyond the power of the Queensland Government to act, others do not seem to take the petitioners' concerns seriously. Instead, they seek to 'shift the blame' for the matter of concern to another authority. Nonetheless, such responses may be better than receiving no acknowledgment or response at all.

The proportion of petitions for which the matter appears to be resolved in line with the petitioners' concerns (17.7%) is not insignificant, although it should again be emphasised that it is impossible to assess what role petitions (and the visibility of ministers' responses) played in comparison with other community lobbying that may have taken place.

In essence, an examination of Queensland's ministerial responses shows that the vast majority make a genuine attempt to respond to petitioners' concerns. It is perhaps justified then, for the Victorian Parliament to implement procedures allowing a ministerial response to be presented to the House. It may also be

worthwhile to consider additional mechanisms (such as publication of responses on the website) to encourage ministers to respond to public petitions.

Consideration of Petitions by Committees

A number of parliaments have mechanisms to ensure even greater accountability to petitioners. Some parliaments make provision for public petitions to be referred to a select, standing or other committee for consideration through motions moved at the time of presentation.⁵⁰ More pertinent to the current discussion are parliaments with formal procedures for referring all petitions, as a matter of course, to a committee. Noteworthy models include those of the New Zealand House of Representatives, Scottish Parliament and Western Australian Legislative Council.

When a petition is presented in the New Zealand House of Representatives, it automatically stands referred to a select committee (the clerk determines the most appropriate committee to consider and report on the petition).⁵¹ Each committee decides how it will deal with a petition; committees may seek submissions and/or hear oral evidence and then, if a committee chooses, provide a report to the House.⁵² Where a report contains recommendations to the Government, the Government is required to report to the House within 90 days on what action, if any, it has taken to implement the committee's recommendations.⁵³

Throughout 2005, 52 petitions were referred to New Zealand's various committees for consideration and report. By December 2006, 41 reports had been tabled in Parliament (78.8% of petition referrals), with an average response time of 222.6 days (refer Figure 9).

⁵⁰ Parliaments with such procedures include the Northern Territory, Western Australian Legislative Assembly, Legislative Assembly for the ACT and the Australian House of Representatives. However, these procedures are rarely used. For example: the Clerk of the Legislative Assembly for the ACT indicated that since 1989, only three petitions have been referred to a committee for consideration, while in the Australian House of Representatives, no petition has ever been referred to a general purpose standing committee for consideration (although in the past, there were cases of petitions being referred to select committees specifically formed for the purpose) – refer House of Representatives Infosheet No 11, *Petitions*, December 2004.

⁵¹ It is worth noting that the New Zealand Parliament's select committees have a wider range of roles and responsibilities than committees in Victoria: they consider and report on Bills, hold inquiries within their subject area, report to the House on the Government's budget estimates, conduct financial reviews of public organisations and consider and report on petitions. In contrast, the work of most Victorian joint investigatory committees is largely restricted to conducting investigations based on terms of reference issued by the Legislative Assembly, Legislative Council or the Governor-in-Council.

⁵² If a petition was considered with another item of business, the committee may acknowledge that and include the petition in its report on that item.

⁵³ Office of the Clerk of the House of Representatives, New Zealand Parliament, *Petitioning the House of Representatives*, 2005, p.13.

Figure 9
Response Rate and Timeframe for Petitions Tabled in New Zealand Parliament in 2005

Committee	Number of Petitions Referred in 2005	Average Number of Days for Response	Number of Petitions for which no Response Tabled
Business Committee	-	-	-
Commerce Committee	3	199.7	-
Education and Science Committee	4	185.8	-
Finance and Expenditure Committee	1	226.0	-
Foreign Affairs, Defence and Trade Committee	5	216.8	1
Government Administration Committee	4	142.3	1
Health Committee	9	118.8	3
Justice and Electoral Committee	2	233.5	-
Law and Order Committee	6	318.3	3
Local Government and Environment Committee	4	369.8	-
Maori Affairs Committee	-	-	-
Officers of Parliament Committee	-	-	-
Primary Production Committee	4	172.3	1
Privileges Committee	1	227.0	-
Regulations Review Committee	-	-	-
Social Services Committee	6	387.3	1
Standing Orders Committee	-	-	-
Transport and Industrial Relations Committee	3	68.0	1
Total	52	222.6	11

Note: Response rates and timeframes are as at 31 December 2006.

Source: Original analysis compiled from information provided on the New Zealand Parliament's website.

If the Victorian Parliament were to adopt New Zealand's model for considering petitions, the petitions workload of Victorian committees is likely to be far greater than that experienced by committees in New Zealand (refer Figure 10). For some committees at least, the potential workload is likely to affect their ability to maintain the current quantity and/or quality of investigatory work. Referral of petitions to committees should therefore be considered carefully. If committees are impeded in their investigatory work due a large petitions workload, members may become frustrated or dissatisfied with the committee process. This could result in petitions being treated as an unwelcome hindrance to their regular work and thus not taken seriously, thereby removing any benefits of referring petitions to committees for consideration.

Figure 10
Hypothetical Referrals of Petitions to Victorian Committees under New Zealand Model
— 2006

Committee	Number of Petitions Referred
Drugs and Crime Prevention Committee	9
Economic Development and Infrastructure Committee	14
Education and Training Committee	11
Environment and Natural Resources Committee	6
Family and Community Development Committee	14
Law Reform Committee	-
Outer Suburban and Interface Services Development Committee	23
Public Accounts and Estimates Committee	-
Road Safety Committee	24
Rural and Regional Committee	14
Scrutiny of Acts and Regulations Committee	10
Total	125

Notes: For the purposes of this exercise –

All petitions pertaining to health and housing are referred to the Family and Community Development Committee.

All petitions pertaining to Acts or Bills are referred to the Scrutiny of Acts and Regulations Committee.

Petitions pertaining to public transport are mostly referred to the Economic and Infrastructure Committee (small number to Road Safety Committee).

Petitions pertaining to planning and local government are allocated among the Rural and Regional Committee and the Outer Suburban and Interface Services Development Committee, depending on the specific issue and the community affected by matters raised in the petition.

Source: Original analysis of petitions presented to the Victorian Parliament in 2006.

It is useful to consider then, the quality of responses provided by New Zealand's select committees. A review of the 49 reports on public petitions tabled during 2006 shows that most reports were very short, with only eight being greater than one page in length (the longest report was 36 pages).⁵⁴ In 14 instances, committee responses were limited to: 'the Committee has considered the petition and has no further matters to bring to the attention of the House'. Five reports noted that alternative forms of remedy were available (for example, the Ombudsman), three stated that the Government had no jurisdiction over the matter or had no power to act, four indicated that the matter had already been addressed and nine noted that the issue was currently being reviewed or was the subject of ongoing consultation. In considering the 49 petitions, committees had sought written submissions and/or heard oral evidence only 12 times, and only nine reports made any recommendations to the Government (there were 25 recommendations across the 49 reports).

⁵⁴ Information outlined here is based on an original analysis of reports on petitions tabled by New Zealand's select committees during 2006. Reports accessed on the New Zealand Parliament website, <<http://www.parliament.nz/en-NZ/PB/Presented/Petitions/>>.

In essence, the quality and range of responses do not appear to vary significantly from responses provided to petitioners in Queensland, where the model is to refer petitions to ministers for a response, rather than to a committee. Further, it seems that petitioners in New Zealand wait far longer for a response to their petition than petitioners in Queensland. Perhaps then, a combination of the two models should be considered, whereby petitions are initially referred to relevant ministers. The committees could then (after a pre-determined period) consider the petition in conjunction with the ministerial response (if one has been made), prior to determining whether further consideration of the petition is warranted.

The Scottish Public Petitions Committee is relevant in the context of the current discussion. The remit of the Committee is to: (a) decide in a case of dispute whether a petition is admissible; (b) decide what action should be taken upon an admissible public petition; and (c) keep under review the operation of the petitions system.⁵⁵ Given the number of petitions presented to the Scottish Parliament is similar to that in Victoria, it could be argued that there is sufficient work for a dedicated petitions committee to be established by the Victorian Parliament.

Figure 11 shows the recent workload and activities of the Scottish Public Petitions Committee.

Figure 11
Summary of Activity Undertaken by Scotland's Public Petitions Committee
2003 to 2006

Committee Activity	Year 1 (07/05/03 to 06/05/04)	Year 2 (07/05/04 to 06/05/05)	Year 3 (07/05/05 to 06/05/06)
New Petitions Considered	114	110	122
Number of Meetings	16	20	20 ^a
Number of Petitioners Appearing Before Committee	56	51	51
Number of Community Events ^b	-	2	2

Notes: ^a A review of minutes of meetings indicates that the Committee meets for an average of slightly longer than two hours per meeting.

^b Community events refer to activities in the PPC's rolling program aimed at providing practical advice and guidance on petitioning the Parliament. These events included formal meetings of the Committee at which local petitioners were invited to give evidence. The 1st community event was held in Dundee, attracting 45 local community organisations; the 2nd event was held in Inverness, attracting 60 local organisations.

Source: Compiled from report by Dr Christopher J. Carman, University of Glasgow, *Assessment of the Scottish Parliament's Public Petitions System 1999–2006*, commissioned by the Scottish Parliament Information Centre for the Public Petitions Committee, 30 October 2006.

⁵⁵ Scottish Parliament, website
<<http://www.scottish.parliament.uk/business/committees/petitions/responsibilities.htm>>, viewed on 5 February 2007.

The Scottish Parliament views the Public Petitions Committee as playing a key role in realising the Parliament's core principles of openness and accountability.⁵⁶ The Scottish Parliament's Presiding Officer, Mr George Reid MSP, has stated: 'This is a very innovative way of engaging with the public. The agenda of [the Public Petitions Committee] is set entirely by the public and I think that's one of the best things that it has in its favour'.⁵⁷ It is also noteworthy that the Committee has adopted a proactive approach to its role, having agreed to a rolling program of events aimed at promoting the public petitions system, especially within groups and communities traditionally marginalised from the political process.

The Public Petitions Committee has a wide range of actions it may pursue when considering petitions. The Committee may consult the Executive and/or other public bodies to request additional information or clarification, or to request that a minister or other official appear before the Committee to give evidence. It may refer petitions to relevant subject committees for information, consideration or action; or it may recommend that a petition be debated in Parliament. Alternatively, the Committee may simply 'close' the petition after initial consideration. Figure 12 shows the outcomes of petitions considered by the Committee.

Figure 12
Outcomes of Petitions Considered by the Public Petitions Committee
(% of petitions)

Petition Outcome	1 st Session of Parliament	2 nd Session of Parliament	Total
Closed after initial consideration by PPC	10%	26%	14%
Referred to other committee and closed	8%	8%	8%
Closed on basis of Executive response	32%	30%	32%
Closed on basis of other committee response	23%	11%	20%
Closed on basis of other public body response	14%	10%	13%
Closed on basis of EU response	0.2%	1%	0%
Closed due to parliamentary activity	9%	6%	9%
Closed due to petitioner response or non-response	2%	4%	2%
Petition withdrawn	2%	3%	2%

Source: Adapted from report by Dr Christopher J. Carman, University of Glasgow, *Assessment of the Scottish Parliament's Public Petitions System 1999–2006*, commissioned by the Scottish Parliament Information Centre for the Public Petitions Committee, 30 October 2006.

⁵⁶ Scottish Parliament, website
<<http://www.scottish.parliament.uk/business/committees/petitions/index.htm>>, viewed on 31 October 2006.

⁵⁷ Scottish Parliament, website
<http://www.scottish.parliament.uk/nmCentre/news/articles/2006/10/thousandth_petition.htm>, viewed on 31 October 2006.

The Western Australian Legislative Council is the only House of Parliament in Australia that refers all petitions to a committee for inquiry and report. However, Western Australia's Environment and Public Affairs Committee is not a dedicated public petitions committee in the sense of the Scottish model, but rather, a combination of a subject committee and a petitions committee (it should be noted that the House receives far fewer petitions than the Scottish Parliament).⁵⁸ Western Australia's model is particularly interesting in the context of Victoria, given its status as an Upper House committee: the Victorian Legislative Council is currently well positioned to consider establishing a similar committee to consider petitions, given its newly reformed composition and enhanced ability to undertake 'house of review' functions following the November 2006 State Election.

Western Australia's Environment and Public Affairs Committee has appointed a subcommittee to deal with routine administrative matters and preliminary investigations on petitions. The subcommittee generally invites the tabling member, principal petitioner and, where it considers it appropriate, the relevant government minister(s) to make a submission and provide information concerning matters and issues raised in the petition.⁵⁹ The subcommittee may also make preliminary investigations to obtain background information from government agencies, private organisations and individuals. The subcommittee considers the submissions and other information received and then reports to the full Committee, usually with a recommendation to either finalise or formally inquire into the petition.⁶⁰ Where a petition concerns a subject matter that is within the terms of reference of another standing committee of the Legislative Council, the Committee may refer the petition to that committee for inquiry and report.⁶¹

The Committee will resolve to finalise a petition without formally inquiring into it if the Committee considers that the issues raised in the petition have been adequately dealt with; if the issues raised in the petition will be or have been considered and/or debated by the Legislative Council; or if the Committee considers that the issues raised in the petition have been taken as far as possible at the time.⁶² In many cases where the Committee finalises a petition, there has been some resolution of the matters or issues raised, usually prompted by the subcommittee's preliminary investigations.⁶³

⁵⁸ The functions of the Environment and Public Affairs Committee are to inquire into and report on any public or private policies, practices, schemes, arrangements or projects in Western Australia which affect or may affect the environment; any bill referred by the House; and petitions. In 2004, the Committee recommended that a dedicated public petitions committee be established in the next Parliament, however, this did not occur.

⁵⁹ Standing Committee on Environment and Public Affairs, *Sessional Report: An overview of petitions and inquiries – second session of the thirty-sixth Parliament (August 2002 to November 2004)*, Report No. 14, Western Australian Legislative Council, November 2004, p.2.

⁶⁰ *ibid.*

⁶¹ *ibid.*

⁶² *ibid.*, p.3.

⁶³ *ibid.*

The Committee's reports on petitions show that during the period from November 2005 to November 2006, 16 new petitions were referred to the Committee and 17 petitions were finalised (13 petitions were already under consideration at the commencement of this period).⁶⁴ Reports for finalised petitions show that the Committee received submissions for 15 of the 17 petitions but heard oral evidence only once. One petition was referred to a select committee and the Committee resolved to report separately on two further petitions. The Committee also noted that matters raised in three of the petitions were to be debated in the House. The Committee produced recommendations in response to only one petition.

It is noted that other parliaments have also considered the role of parliamentary committees in considering issues contained in public petitions. The Australian House of Representatives Standing Committee on Procedure is currently considering this matter as part of its inquiry into the public petitioning process. The UK House of Commons Procedure Committee is also currently revisiting the issue, having last considered the matter in 2004 after the Select Committee on Modernisation of the House of Commons recommended that public petitions automatically stand referred to the relevant select committee for consideration. At that time, the Procedure Committee was concerned that the words 'stand referred' might imply committees would be expected (at least by petitioners) to take some action.⁶⁵ The Procedure Committee therefore recommended petitions not be formally referred to select committees. Rather, it suggested that a copy of each petition be sent to the relevant committee at the same time as being sent to the relevant government department and that committees should be free to take action on the petition, or not, as they see fit.⁶⁶

Conclusion

Public petitioning remains an important part of Victorian parliamentary democracy and continues to be valued by many MPs and members of the community. Even though petitions often seem to produce no immediate or obvious result, they inform members and the government, in a public way, of the views of sections of the population and they serve as one means of placing community concerns on the parliamentary agenda.⁶⁷

⁶⁴ Information outlined here is compiled from Standing Committee of Environment and Public Affairs Report No. 5 *Overview of Petitions* (24/08/06) and Report No. 6 *Overview of Petitions* (06/12/06), accessed on the Western Australian Parliament website, <http://www.parliament.wa.gov.au/web/newwebparl.nsf/iframewebpages/Legislative+Council+-<+Current+Committees>.>

⁶⁵ House of Commons Procedure Committee, *Public Petitions*, Fifth Report of Session 2003-04, HC1248, UK House of Commons, November 2004, p.5.

⁶⁶ *ibid.*, p.3.

⁶⁷ House of Representatives, *Infosheet No. 11, Petitions*, Parliament of Australia, December 2004, p.2.

It is often argued that petitioners spend a considerable amount of time and effort in preparing and circulating petitions, only to receive nothing in return. This is often untrue, as any parliament can no doubt point to examples of successful petitions. Further, public petitions often contribute to public and parliamentary debate, even where they are not directly considered by the House. Nonetheless, it has been argued that petitioners should be entitled to a direct response to their petition and that current procedures in the Victorian Parliament are therefore inadequate. Further, by failing to facilitate a government or parliamentary response to public petitions, the Victorian Parliament risks reinforcing negative public perceptions about the level of transparency and accountability of our democratic institutions.

While it is argued that current procedures for dealing with petitions in Victoria are insufficient, the Victorian Parliament should avoid compelling any minister or parliamentary committee to respond to a petition. It should be left to the government's, minister's or committee's discretion (no doubt with some pressure from parliamentary colleagues) to determine the relative merits of each petition presented. To suggest otherwise, particularly in the context of frequent 'repeat petitioning', is to suggest that the amount of time and resources diverted to responding to public petitions should be unlimited. Such a claim would be irresponsible and may simply serve to increase the number of spurious or frivolous petitions presented to the Victorian Parliament. It may also serve to create unrealistic expectations among petitioners about the likely outcome of their petition.

The Victorian Parliament can learn much from the experience in other jurisdictions. At the very least, standing orders should be altered to allow for a minister to table a response to a public petition and for that response to be recorded in Hansard and/or the Votes and Proceedings. The Victorian Parliament could also consider the merits of the Queensland Parliament's system, whereby responses to petitions are published on the website, which appears effective in encouraging a high response rate from ministers. Alternatively, a formal procedure for referring petitions to parliamentary committees for consideration may be warranted. It is suggested that in considering appropriate models for this to occur, the Victorian Parliament should monitor the progress and outcomes of the inquiries into public petitioning currently being undertaken by the Australian House of Representatives and the UK House of Commons. ▲