

The People's Parliament: Have Petitions Had Their Day?*

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INTRODUCTION

Since ancient times, individuals have been able to seek direct action from their rulers through the means of a petition process. They may raise personal grievances or seek policy reform by writing directly to the government and demonstrating public support for their position by gathering as many signatures as possible. Petitions continue to give the people a voice in Parliament and have been explicitly enshrined in the Westminster system since the Bill of Rights 1689.² However, with so many forms of instant communication now available between the people and the government, are petitions still relevant?

Recent studies undertaken of the petitions process in various jurisdictions suggest that petitions play an important role in linking the public with the Parliament. This paper will begin with a review of some of these studies and their conclusions. It will then focus on petitions in the Western Australian context and explore the petitions process in the Legislative Council and the Legislative Assembly. Data available on petitions in both Houses will be analysed to assess whether petitions have had their day in the Western Australian Parliament. The period reviewed covers the commencement of the 38th Parliament in November 2008 to the last sitting day of the 39th Parliament in November 2016. During this period, the Liberal-National alliance formed the government.

¹ The views in this article are those of the author and do not reflect the views of the Legislative Council of Western Australia.

² Article 5, *Bill of Rights 1689*: Right to Petition.

This article compiles the following data for each House:

- the number of petitions tabled over the identified period;
- the type of request in the petition;
- the subject matter of the petition; and
- the number of signatures for each petition.

The analysis demonstrates that petitions remain a popular and valuable method for the people to have their views and calls for action heard directly by the Parliament. However, the data also indicate that the number of petitions tabled and the number of signatories to petitions are declining both in real terms and when compared to the significant increases to the adult population in Western Australia during the same period. The challenge for Parliament is to transform the petition process to ensure petitions remain relevant in our increasingly tech-savvy society. Valuable lessons may be learned from international experiences.

COMPARATIVE STUDIES OF PETITIONS

There have been various studies about the role and purpose of petitions and their effectiveness over the past ten years. Perhaps the most notable recent contribution to understanding petitions was made by Carman in establishing the link between transparency of petition systems and enhanced confidence in the institution. He reviewed the Scottish Parliament's petitioning system, which was introduced in 1999, to understand how petitions connect the citizen with Parliament and the outcomes of the petition system. He found that that the petitioning system allowed for a direct link between citizens and the Parliament; however, petitioners had no influence over the decision making processes of the Parliament. Petitioning was thus a form of advocacy democracy in which an issue could be raised but the process and decision-making was made by another party.³

³ C. Carman, 'The Process is the Reality: Perceptions of Procedural Fairness and Participatory Democracy', *Political Studies* 58 2010: 731-751.

In addressing their roles in the democratic process, Hough reviewed the petitions processes in a number of jurisdictions.⁴ He found that petitions provide a mechanism for citizens to engage with the Parliament and that the outcome of specific petitions was not as important as the petition process itself in improving the relationship between citizens and parliament. Hough thus confirmed Carmen's findings that the transparency and perception of fairness in the petitions system was directly correlated with improved support and confidence for the institution. Hough and Carmen both suggest that this correlation has led to legislatures reviewing their petitions systems to re-engage citizens in the democratic process and revitalise trust in Parliament.⁵

Bochel conducted a similar review of the petitions process in the Scottish Parliament and the National Assembly for Wales to understand how petitioning enables citizens to be heard and the extent of influence petitions have on policies. He noted the goal of the petition system was to provide a direct link to Parliament and to enable citizens to participate and influence policy outcomes. The dedicated Petitions Committee in both Parliaments that reviewed all admissible petitions increased the level of participation available to the petitioner and the level of influence the petitioner had on the outcome of the petition. The decision making process and outcome were entirely the purview of the Petitions Committee but at a minimum, petitioners could raise the profile of their issue and have it considered by the Committee.⁶

E-petitions have also been the subject of comparative research. Lindner and Riehm note the progress made by information communication technology, enabling the introduction of formal e-petition systems.⁷ They reviewed the e-petitions systems introduced in the Scottish Parliament in 2000, the Parliament of Queensland in 2002, the German Bundestag in 2005 and Norwegian municipalities in 2005 to better understand the attractiveness of this form of petitioning. Their main finding was that the early contact with the administration required of an e-petitioner positively

⁴ R. Hough, 'Do Legislative Petitions Systems Enhance the Relationship between Parliament and Citizen?', *The Journal of Legislative Studies* 18(3-4) 2012: 479-495.

⁵ Carman, 'Process is the Reality'; Hough, 'Legislative Petitions Systems'.

⁶ C. Bochel, 'Petitions: Different Dimensions of Voice and Influence in the Scottish Parliament and the National Assembly for Wales', *Social Policy and Administration* 46(2) 2012: 142-160.

⁷ R. Lindner and U. Riehm, 'Electronic Petitions and Institutional Modernization', *Journal of eDemocracy* 1 2009: 1-11.

impacted on petitioners' assessments of the e-petition system, regardless of the petition outcome, because the administration could assist in framing the petition and managing expectations of the petition process. This is in direct contrast with the traditional method of petitioning, in which the first contact a petitioner has with a Member of Parliament or the Parliament's administration occurs when all signatures have been collected. This research suggests e-petition systems can improve petitioner experience by increasing transparency and providing a way to manage expectations of the process.

Lindner and Riehm noted that petitions were treated differently in the jurisdictions, ranging from simply being tabled in Queensland with the option for a Minister to respond, to actively being considered by a dedicated Petitions Committee in Scotland. Even with these different levels of political responsiveness across jurisdictions, Lindner and Riehm found that e-petitions afforded more transparency than traditional petitions for the petitioner.⁸

In comparing the numbers of petitions presented in Germany and Queensland, Lindner and Riehm found that e-petitioning had not significantly contributed to an increase in the number of petitions submitted or the number of signatories to petitions. One unexpected outcome of their study was that principal petitioners found collecting signatures online to be more challenging than using traditional methods. By contrast, the Queensland Parliament's submission to the House of Representatives Standing Committee on Petitions reports that the introduction of e-petitioning led to increases in the number of petitions presented overall and in the number of signatories to petitions.⁹

While Lindner and Riehm focused on technical and institutional perspectives, Cruickshank and Smith reviewed a study into EuroPetition conducted in 2009 and proposed an evaluation model drawn from social cognitive theory in an effort to understand the e-petitioner.¹⁰ They suggest that the technology acceptance model

⁸ Lindner and Riehm, 'Electronic Petitions'.

⁹ House of Representatives. Standing Committee on Petitions, *Electronic petitioning to the House of Representatives*. House of Representatives, 2009. Accessed at: https://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=peti-tons/epetitioning/report.htm

¹⁰ P. Cruickshank and C. Smith, 'Understanding the "E-Petitioner"'. *Transforming Government, People, Process and Policy* 5(4) 2011: 319-329.

may be used to assess a person's decision to use e-petitions technology by measuring perceived usefulness and ease of use, while social cognitive theory adds a further dimension by considering uptake in terms of self-efficacy.

Cruickshank and Smith assess the common assumption that e-petitioning would attract a wider pool of participants in the petitions process. In fact, they found that the demographic profile of e-petitioners further exacerbated the inequalities of participation evident in the traditional petitioning system; that of white males, better educated and older than the average population, and that e-petitioners were simply younger than the traditional petitioner.¹¹ This demographic profile was also found by Carmen¹² and by Lindner and Riehm¹³ in their studies of petition systems in the Scottish Parliament and German Bundestag respectively.

Bochel also noted that the e-petition system allowed for a high degree of transparency and participation; allowing a petitioner to lodge a petition online, provide background information and hold a discussion forum on the online site.¹⁴ However, rather than appeal to a broader range of citizens as had been the aim, Ipsos MORI and Carman found that access to the internet and the relationship between internet access and social grade may reduce accessibility. Citizens from a lower social grade were less likely to be aware of the petitions systems available in both jurisdictions.¹⁵ Bochel also looked at the gender of petitioners in both Parliaments and found that of the 67 percent of petitions submitted by individuals to the National Assembly for Wales, 61 percent were submitted by men. Of the 62 percent of petitions submitted by individuals to the Scottish Parliament, 78 percent were

¹¹ Cruickshank and Smith, 'Understanding the "E-Petitioner"'.

¹² C. Carman, *The Assessment of the Scottish Parliament's Public Petitions System 1999-2006*, Commissioned by the Scottish Parliament Information Centre for the Public Petitions Committee, Edinburgh, 2006. Accessed at: <http://archive.scottish.parliament.uk/business/committees/petitions/reports-06/pur06-PPS-assessment-04.htm#7p2>

¹³ Lindner and Riehm, 'Electronic Petitions'.

¹⁴ Bochel. 'Petitions: Different Dimensions'.

¹⁵ Ipsos MORI and C. Carman, *Engaging the Public in the Scottish Parliament's Petitions Process: Research Study Conducted for the Scottish Parliament's Public Petitions Committee*. Edinburgh: Scottish Parliament, 2009. Accessed at: <http://archive.scottish.parliament.uk/s3/committees/petitions/inquiries/petitionsProcess/Engagingthepublicinthe petitionsprocess.pdf>

submitted by men.¹⁶ This supports the findings of Cruickshank and Smith, Carman, and Lindner and Riehm, that the majority of petitioners are men.¹⁷ For these reasons, Bochel suggests that educating the public about the existence of petitions systems may be needed to produce a more diverse range of petitioners.¹⁸

THE CONTRIBUTION OF THIS STUDY

There has been a lack of research into the petition systems of the Western Australian Parliament along the lines of the studies summarised above. This article addresses this gap. Since different petition systems operate in the Western Australian Legislative Council and the Legislative Assembly, the review of the two systems presented here provides valuable insights into what effects, if any, these differences have on the use of system. Like the Scottish Parliament, the Legislative Council has a dedicated petitions committee that reviews all admissible petitions, undertakes further investigations and makes recommendations as appropriate. By contrast, the Legislative Assembly only provides for a petition to be tabled, with no automatic follow-up procedures. In terms of Bochel's analysis,¹⁹ the Legislative Council has a more participatory style petition process than the Legislative Assembly.

A review into the respective systems will show if the existence of a dedicated Committee in the Legislative Council impacts on the number of petitions presented. It will also show whether the number of petitions has increased or declined over the period of review, and consider the effectiveness of petitions in the Western Australian context. To address these issues, this article draws on data collected from the Parliament of Western Australia website for petitions tabled in the Legislative Council and Legislative Assembly from the commencement of the 38th Parliament in November 2008 to the last sitting day of the 39th Parliament in November 2016. Petitions tabled on the same subject in the same House during the same Parliament

¹⁶ Ipsos MORI and Carman, *Engaging the Public*.

¹⁷ Carman, *Assessment of the Scottish Parliament*; Cruickshank and Smith, 'Understanding the "E-Petitioner"'; R. Lindner and U. Riehm, 'Broadening Participation Through E-Petitions? An Empirical Study of Petitions to the German Parliament', *Policy and Internet* 3(1) 2011: Article 4.

¹⁸ Bochel, 'Petitions: Different Dimensions'.

¹⁹ Bochel, 'Petitions: Different Dimensions'.

are treated by the Committee, and for the purposes of this paper, as a single petition with a single set of signatures.

OVERVIEW OF THE PETITIONS PROCESS IN WA

Petitions are treated differently in the Legislative Council and the Legislative Assembly. In each House, petitions must be addressed to the relevant House, comply with Standing Orders and be certified as such by the relevant Clerk. E-petitions are not accepted in either House, however both Houses have considered e-petitions in the past (see Appendices A and B for information relating to the method of petitioning and accepted form of petition in each House).²⁰ A petition with just one signature may be tabled in either House, although petitions typically have more than one signature. In each House, the petition is read aloud by the tabling Member. From that point on, the process is different.

The Legislative Council Process

Every conforming petition that does not relate to a matter of privilege is referred to the five member Standing Committee on Environment and Public Affairs for consideration.²¹ During the 38th and 39th Parliaments, five petitions did not comply with the standing orders, for reasons including a principal petitioner not being identified and the prayer being omitted. The Committee reviews the nature of the petition and if it is regarding a matter that is already before the House—for example, a Bill—the Committee may resolve not to inquire any further into the petition on the basis that the subject matter will be debated in the House and Members will be able to raise issues put to them by their constituents during the debate. For other

²⁰ Legislative Council of Western Australia, Standing Committee on Procedure and Privileges, *Report 40 Standing Committee on Procedure and Privileges E-Petitions*, June 2016. Accessed at: [http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3914241c06d95798b9a918d648257fe1000663f3/\\$file/tp-4241.pdf](http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3914241c06d95798b9a918d648257fe1000663f3/$file/tp-4241.pdf); Legislative Assembly of Western Australia, Procedure and Privileges Committee. (2008). *Review of e-petitions*. Accessed at: <http://libstream.parliament.wa.gov.au/e-docs/0003406.pdf>

²¹ Legislative Council of Western Australia, Standing Committee on Environment and Public Affairs, *Report 46 Standing Committee on Environment and Public Affairs Overview of Petitions 1 January 2016 to 30 September 2016*, 2016. Accessed at: [http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3914850c05d601f9252f17a7482580670008038e/\\$file/tp-4850.pdf](http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3914850c05d601f9252f17a7482580670008038e/$file/tp-4850.pdf)

matters, the Committee will seek to understand more about the issues raised in the petition by asking the principal petitioner to provide a submission that gives further detail about the terms of the petition. On occasion the requested submission is not provided and the Committee closes its inquiry into the petition at that point.

Once a submission is received from the principal petitioner, the Committee seeks a response to the petition from the relevant Minister, government department, local government or private body. Occasionally the Committee conducts further inquiries and public hearings in an effort to obtain more detailed information. The inquiry process concludes with the Committee responding directly to the petitioner or less commonly tabling a report making recommendations for the government to consider.

Standing Order 191 of the Legislative Council requires the government to formally respond to any Committee report that recommends government action.²² This is one means by which the Council brings the government to account for its actions, or inaction. Although a petition does not always achieve the change that the petitioner is seeking, the Legislative Council process for petitions promotes transparency and ensures that the petitioner at least receives a response from the responsible minister(s).

This Committee process is unique across the Australian state parliaments. While the federal House of Representatives has a Petitions Committee, it is focused on receiving and processing petitions and reporting to the House on petition matters. The Petitions Committee facilitates the provision of Ministerial responses to petitions and occasionally conducts hearings with petitioners and government officials to enhance public dialogue on a matter raised in a petition. However it does not make recommendations about any matters raised in a petition.²³

²² Legislative Council of Western Australia, *Standing Orders*, November 2016. Accessed at: [http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/resources/file-lc-standing-orders/\\$file/LC%20Standing%20Orders%2001032017.pdf](http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/resources/file-lc-standing-orders/$file/LC%20Standing%20Orders%2001032017.pdf)

²³ The Parliament of the Commonwealth of Australia, Standing Committee on Petitions, *The Work of the Petitions Committee: 2013-2016*, 2016. Accessed at: http://www.aph.gov.au/Parliamentary_Business/Committees/House/Petitions/Completed_inquiries

The Legislative Assembly Process

After reading the petition aloud in the Legislative Assembly, the tabling Member may choose to give a Notice of a Motion for debate on a petition or move to refer a petition to a Committee.²⁴ There is no formal mechanism for a petitioner to receive any response in relation to their petition. However, Legislative Assembly Standing Order 146 provides for grievances to be raised by up to four Members each Thursday, with the relevant Minister having a right of reply.²⁵ Between 2008 and 2016, 22 petitions were mentioned in grievances raised by Members.

THE NUMBER OF PETITIONS TABLED

Excluding 2008, which contains data for a part year due to the September state general election, the number of petitions tabled in one or other House ranges from 86 in 2013 to 120 in 2011, with the median number of petitions from 2009 to 2016 being 104. Figure 1 provides a breakdown of the number of petitions tabled in the Legislative Council and Legislative Assembly for the 38th and 39th Parliaments compared with the estimated population of Western Australia over 18 years of age.²⁶

While there is no requirement for principal petitioners to be over 18 in Western Australia, comparing the number of petitions tabled with the estimated resident adult population represents one method for gauging the popularity of petitions. This analysis shows that the population is increasing over the period, while the number of petitions is declining.

The total number of petitions presented in both Houses is notably higher in 2010, 2011 and 2012. One of the factors contributing to the spike in petitions may be the political environment and consequent level of legislative activity. Prior to the period in question, the Labor Party had been in Government for two terms. The Labor

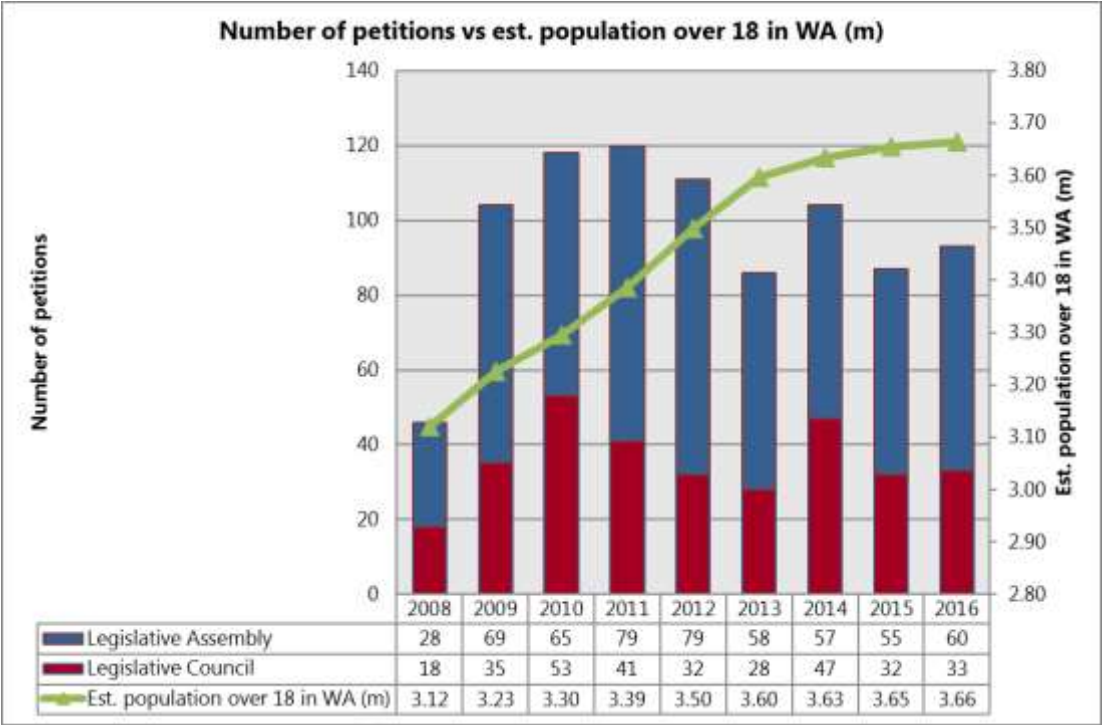
²⁴ Legislative Assembly of Western Australia, *Standing Orders of the Legislative Assembly of the Parliament of Western Australia*, June 2014. Accessed at: [http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/resources/file-assembly-standing-orders/\\$file/Assembly%20Standing%20Orders%2007042016.pdf](http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/resources/file-assembly-standing-orders/$file/Assembly%20Standing%20Orders%2007042016.pdf)

²⁵ Legislative Assembly of Western Australia, *Standing Orders*.

²⁶ Australian Bureau of Statistics, *Australian Demographic Statistics, Dec 2016* (Cat. No. 3101.0). Accessed at: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/3101.0Main+Features1Dec%202016?OpenDocument>

Government called an election in 2008, the first election since a major redistribution of electoral boundaries took place in 2007, bringing Western Australia into line with the rest of Australia on a ‘one vote, one value’ principle for the Legislative Assembly. The redistribution led to an additional two seats being formed in the Legislative Assembly; which went from 57 to 59 seats.²⁷

Figure 1. Number of Petitions Tabled in the Legislative Council and Legislative Assembly

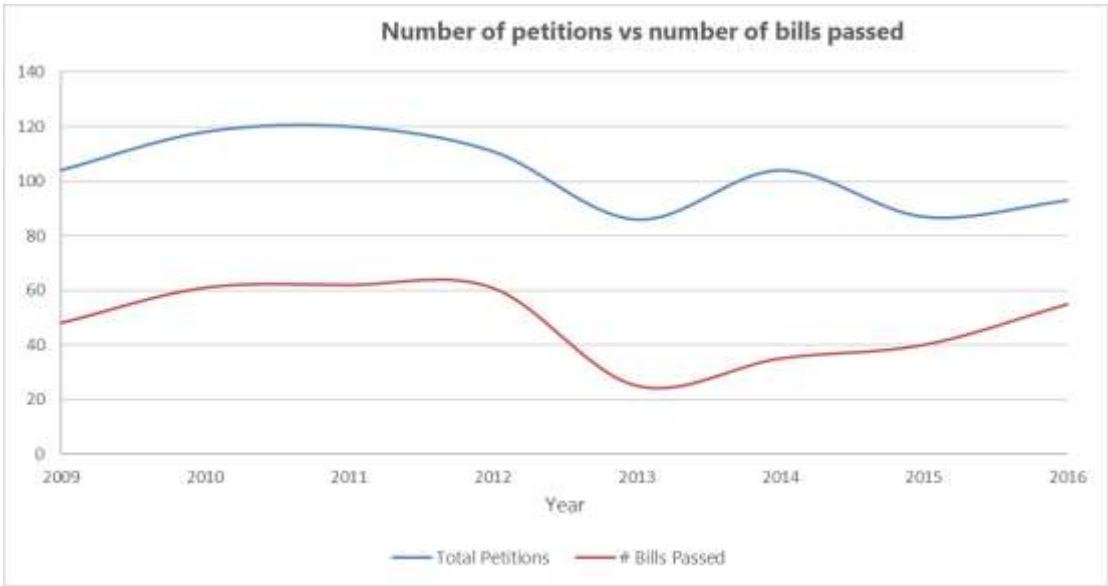


The 2008 election resulted in a hung Legislative Assembly, with the Liberal Party and National Party ultimately forming a coalition government with a majority in both

²⁷ A. Green, *2008 Western Australian State Election: Analysis of Results*. Election Papers Series No. 1. Parliament Library, Western Australia, March 2009. Accessed at: http://www.abc.net.au/elections/archive/wa/WA2008_Results.pdf#page=28

Houses. This majority was maintained for a second term; the entire period of analysis for this petitions paper. The start of the period in question saw a major shift in political power, with the coalition Government having virtually free rein for a new policy agenda. This is reflected in increased legislative activity during its first term of government, which may have impacted on the number of petitions presented. Figure 2 demonstrates that there is a correlation between the rise in legislative activity evidenced by number of bills passed per annum and the high level of petitions activity from 2010 to 2012.

Figure 2. Number of Petitions and Number of Bills Passed

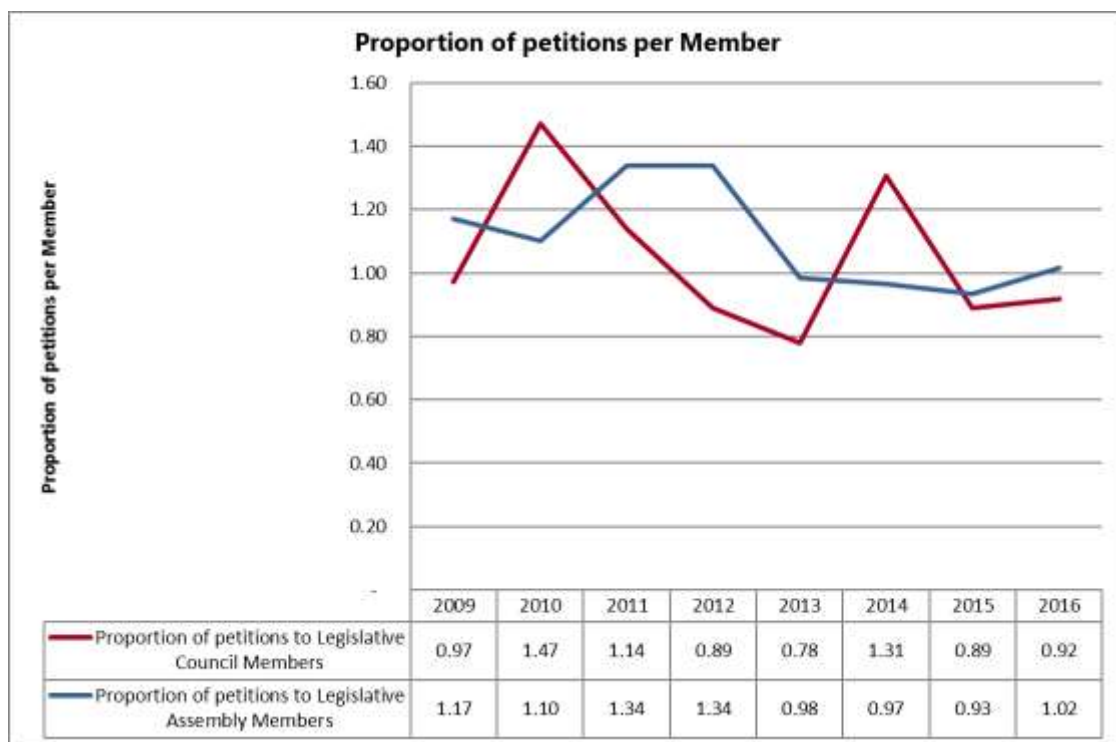


Given the Legislative Council has a process for dealing with petitions, including an active Committee capable of inquiring into petitions, one would expect a higher number of petitions to be tabled in the Legislative Council. Surprisingly, the majority of petitions were presented in the Legislative Assembly, which had from 10 to 47 more petitions tabled per annum than the Legislative Council (see Figure 1).

This may be attributed to a number of factors which require further research, including increased awareness of the Legislative Assembly, since this is the House that forms government, and petitions being promoted through electorate offices as a means for constituents to communicate directly their concerns with the ‘House of Government’. There may also be a desire for petitions to be heard by the Premier

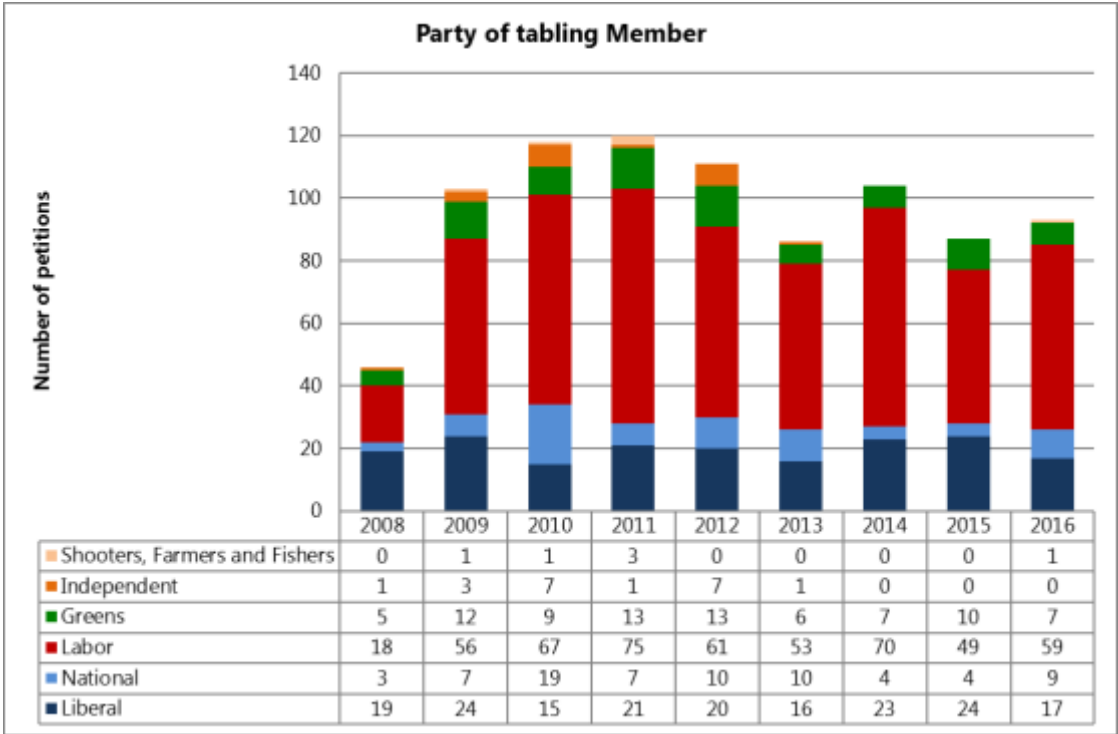
and most government Ministers, who are Members of the Legislative Assembly. The difference in the number of petitions tabled in each House seems also to be due to the different number of Members in each House. There are 59 Members of the Legislative Assembly and 36 Members of the Legislative Council, so it may be more likely that a petitioner will approach a Legislative Assembly Member (see Figure 3).

Figure 3. Petitions per Member, Legislative Assembly and Legislative Council



Petitions may also be promoted differently by political parties and their popularity may depend on whether or not the party is in Government or Opposition. An analysis of the number of petitions by party of the tabling Member is shown in Figure 4. Labor Party members were the most active in tabling petitions during the period, followed by the Liberal Party. For a party in the minority in both Houses, with little control over the business program of the House, petitions may be an appealing method of raising issues in Parliament. Petitions may be a way of demonstrating to members of the public that a political party is actively pursuing their issues in Parliament and may help a party crystallise their agenda going into an election.

Figure 4. Petitions Tabled by Party



With an election looming in 2013, the Labor Party Opposition may have been mobilising its support base to lobby heavily on issues through the petition process between 2010 and 2012. Likewise, the incumbent coalition Government may have been pushing their policy agenda whilst they still enjoyed a majority in both Houses. This would lead to more polarising issues in the community and an increase in the demand for petitions in order for the public to express their concerns.

THE TYPES OF PETITION TABLED

The petitions tabled were reviewed and categorised according to the following types of request that they contained:

1. Requests to vote for or against a Bill. Petitions in this category requested that the House vote for or against a Bill, for example, Breast Feeding Legislation, Skilled Local Jobs Bill 2011 and the Biodiversity Conservation Bill 2015.

- 2. Requests for the House to review or inquire into a matter. For example, petitions were presented requesting a review or inquiry into shack site communities, water to energy incinerators and the use of Australian labour and local suppliers on the Gorgon Project.
- 3. Requests for the Government to take a particular course of action. Petitions in this category requested the House or government to do something, such as replacing the Boorara Road Bridge, banning plastic shopping bags, and opposing the closure of the ACTIV business service centre in Busselton.

Figure 5. Type of petition Tabled in the Legislative Council

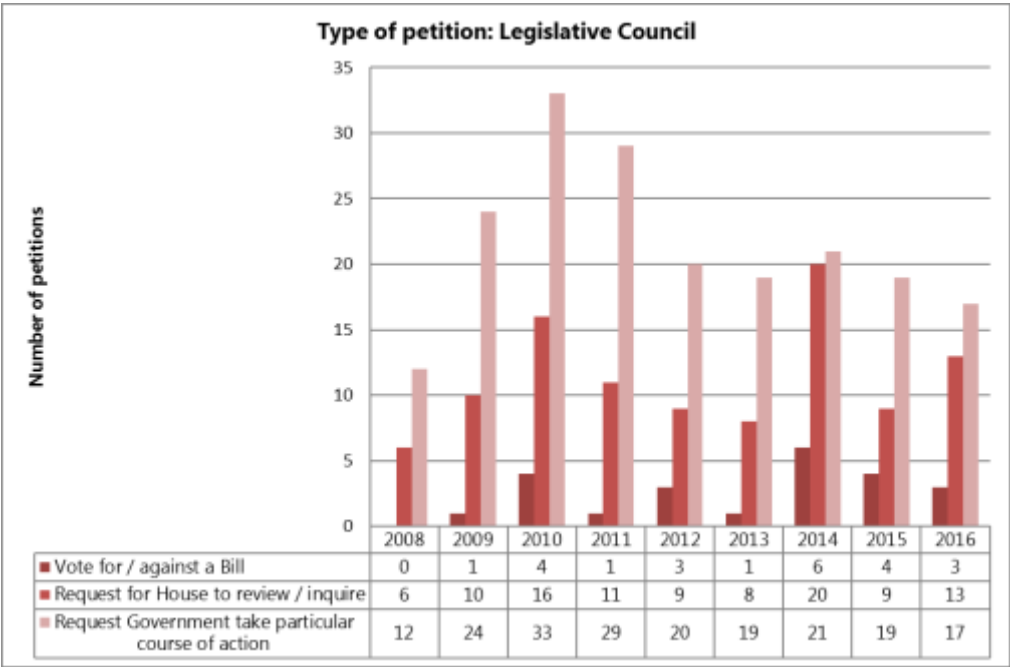
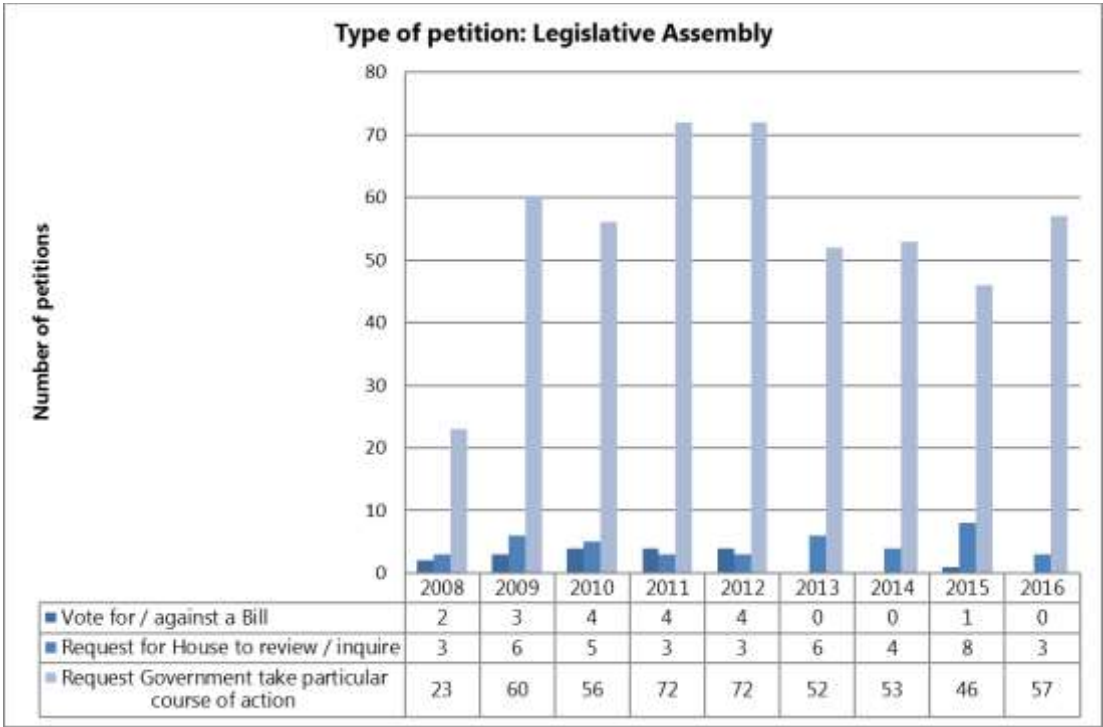


Figure 6. Type of Petition Tabled in the Legislative Assembly



Figures 5 and 6 present a breakdown of the type of petitions tabled in the Legislative Council and Legislative Assembly. The majority of petitions in both Houses requested that the government take a particular course of action. This included requests for the House to recommend action by the government in relation to policy and outcomes. Another common request of petitions was for the House to review or inquire into a particular matter.

Most petitions of this nature were tabled in the Legislative Council, indicating that the principal petitioners were aware that these types of petitions would be better directed to the Legislative Council, where a process of review and inquiry is available. It may also indicate that the principal petitioners obtained advice or assistance from a Member of Parliament (perhaps the Member proposing to table it), the Parliament of Western Australia website or the relevant House’s administration about what they could request in a petition and the capacities of each House to achieve their desired outcomes.

THE SUBJECT MATTER OF PETITIONS

The subject matter of petitions across both Houses was reviewed and each petition was categorised by subject. Some petitions referred to more than one subject, and on these occasions, the primary subject of the petition was selected. The subject matter of the petitions, from the most common to least common topic, is summarised in Table 1 below.

Interestingly, there does not seem to be a correlation between the House where the relevant Minister was based and the House in which the petition was tabled. The top five subjects for petitions in the Parliament as a whole were planning and zoning, roads, health, public transport and legislation. In the Legislative Council, the number of petitions covering planning and zoning was more than double that of the next highest subject (legislation). Legislation did not feature in the top five topics for the Legislative Assembly.

The dominance of planning and zoning as subject matter for petitions presented in both Houses may reflect increased development activity in Western Australia from 2010 to 2012. These petitions related primarily to redevelopment and rezoning proposals, including residential, commercial, mining and recreational proposals. Similarly, the strong number of petitions relating to roads peaked in 2011 and 2012, with a majority of petitions relating to heavy haulage routes, school crossings and school speed zones. This demonstrates a strong community interest in these matters.

Further analysis shows that seven of the 36 petitions presented to the Legislative Council regarding Legislation requested that the House review or inquire into a piece of legislation, compared to only one request for a review or inquiry out of the 38 petitions presented to the Legislative Assembly on this subject. This indicates that the principal petitioners in this subject area were aware of the existence and functions of the Committee inquiring into petitions and targeted the Legislative Council accordingly.

The same numbers of petitions regarding the environment were tabled in both Houses during the period (23 petitions in each), which resulted in this subject matter being in the top five categories for the Legislative Council. Eleven of these petitions to the Legislative Council, or 48 percent, requested that the House review or inquire into a particular matter, compared with only four of the petitions, or 17 percent, in the Legislative Assembly. Again, this indicates that the petitioners were aware of the existence and functions of the Committee.

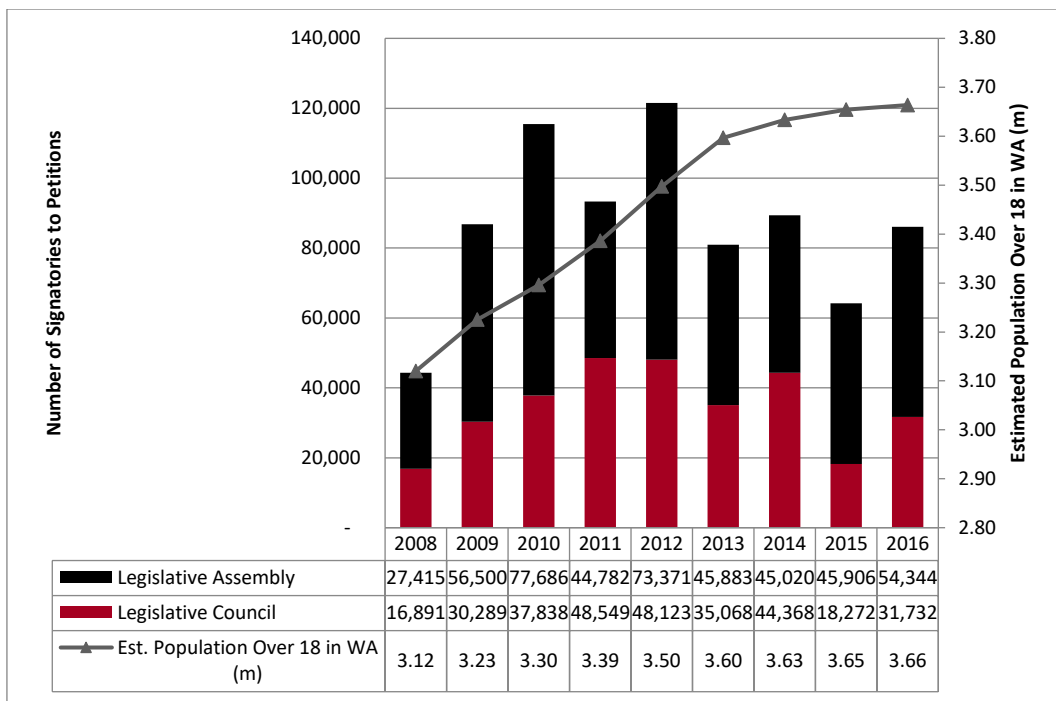
Table 1. Primary Subject of Petitions to the WA Parliament and Each House (%)

Subject Matter of Petitions					
Parliament		Legislative Council		Legislative Assembly	
Planning and Zoning	20.4	Planning and Zoning	26.0	Planning and Zoning	17.1
Roads	11.2	Legislation	11.3	Roads	13.8
Health	9.6	Health	8.8	Public Transport	11.5
Public Transport	8.9	Environment	7.2	Health	10.0
Legislation	8.5	Roads	6.6	Education	9.3
Education	7.9	Police and Justice	6.3	Legislation	6.9
Social Welfare	5.8	Education	5.6	Social Welfare	6.2
Environment	5.3	Social Welfare	5.0	Police and Justice	4.7
Police and Justice	5.3	Public Transport	4.4	Environment	4.2
Animal Welfare	3.6	Commerce	4.1	Animal Welfare	3.5
Local Government	3.2	Animal Welfare	3.8	Local Government	3.5
Commerce	2.9	Agriculture	2.8	Sport and Recreation	3.1
Sport and Recreation	2.9	Local Government	2.8	Commerce	2.2
Employment	2.0	Sport and Recreation	2.5	Employment	2.2
Agriculture	1.8	Employment	1.6	Agriculture	1.3
Department of Child Protection	0.6	Department of Child Protection	0.9	Department of Child Protection	0.4
International Affairs	0.2	Prayer for Relief	0.3	International Affairs	0.4
Prayer for Relief	0.1	International Affairs	0.0		

THE NUMBER OF SIGNATORIES TO PETITIONS

There were approximately 782,000 signatories to petitions during the 38th and 39th Parliament. Figure 7 provides a breakdown of the number of signatories to petitions tabled in the Legislative Council and Legislative Assembly during this period, compared with the estimated population over 18 in Western Australia.

Figure 7. Signatories to Petitions and the WA Adult Population, 2008-2016



The number of signatories to petitions declined during the period from a high of over 120,000 in 2012 to around 80,000 in 2016, while the WA population has continued to increase. There is no requirement for signatories to petitions to be over 18 in Western Australia, however the adult population is probably the best measure for gauging the degree of public support for petitioning Parliament during this period.

The number of signatories by petition subject matter across both Houses during the period is summarised in Table 2 below. Petitions regarding legislation attracted the third highest number of signatures overall, which indicates that the public is aware of the legislation being introduced into the Parliament. While outside the scope of this

paper, it would be interesting to understand the drivers for awareness of legislation. For example, does awareness occur through interactions with a local Member, the media, or interest groups like unions, chambers of commerce, environmental or welfare organisations and religious lobby groups?

Table 2. Number of Signatures by Petition Subject Matter

Number of Signatures (Largest to Smallest)					
Both Houses		Legislative Council		Legislative Assembly	
Planning/Zoning	185,615	Planning/Zoning	85,612	Planning/Zoning	100,003
Health	94,046	Health	50,717	Legislation	52,097
Legislation	85,475	Legislation	33,378	Health	43,329
Police and Justice	50,492	Environment	18,658	Roads	39,394
Roads	50,338	Animal Welfare	18,586	Public Transport	36,213
Education	40,363	Social Welfare	17,050	Police and Justice	34,481
Environment	38,236	Police and Justice	16,011	Employment	27,619
Public Transport	37,876	Education	15,497	Education	24,866
Commerce	34,696	Commerce	15,330	Sport and Recreation	22,764
Employment	33,658	Roads	10,944	Environment	19,578
Social Welfare	33,188	Agriculture	10,451	Commerce	19,366
Animal Welfare	29,829	Local Government	6,437	Local Government	19,120
Sport and Recreation	26,228	Employment	6,039	Social Welfare	16,138
Local Government	25,557	Sport and Recreation	3,464	Animal Welfare	11,243
Agriculture	14,078	Public Transport	1,663	Agriculture	3,627
Department of Child Protection	1,537	Department of Child Protection	1,292	International Affairs	824
International Affairs	824	Prayer for Relief	1	Department of Child Protection	245
Prayer for Relief	1	International Affairs	-		

The highest number of signatures on an individual petition during the period, with over 23,000 signatories, related to the 'No Privatisation of Hospitals and Schools Bill 2010', a Private Member's Bill that was tabled on 17 November 2010 in the Legislative Assembly. The next highest numbers of signatures were on a petition concerning the Cottesloe Local Planning Scheme 3. This petition was tabled on 5 April 2011 in the Legislative Council with nearly 13,500 signatures. Petitions with over 10,000 signatures during the period are listed in Table 3.

Table 3. Petitions with Over 10,000 Signatures

Parliament	House	Date Tabled	Number of Signatures	Subject
38 th	Legislative Assembly	17 Nov 10	23,401	No Privatisation of Hospitals and Schools Bill 2010
38 th	Legislative Council	5 Apr 11	13,436	Cottesloe Local Planning Scheme 3
38 th	Legislative Assembly	24 Nov 09	12,720	Low Paid Workers
38 th	Legislative Assembly	8 Nov 12	12,392	Uranium Mining in Western Australia
38 th	Legislative Council	6 Mar 12	11,696	Perth Waterfront Project
39 th	Legislative Assembly	24 Mar 16	11,333	Preservation of South Beach
38 th	Legislative Assembly	25 May 10	11,172	Shack Site Communities
39 th	Legislative Assembly	11 Mar 14	10,687	Restricted Dog Breed Regulations in Western Australian Laws
38 th	Legislative Assembly	17 May 12	10,152	New 24 Hour Police Station for Armadale

HOW THE COMMITTEE RESOLVED PETITIONS TABLED IN THE LEGISLATIVE COUNCIL

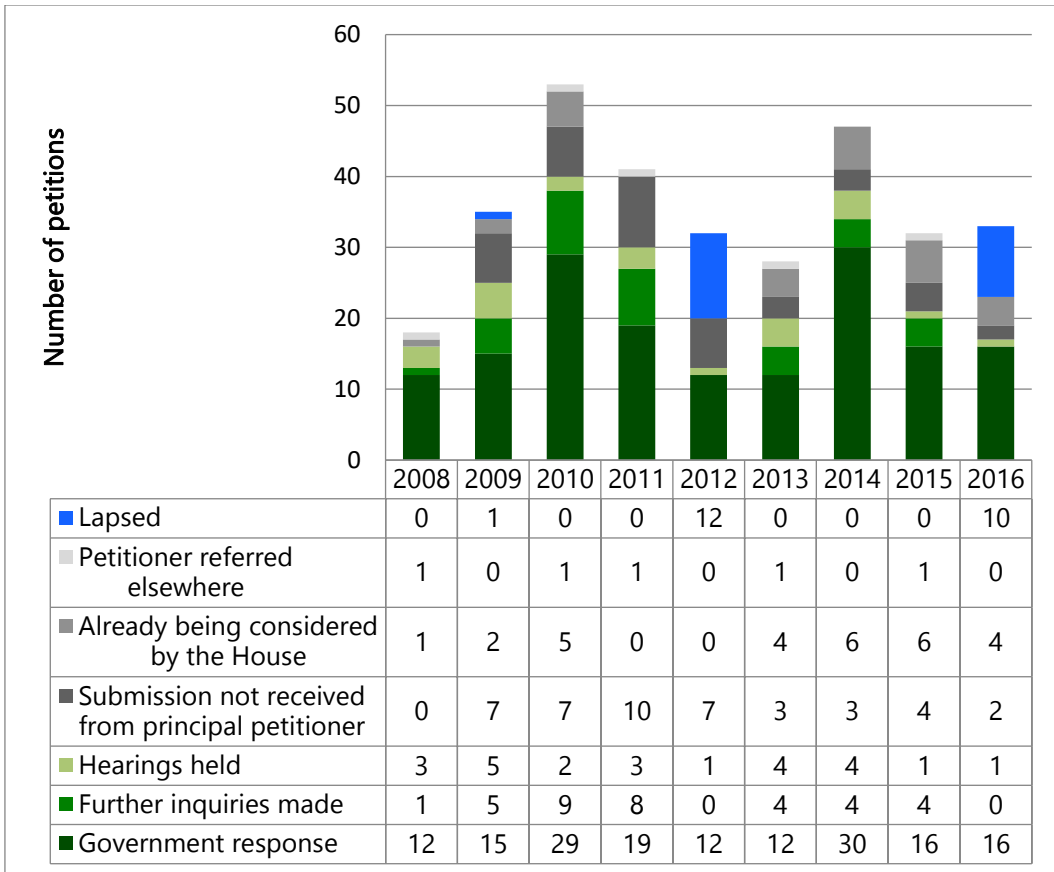
Petitions tabled in the Legislative Council that conform to Standing Orders are referred to the Committee for consideration. Petitions referred to the Committee are resolved immediately under the following circumstances:

- Lapsed – if the Committee is still considering a petition when Parliament prorogues, the petition lapses and must be resubmitted to Parliament when Parliament resumes.
- Petitioner referred elsewhere – if the Committee determines that a petitioner should direct their matter to a more appropriate body, for example to a Coroner's Court, Ombudsman, Corruption and Crime Commission, State Administrative Tribunal or the WA Electoral Commissioner, then the Committee will resolve the petition by referring the petitioner to the relevant body.
- Already being considered by the House – often, petitions relating to Bills are already before the House and on that basis, the Committee deems that the subject matter of the petition is already being adequately debated and considered.

Occasionally, principal petitioners do not provide a submission on request by the Committee and, on that basis, the Committee resolves the petition by taking no further action.

Most petitions are resolved by way of government response or occasionally the response of a private body that provides an explanation for the matters raised in the petition and the Committee concludes its inquiries. A small proportion of petitions lead to further inquiries being made by the Committee and on occasion, hearings are held to obtain more detailed information to clarify the issues or form the basis for recommendations to the government. The breakdown of how the Committee resolved the petitions during the period is shown in Figure 8.

The number of signatories to a petition has no bearing on the Committee's decision to conduct further inquiries or proceed to holding hearings. For example, of the 35 occasions when further inquiries were made during the period, the number of signatories to the petitions ranged from 5 to 5,144, with a median of 257 signatures. Of the 24 occasions where petitions led to hearings being held by the Committee, the number of signatories to these petitions ranged from 1 to 4,940 with a median of 630 signatures.

Figure 8. Resolution of Petitions Referred to Committee

ARE PETITIONS EFFECTIVE?

The effectiveness of petitions is difficult to measure. Petitions raise awareness of issues and the number of signatories to a petition demonstrates public support. However, even significant public support does not always generate the desired outcome. For example, the petition that demonstrated the most public support by number of signatories was the petition tabled in the Legislative Assembly requesting the House pass the *No Privatisation of Hospitals and Schools Bill 2010*. This Bill had been tabled by a Member of the Opposition and was not passed by the House.

The petitions process may be used for ostensibly party political purposes that may not properly reflect genuine community concern. This is indicated by the

disproportionate number of Opposition Members tabling petitions over the period compared to Members from other parties.

Matters raised in some petitions became the subject of election promises in the 2017 State Election. For example, petitions regarding halting works on Roe 8, a controversial road infrastructure project in Perth's south, were tabled in the Legislative Assembly in 2009, 2010 and 2016. Petitions on the same topic were also tabled in the Legislative Council in 2009, 2013 and 2015. Following the 2017 State election, the new Labor Government halted works on the project.²⁸ Similarly, a petition requesting a ban on uranium mining was tabled in the Legislative Assembly in 2010, 2012 and 2015 and was also tabled in the Legislative Council in 2010. Following the 2017 State election, the new Labor government banned uranium mining on all future mining leases.²⁹ These petitions arguably played a role in raising awareness of these issues and demonstrated the extent of public support for a particular position. They also provided a useful political tool to promote a clear distinction between the policies of the incumbent government and the opposition as the alternative government.

The unique function of the Legislative Council Committee tasked with inquiring into petitions demonstrates that petitions can provide a mechanism for achieving community objectives through Committee inquiry. A petition may raise awareness about a matter that has not otherwise been addressed, such as maladministration in a government agency. An example of the Committee's effectiveness in this way was its inquiry into environmental contamination by a company operating a composting facility in Oakford, an outer suburb of Perth. The inquiry was prompted by a petition containing 569 signatures and tabled in the Legislative Council on 16 September 2014.³⁰ After considering the matter, the Committee proceeded to make further

²⁸ AAP, 'Perth Freight Link: Main Roads WA Agrees to Suspend Roe 8 Project'. *PerthNow*, 13 March 2017. Accessed at: <http://www.perthnow.com.au/news/western-australia/perth-freight-link-main-roads-wa-agrees-to-suspend-ro-8-project/news-story/0bdc76893796a894a257c00a6493951d>

²⁹ B. Creagh, 'WA Government Bans Future Uranium Mines'. *Australian Mining*, 21 June 2017. Accessed at: <https://www.australianmining.com.au/news/wa-government-bans-future-uranium-mines/>

³⁰ Legislative Council of Western Australia, Standing Committee on Environment and Public Affairs, *Report 45 Standing Committee on Environment and Public Affairs Petition Number 59-Bio-Organics Composting Facility, Oakford*, 2016. Accessed at: [http://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3914528c27abe63111416bd448258030000527c5/\\$file/tp-4528.pdf](http://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3914528c27abe63111416bd448258030000527c5/$file/tp-4528.pdf)

inquiries and progress to formal hearings. The Committee's inquiry uncovered serious deficiencies in the Department of Environment Regulation's monitoring and regulation of Bio-Organics' compliance with legislative and licensing requirements.

This petition resulted in regulatory and administrative improvements within the Department of Environment Regulation and stronger regulatory oversight for all composting facilities in Western Australia. Bio-Organics had their licence to operate on the site revoked in June 2014, and there was an increased regulatory presence on the site. The inquiry maintained pressure on the Department to understand the extent of contamination on the site and the required remediation. Since the inquiry, the Department has released a draft Environmental Standard for Composting, which stipulates the location and standards for composting facilities. The Department has also audited other sites and improved processes for compliance and regulation of similar facilities.

Sometimes a petition inquiry alone can prompt action by the Government of the day. For example, a petition concerning shack site communities was tabled in the Legislative Council in 2009 and led to a public hearing and formal inquiry by the Committee. The Government was considering a shack policy at the time and undertook to consider the Committee's findings in formulating any policy.³¹ Government action may also occur at a remarkably similar time to an inquiry being undertaken by a Committee. However, the Government may not acknowledge that its action was linked to these Committee inquiries. For example, in 2010 and 2011 petitions were tabled in the Legislative Council regarding the proposed closure of privatised Tier 3 rail lines in the Wheatbelt. These rail lines were predominately used by farmers to transport their grain harvest. The Committee inquiry recommended that any proposed closure be delayed until such time as the commercial viability of maintaining the lines or alternatively making new freight arrangements could be reviewed.³² During the inquiry, the federal government provided funding to upgrade the rail lines and the issue raised by the petition was resolved.

³¹ Legislative Council of Western Australia, Standing Committee on Environment and Public Affairs, *Report 21 Standing Committee on Environment and Public Affairs Shack Sites in Western Australia*, 2011. Accessed at: [http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3813248cd0587361e06f5049482578730011a632/\\$file/3248-14.04.11.pdf](http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3813248cd0587361e06f5049482578730011a632/$file/3248-14.04.11.pdf)

³² Legislative Council of Western Australia, Standing Committee on Environment and Public Affairs, *Report 26 Standing Committee on Environment and Public Affairs Petition No. 145 – Closure of Tier 3 Rail Lines in the Central*

Similarly, in 2009 a petition was tabled in the Legislative Council regarding the transportation of detained persons following the death in custody of Mr Ward, who was being transported in a prison vehicle in the North West. The Committee inquired further into the matter and held hearings. During the inquiry, the Committee noted that there were significant improvements in the vehicle fleet used to transport detained persons since the incident occurred.³³ On that basis, the Committee held a hearing after the new vehicles were rolled out to assess their effectiveness in addressing the issues raised in the petition. While the petition inquiry may not be directly linked to the improvement of the fleet, the petition and Committee review process assisted in creating political pressure to resolve quickly community concerns arising from the tragic death.

REFORMING THE PETITION PROCESS?

The right of the people to submit a petition to Parliament was legislated in the *Bill of Rights 1689*. While the focus in this article is on recent petitions, it should be noted that petitions have long been used in the Western Australian Parliament as a method for the people to communicate with Parliament. For the period 1890 to 1989, the number of petitions tabled in Parliament per annum ranged from nil to 245.³⁴ During this time, there was a famous and ultimately effective petition in 1979 that drew over 106,000 signatures to stop the abolition of the Perth-Fremantle railway line.

The methods of communication available to the people have increased dramatically in recent years. If citizens have an issue with government today, they have a myriad of ways to communicate their concerns, including emailing, tweeting, facebooking,

Wheatbelt, 2012. Accessed at:
[http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3814667cc4aa9ac2a6f8f13b48257a25000f9c69/\\$file/4667.pdf](http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3814667cc4aa9ac2a6f8f13b48257a25000f9c69/$file/4667.pdf)

³³ Legislative Council of Western Australia, Standing Committee on Environment and Public Affairs, Report 23 Standing Committee on Environment and Public Affairs Inquiry into the Transportation of Detained Persons: The implementation of the Coroner's recommendations in relation to the death of Mr Ward and related matters, 2011. Accessed at:
[http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3813475c77db6a0fc90d5abd482578e80005ed6a/\\$file/3475-09.08.11.pdf](http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3813475c77db6a0fc90d5abd482578e80005ed6a/$file/3475-09.08.11.pdf)

³⁴ Black, D., *The House on the Hill: A History of the Parliament of Western Australia 1832 to 1990*. Perth: Parliament of Western Australia, 1991.

calling their local Member or the Minister responsible for their area of concern, or visiting electorate offices. By contrast, raising an issue by way of petitioning the Legislative Assembly or Legislative Council requires the person to comply with the petition requirements of either House. The requirements are stipulated on the Parliament of Western Australia website and include rules around the procedure for lodgement, presentation and content of submissions. A petition template is also available for use. Aside from compliance hurdles, the paper format of these petitions is a challenge for petitioners. It reduces their ability to secure public support for their petition by promoting it through social media channels and other modern forms of communication. The more complex or esoteric the process, the more likely it is that only the politically sophisticated can use it effectively.

At the same time, there has been a proliferation of e-petitioning platforms such as Change.org and GoPetition. The popularity of e-petitions continues to increase as they are more accessible for the people, easier to circulate to generate public awareness and support for an issue, and present lower hurdles for compliance, with pre-fillable form fields.

Arguably if Parliament does not occupy the e-petitions space, the existing petitioning process is at risk of becoming irrelevant over time. The House of Representatives of the Australian Federal Parliament has recognised this risk and moved to complement their petition process with an e-petition system in 2016. Likewise, the Queensland Parliament introduced an e-petitions system in 2002, the Legislative Council of Tasmania followed suit in 2004, the Legislative Assembly of the Australian Capital Territory adopted a system in 2013 and recently the Legislative Council of Victoria implemented an e-petition system.

Both Houses of the Western Australian Parliament have considered introducing e-petitioning in the past. The major concern expressed by the Legislative Council Standing Committee on Environment and Public Affairs in 2016 was the potential for an e-petition system to be abused.³⁵ The Legislative Assembly argued against e-petitions in 2008 on the basis that they may detract from face-to-face consultation and that the cost of implementing a system outweighed the possible uptake. In its

³⁵ Legislative Council of Western Australia, Standing Committee on Procedure and Privileges, *Report 40 Standing Committee on Procedure and Privileges E-Petitions*, June 2016. Accessed at: [http://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3914241c06d95798b9a918d648257fe1000663f3/\\$file/tp-4241.pdf](http://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3914241c06d95798b9a918d648257fe1000663f3/$file/tp-4241.pdf)

considerations, the Legislative Assembly referred to the relatively modest uptake of e-petitions in Australian jurisdictions where e-petitions systems existed.³⁶ Considering the dated nature of the Legislative Assembly review, and the potential for ameliorating technological abuses, it may be worthwhile revisiting introducing e-petitioning in Western Australia.

The introduction of e-petitioning represents an opportunity to revitalise the petitioning process for the Western Australian Parliament. Research noted earlier suggests that introducing an e-petitions system leads to increased engagement with Parliament and can also lead to increased support and confidence in the institution.

CONCLUSION

This review of petitions during the 38th and 39th Parliaments demonstrates that petitions are still a popular method of raising concerns with government. Petitioners are able to show the level of public support for an issue or position through the number of signatures from other individuals who share their views. However, it is clear that both the number of petitions tabled and the number of signatories to petitions are declining when compared to the adult population of Western Australia.

If the method of petitioning does not evolve to meet the requirements of the people, petitioning Parliament runs the risk of becoming irrelevant, other than perhaps to political elites. If Parliaments fail to keep up with the community's realistic expectations for access, are not willing to embrace new methods of modern communication and allow others to fill the petitioning space, they will likely contribute to the growing discontent and malaise affecting modern politics. Given the increasing popularity of e-petition platforms, it may be well worth reconsidering the introduction of an e-petition platform in the Western Australian Parliament to reinvigorate the petitions process and ensure petitions remain relevant in an increasingly tech-savvy society.

³⁶ Legislative Assembly of Western Australia, Procedure and Privileges Committee. *Review of e-petitions*, 2008. Accessed at: <http://libstream.parliament.wa.gov.au/e-docs/0003406.pdf>

APPENDIX A: ACCEPTABLE FORM OF PETITION FOR THE LEGISLATIVE COUNCIL*Standing Order 101: Form and Contents of Petitions*

- 1) A petition shall –
 - a) be addressed to the President and Members of the Council;
 - b) state the action or remedy sought from the Council, which must be repeated at the top of every page of the petition;
 - c) be legible and unamended whether by insertion or deletion or inter-lineation;
 - d) be couched in reasonable language;
 - e) be in the English language, or be accompanied by a certified English translation;
 - f) contain the name, address, and original signature or mark of the petitioners;
 - g) be signed by the person or persons promoting the petition, who must reside in Western Australia or, if a corporation, have its registered office in Western Australia; and
 - h) if from a corporation, be made under its common seal or, if the corporation does not have a common seal, a copy of the corporation's articles of incorporation must be attached to the petition.

- 2) A petition shall not –
 - a) have any documents attached to it;
 - b) be presented by a Member who has signed the petition as a petitioner;
 - c) reflect upon a vote of the Council in the same calendar year;
 - d) seek a direct grant of public money from the Council;
 - e) contain statements adverse to, or make allegations of improper, corrupt or illegal conduct against, a person whether by name or office; or
 - f) contain or disclose a matter in breach of a secrecy provision of, or order imposed or made under the authority of, a written law.

- 3) The Member presenting the petition shall sign the petition at the top of the front page of the petition.
- 4) The total number of petitioners shall be stated at the top of the front page of the petition.
- 5) The petition must be certified to conform with the Standing Orders by the Clerk before it may be presented to the Council.

APPENDIX B: ACCEPTABLE FORM OF PETITION FOR THE LEGISLATIVE ASSEMBLY

Standing Orders

Contents of petitions:

64. A petition will –

- 1) Be legible.
- 2) Be addressed to the Speaker and the Assembly.
- 3) State the action or remedy sought from the Assembly.
- 4) Be in English or be accompanied by a translation certified to be correct by the lodging member.
- 5) Contain at least one signature.

- 6) Contain the action or remedy sought on the top of every sheet.
- 7) Contain the names and addresses of the petitioners and their own signatures or marks, except in case of incapacity or sickness where someone else may sign on their behalf.
- 8) Not contain signatures pasted or otherwise transferred to the petition.
- 9) Be respectful and temperate in its language.
- 10) If from a corporation, be made under its common seal.

Petitions will not contain:

65. A petition will not –

- 1) Have letters, affidavits, or other documents attached to it.
- 2) Be lodged by a member who has signed the petition as a petitioner.
- 3) Make an application for direct grant of public money to be paid to an individual.

Procedure for lodgement and presentation

66. The procedure for the lodging and presentation of a petition will be -

- 1) The member must write the number of signatures contained in the petition on the front sheet and sign the front sheet.

- 2) The Clerk will certify on the petition that it is in conformity with the Standing Orders.
- 3) The member presenting the petition will read the prayer, announce the subject matter of the petition and the number of signatures attached to it unless the Speaker determines otherwise.
- 4) The petition will be received unless the Assembly or the Speaker determine otherwise.
- 5) No discussion of the subject matter is allowed.

Petition referred to committee

67. A petition may be referred by motion to a committee.