

# Conduits Between Parliament and People: Does Referring Petitions to Committees Improve Citizen Participation?\*

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**Abstract** Petitions and committees are considered two of the key conduits between the community and the Parliament. However, the question still remains; does referring petitions to committees improve citizen participation in Parliament? This article examines trends in participation through petitions presented to the Legislative Assembly for the Australian Capital Territory between 2008 and 2018. Following this analysis, the article explores the definitions of improved citizen participation, as well as citizen expectations. These definitions are key in determining whether the Assembly's adoption of Standing Order 99A, which refers petitions with 500 or more signatories to a standing committee for consideration, actually improves citizen participation, as well as meeting citizen expectations. This article concludes that Standing Order 99A, as it stands, does not improve citizen participation but that it has the potential to if additional processes are adopted.

## INTRODUCTION

Over the past decade there has been an increase in academic and practitioner interest in the parliamentary petition process. A number of Parliaments have recently reviewed their petition process in an attempt to ensure their processes are reflective of the community's needs. This article extends this interest beyond simply determining whether a committee process improve the general level of citizen participation. Through the use of Arnstein's Ladder of Citizen Participation, this article defines improved participation and examines whether specific committee related approaches have an impact on citizen participation and expectations in the petition process.

To explore this possibility, the article analyses data on petitions presented to the Legislative Assembly for the Australian Capital Territory (Assembly) to assess whether petitions improve citizen participation in the Assembly. Petitions have been reviewed for a period of 10 years, from the last year of the 6<sup>th</sup> Assembly in 2008 to the last sitting day of the 9<sup>th</sup> Assembly in 2018. During this period, excluding 2008, ACT Labor formed government with a Parliamentary Agreement between ACT Labor and ACT Greens. This article compiles the following data for petitions presented to the Assembly between 2008 and 2018:

- The number of petitions tabled;
- The number of e-petitions tabled;
- The number of petitions referred to a standing committee;
- The number of signatories to petitions tabled;
- The subject matter of petitions;
- The parties sponsoring petitions; and
- Statements made by Members on presentation of petitions.

In November 2015, the Assembly adopted Standing Order 99A, which required that petitions with more than 500 signatures be referred to a standing committee for consideration. This article explores the impact the adoption of Standing Order 99A has had on increasing citizen participation, as well as meeting citizen expectations.

Before analysing the role and effect of committees in the petition process, improved citizen participation and participant expectations must first be defined. This article sets out to define citizen participation and expectations, while examining whether the referral of petitions to a standing committee improves citizen participation in Parliament.

The analysis demonstrates that referring petitions to committees can improve citizen participation in Parliament. Additionally, this process has the potential to ensure what the citizens expect to achieve through the petition process is met. This analysis further demonstrates that, to achieve improved participation and meet citizen expectations, the role the committee takes in the petition referral process is essential.

## THE REVIVAL OF ACADEMIC INTEREST IN PETITIONS

Over the past decade, a growing number of academic articles have explored how petitioning has been used as a method to connect the people with the Parliament, to inform the Parliament and to put community concerns on the parliamentary agenda. Many of these academic articles have considered specific practices adopted through the petition process as tools for increasing citizen participation in Parliament. With specific reference to the consideration of petitions by committees, scholars generally acknowledge that the utilisation of a committee, in any format, contributes to improved citizenry participation.

In 2012, Hough analysed the growing trend of parliamentary reviews of petition processes. In his analysis, Hough hypothesised that '[I]n order to be considered truly effective, a legislative petitions system must enable citizens to contribute to parliamentary debate and, ultimately, influence policy development.'<sup>1</sup> This outcome is best promoted through the inclusion of a dedicated petitions committee, as it provides structure and focus to the petition system. Such focus and structure create a tangible link between Parliament and the public, while facilitating policy development and scrutiny.<sup>2</sup>

In 2018, Burton reviewed petition processes adopted by the Legislative Council and Legislative Assembly of Western Australia, covering a period beginning November 2008 and ending November 2016. Burton found that '[t]he 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'.<sup>3</sup> Burton also noted that although governments may not acknowledge the correlation between committee inquiries and changes to their policies, it can be argued that petition related committee inquiries can prompt indirect and direct action by governments.<sup>4</sup>

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<sup>1</sup> Richard Hough, 'Do Legislative Petitions Systems Enhance the Relationship between Parliament and Citizen?' *The Journal of Legislative Studies*, 2012, p. 483.

<sup>2</sup> Hough, 'Do Legislative Petitions Systems Enhance the Relationship between Parliament and Citizen?', pp. 479-495.

<sup>3</sup> Rebecca Burton, 'The People's Parliament: Have Petitions Had Their Day?' *Australasian Parliamentary Review*, 33(1) 2018, p. 63

<sup>4</sup> Burton, 'The People's Parliament', pp. 41-71.

Beyond the adoption of a committee process, the literature has also evaluated the e-petition system as a method used in Parliaments to improve citizen participation through the petitions process. Reynolds and Williams observed the increased citizenry support in parliamentary petitions as a result of the introduction of an e-petition process, with particular reference to the United Kingdom and Queensland. Reynolds and Williams note that since the adoption of the e-petition system in the Queensland Parliament, there has been an increase in the number of petitions lodged, as well as an increase in the number of petition signatures. To this extent, Reynolds and Williams consider the number of petitions lodged and signatures attached, after the introduction of an e-petition system, as a tool to evaluate the success of e-petitions in improving citizen participation.<sup>5</sup> In contrast, Pearce (as cited in Hough) highlighted that while the introduction of an e-petition system in both houses of the Tasmanian Parliament received considerably positive feedback, both houses had received an insignificant number of e-petitions.<sup>6</sup>

In addition to the role of Parliament through engagement and scrutiny, scholars have also examined the effectiveness of an obligatory government response to petitions. Scholars appear divided on which role, that of the Parliament or that of the Government, appears to be the most effective method employed to improve citizen participation through the petition process. With specific reference to the House the Representatives, Griffith notes that ministerial responses manage public expectations. Specifically, Griffith maintains that while it would be rare for a Minister to directly acknowledge the issues raised in the petition through direct action, the Government response provides a mechanism for accountability in which the Minister stipulates the Government's reasoning behind their position on the matter.<sup>7</sup> Sampford observes that the majority of scholarly opinion appears to agree that a formal requirement for a ministerial response improves citizen participation through the petition process. This is mainly due to the responses being used as a direct dialogue between the Government and citizens, as well as a mechanism for accountability.<sup>8</sup>

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<sup>5</sup> Daniel Reynolds and George Williams, 'Petitioning the Australian Parliament: Reviving a Dying Democratic Tradition'. *Australasian Parliamentary Review* 31(1) 2016, pp. 60-80.

<sup>6</sup> Hough, 'Do Legislative Petitions Systems Enhance the Relationship between Parliament and Citizen?', p. 486.

<sup>7</sup> G. Griffith, 'Public Petitions: A Case Study of New South Wales'. *The Parliamentarian*, 2, 2011, pp. 144-151.

<sup>8</sup> Karen Sampford, 'A Petition Committee for Queensland—An Idea whose Time has Come?' *Australian Parliamentary Review* 25(2) 2010, p. 100.

The academic articles explored above note the significant role petitions play in providing a link between the people and the Parliament. While these articles acknowledge the role of committees in the petition process, which has been explored by other academics, this article goes beyond simply determining whether a committee process would improve citizen participation. In particular, through the use of Arnstein's Ladder of Citizen Participation, this article defines improved participation and examines how specific committee related approaches would impact citizen participation and expectations in the petition process.

## PETITIONS IN THE ACT ASSEMBLY

Under subsection 24(3) of the *Australian Capital Territory (Self-Government) Act 1988*:

Until the Assembly makes a law with respect to its powers, the Assembly and its members and committees have the same powers as 'the powers for the time being of the House of Representatives and its members and committees'.<sup>9</sup>

The Assembly Standing Orders 83-100 relate specifically to petitions. These Standing Orders consider the form and content of the petition, lodgement of petitions, consideration of petitions, as well as the adoption of e-petitioning. On 1 January 2019, the Assembly implemented revised Standing Orders. Six of the 24 petition related Standing Orders were updated, following the revision of the 280 Standing Orders on 29 November 2018.

The majority of the amendments were typographical or made to better reflect the modernisation of petitions through the e-petition process. However, Standing Order 98 was expanded to include Standing Order 98A, which provides for time restrictions for the debate on petitions after they are presented in the Assembly. Standing Order 99A also saw an amendment that allows paper petitions and e-petitions of a similar topic to be considered together and referred to a standing committee if they have more than 500 signatures combined.<sup>10</sup>

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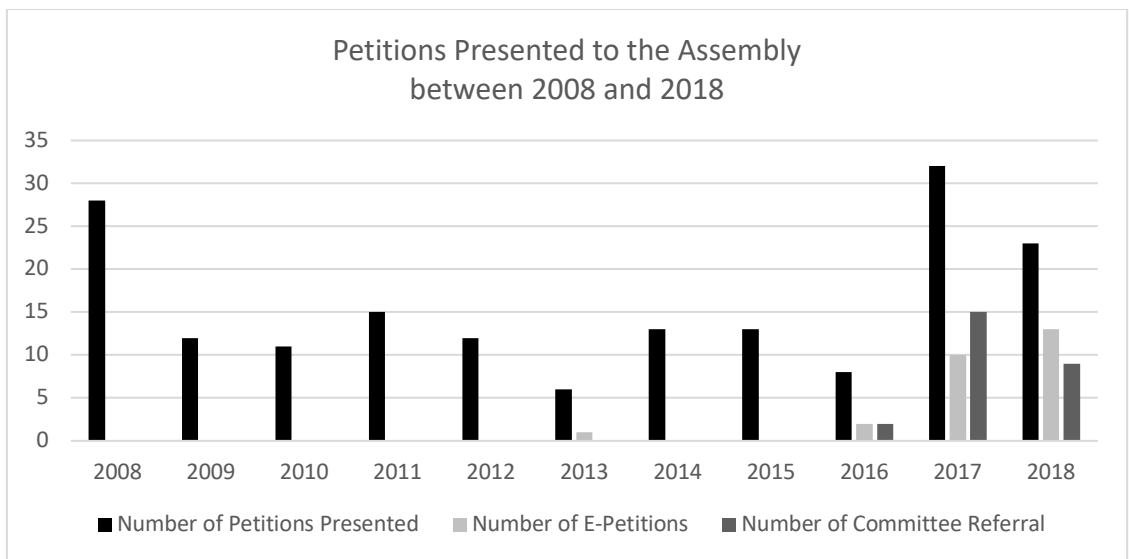
<sup>9</sup> Commonwealth, *Australian Capital Territory (Self-Government) Act 1988*, Subsection 24(3).

<sup>10</sup> The current Assembly Standing Orders can be found at: [https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders/standing\\_orders](https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders/standing_orders).

### *Number of Petitions*

The number of petitions presented to the Assembly has varied between 2008 and 2018, ranging from six in 2013 to 32 in 2017, with the average number being 13. Figure 1 provides a breakdown of the number of petitions tabled in the Assembly over the period, the number of petitions that were received as e-petitions, as well as the number of petitions that were referred to a standing committee.

**Figure 1. Number of Petitions Presented to the Assembly between 2008 and 2018<sup>11</sup>**



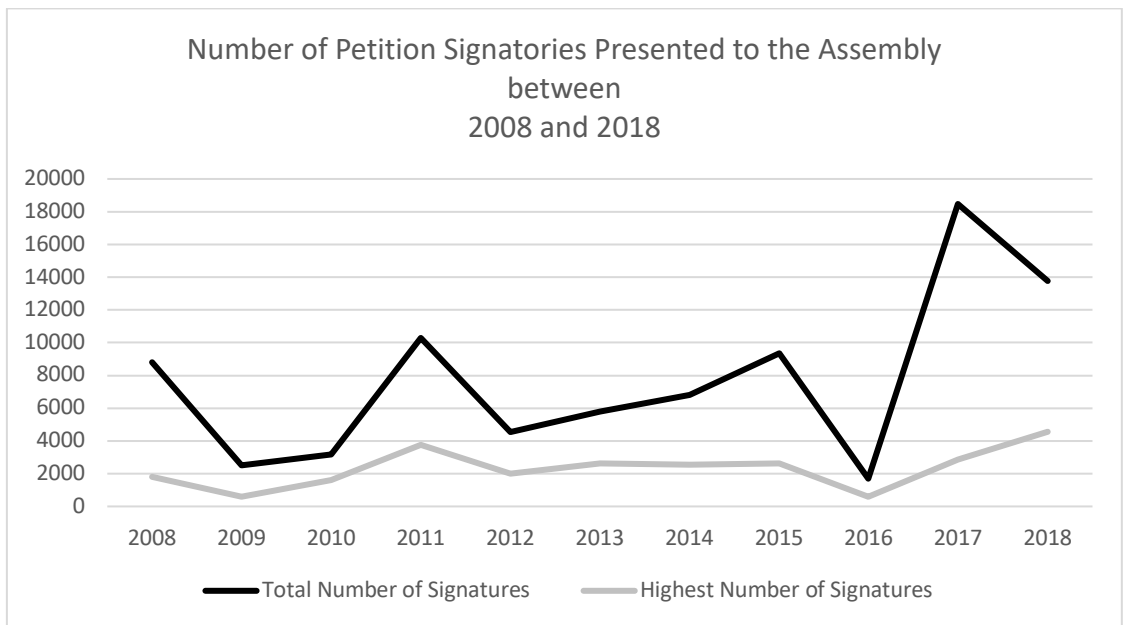
### *Number of Signatories to Petitions*

There were approximately 85,000 signatories to petitions tabled in the Assembly between 2008 and 2018. During this time, the population of the ACT increased from 345,600 in 2008 to 406,692 in 2018. The largest single petition lodged between 2008 and 2018 was tabled in the Assembly on 20 March 2018. The Assembly Minutes of

<sup>11</sup> Data from 2008 illustrates that 28 petitions were presented to the Assembly. However, upon further analysis, 2008 had a significantly higher number of petitions of the same topic presented multiple times (repeat petitions) in comparison to subsequent years. If repeat petitions are excluded from the data, 2008 only saw 14 petitions presented to the Assembly, which is more reflective of data for the subsequent years. It appears that the practice of repeat petitions did not continue during the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Assemblies.

Proceedings noted the terms of the petition called for the Assembly to reinstate the light rail stop planned for the Canberra suburb of Mitchell.<sup>12</sup> The petition contained 4,560 signatures.<sup>13</sup> Figure 2 provides the number of signatories to petitions tabled in the Assembly during the period and the petition with the highest signatories for each year.

**Figure 2. Number of Signatories to Petitions Presented to the Assembly between 2008 and 2018**



### *Subject Matter of Petitions*

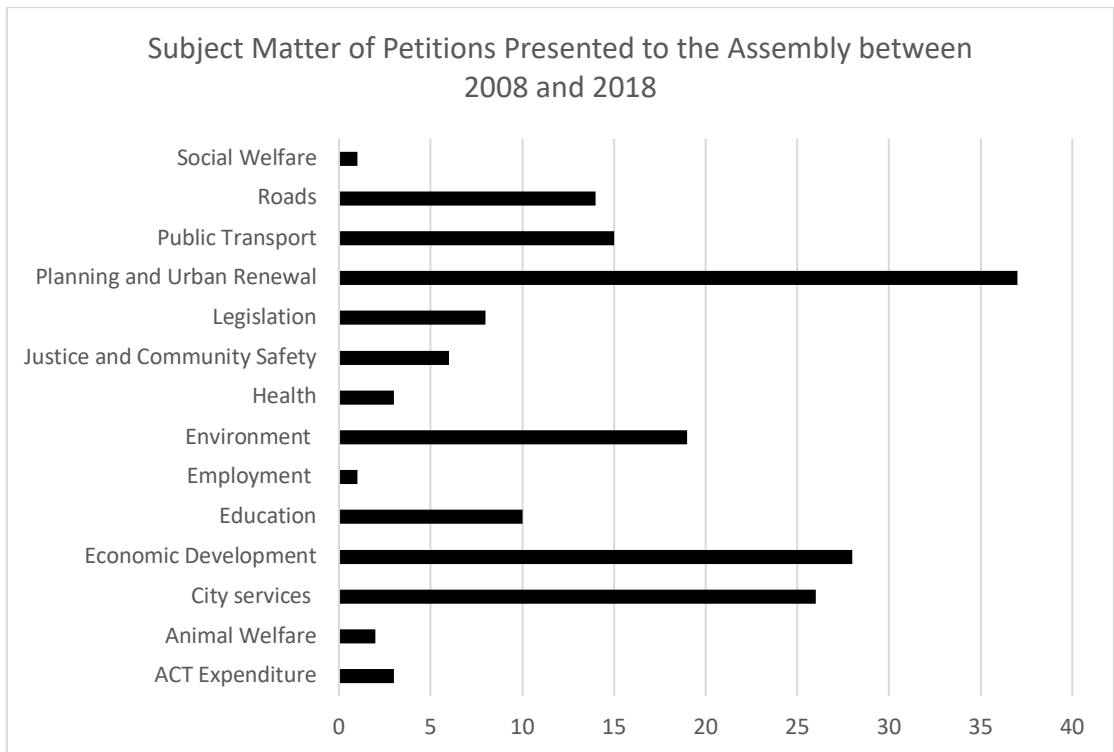
As shown in Figure 3, planning and urban renewal matters accounted 25.6 per cent of petitions presented to the Assembly from 2008 to 2018. Other subject matters that

<sup>12</sup> Legislative Assembly, *Minutes of Proceedings*, 20 March 2018, pp. 718-719.

<sup>13</sup> The largest single petition ever received by the Assembly, was lodged on 27 June 1996. The Assembly Minutes of Proceedings (1996) noted the terms of the petition called for the Assembly to vote against the Government's proposed restricted shopping hour's legislation. The petition contained 39,874 signatories.

accounted for more than 10 per cent of petitions included city services (14.2 per cent), economic development (15.3 per cent) and environment (10.3 per cent).

**Figure 3. Subject Matter of Petitions Presented to the Assembly between 2008 and 2018**



### *Members Presenting Petitions*

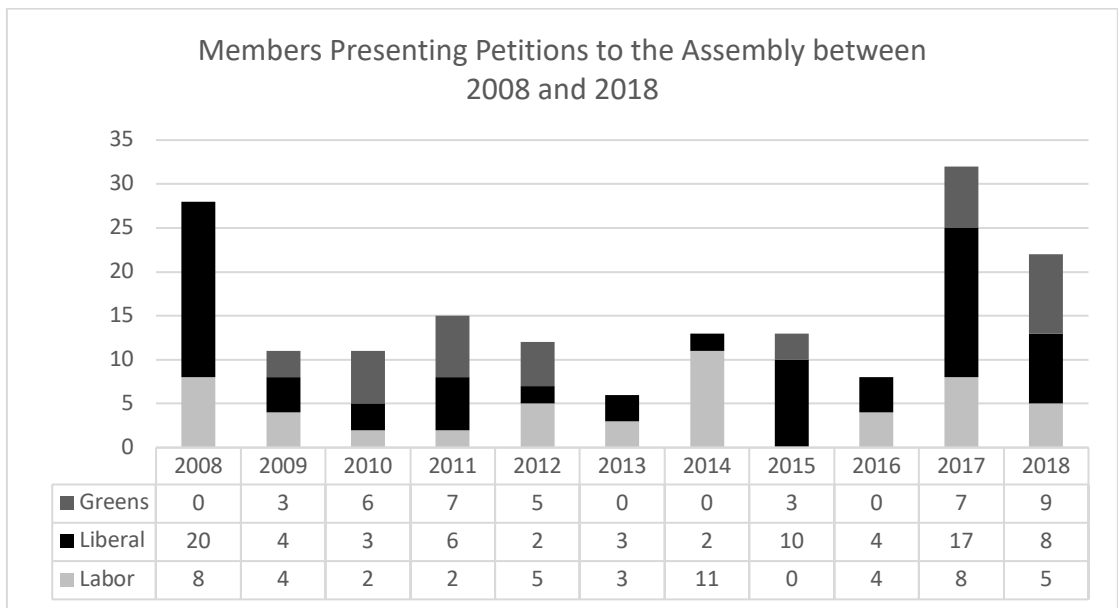
Under Standing Order 95, petitions presented to the Assembly can only be lodged by a Member. Due to this requirement, it could be argued that the number of petitions sponsored by a particular party may be reflective of which party is in power and which party is in Opposition. From the period 2008 to 2018, ACT Labor formed the Government and the Canberra Liberals formed the Opposition. For the majority of the



10 years, the ACT Greens had a signed Parliamentary Agreement with ACT Labor, in order for ACT Labor to form Government.<sup>14</sup>

As shown in Figure 4, Members of the Canberra Liberals sponsored the most petitions presented to the Assembly over the period, with 46 percent. ACT Labor Members sponsored 30 per cent of petitions presented to the Assembly while the ACT Greens Members sponsored 23 percent of petitions. However, as ACT Labor and ACT Greens were part of a Parliamentary Agreement for majority of this period, combined both parties sponsored 53 percent of petitions presented to the Assembly.

**Figure 4. Party of Members Presenting Petitions to the Assembly between 2008 and 2018**



### *Statements by Members on Presentation of Petitions*

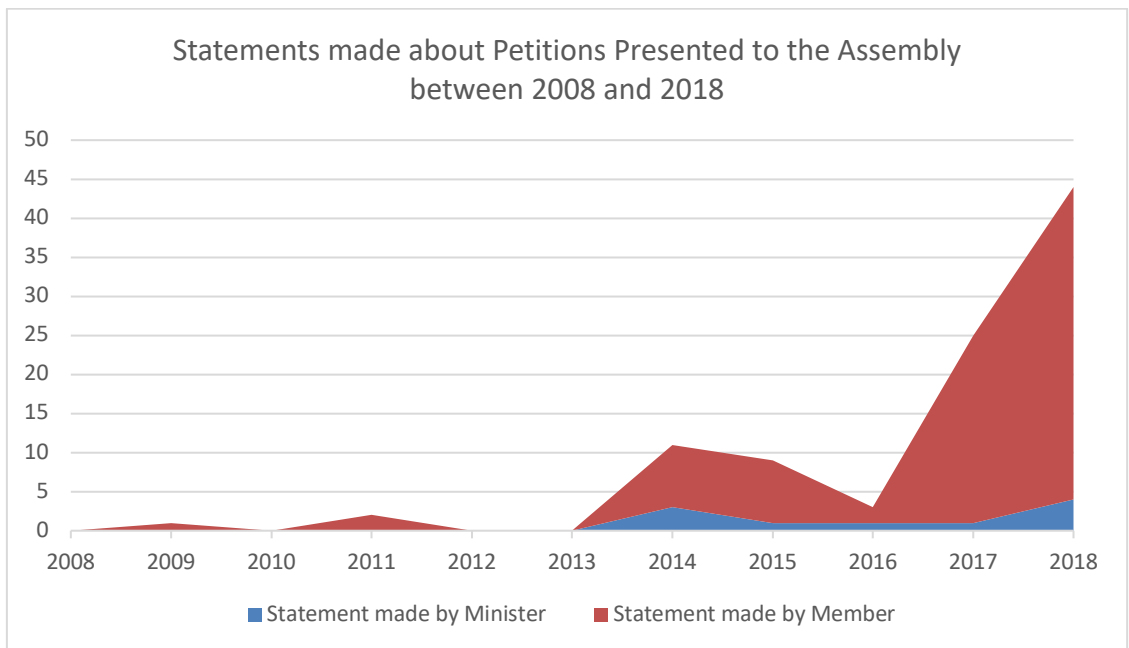
As shown in Figure 5, there has been a significant increase in the number of Members of the Assembly who have made a statement immediately after a petition has been

<sup>14</sup> In 2008, which was the last year of the 6<sup>th</sup> Assembly, the ACT Greens were not in a Parliamentary Agreement with ACT Labor. However, following the election in late 2008 and the formation of the 7<sup>th</sup> Assembly, the ACT Greens signed a Parliamentary Agreement with ACT Labor.

presented to the Assembly. Prior to the 9<sup>th</sup> Assembly, an average of 2.3 Members made statements in regards to a petition. However, in 2017 (the first year of the 9<sup>th</sup> Assembly), 24 Members and one Minister made statements in relation to a petition. In 2018, the number of Members who made a statement in relation to a petition almost doubled from 2017, with 40 Members and four Ministers making a statement.

The introduction of Standing Order 98A on 1 January 2019, which includes a 30 minute time restriction for the debate on petitions after they are presented to the Assembly, clearly highlights the increase of Members speaking to petitions, as well as the increase in time spent on petitions.

**Figure 5. Statements made by Members and Ministers about Petitions Presented to the Assembly Between 2008 and 2018**



### *Discussion of these Trends*

Although there were peaks and troughs with the number of petitions presented to the Assembly and their corresponding signatories, the first two years of the 9<sup>th</sup> Assembly (2017 and 2018) saw an increase in the number of petition related matters. Such petition related matters included an increase in the number of petitions presented, the number of e-petitions lodged, the number of Members making a statement on a petition and the number of petitions referred to a standing committee.

On average, prior to the 9<sup>th</sup> Assembly, 13 petitions were presented to the Assembly each year. However, within the 9<sup>th</sup> Assembly, the number of petitions presented increased, with 32 petitions presented in 2017 and 23 petitions presented in 2018. On average, prior to the 9<sup>th</sup> Assembly, only three petitions each year were referred to a standing committee for consideration. However, after the adoption Standing Order 99A, the data illustrate an increase of petitions being referred to a standing committee, with 15 petitions being referred in 2017 and eight being referred in 2018. On average, prior to the 9<sup>th</sup> Assembly, the collective number of signatures received each year was 5,881. However, within the 9<sup>th</sup> Assembly, the number of signatures received each year through petitions increased, with 18,471 signatures received in 2017 and 13,781 signatures collected in 2018.

There are a number of key arguments to take into account when considering the increase of petitions presented to the Assembly and the increase in the number of signatures on petitions, as well as the increase in petitions referred to Standing Committees during the 9<sup>th</sup> Assembly. However, the argument that will be further explored in this article, is that the introduction of Standing Order 99A, referring petitions that receive more than 500 signatories to a standing committee, has contributed to the increase of petitions presented to the Assembly.

On average, 29.5 percent of petitions would have been referred to a standing committee had Standing Order 99A been in place for the 10 year period. Following the adoption of Standing Order 99A, an average of 42.3 percent of petitions has been referred to a standing committee. The number of petitions receiving more than 500 signatures has increased 12.8 percent since the adoption of Standing Order 99A in November 2015. Noting the increase in the number of petitions presented to the Assembly, as well as the number of petitions with more than 500 signatures, one could argue that the potential for a petition to be referred to a standing committee has contributed to the increased participation in the petition process during the 9<sup>th</sup> Assembly and subsequently the Assembly itself.

### *Effectiveness of Petitions*

The Companion to the Assembly's Standing Orders notes that the two resolutions adopted in the 17<sup>th</sup> century, which established the right of the petitioner and the power of the House of Commons to deal with petitions, significantly contributed to the progressive style of petitions that is currently reflected in the 21<sup>st</sup> century. As petitions have been entrenched in the Westminster system for five centuries, the Companion argues that petitions are an important element within the parliamentary system that provides a direct line of communication between the public and the Parliament. As the

centuries have passed so has the role and expectation of the petition. Originally, petitions were used to air grievances and to seek redress. With the introduction of the Ombudsman, various administrative law tribunals and media, citizens often now choose to use those avenues to air their grievances or seek redress. The Companion goes on to suggest that although petitions still remain an important avenue in bringing the views of the community to the Assembly, this shift has contributed to a decline in the emphasis given to them.<sup>15</sup>

Despite this suggestion, the data presented above indicates that there is an argument for the petition referral process to committees being a process utilised as a conduit between the community and the Parliament and, as such, one that improves the engagement and participation of the community in the parliamentary process. Before calculating the effectiveness of committees considering petitions, improvement must be defined, as well as the participants' expectations.

## DEFINING IMPROVEMENT

Beyond standard dictionary definitions of improvement, there are a number of academic articles available that examine levels of participation within the social construct. In particular, Sherry R. Arnstein's 1969 article, 'A Ladder of Citizen Participation', specifically examines public participation in the decision making process, which could be applied to the examination of the effectiveness of petitions in improving citizen participation in Parliament. Arnstein's article defines improved citizen participation in the following way:

Citizen participation is a categorical term for citizen power. It is the redistribution of power that enables the have-not citizens, presently excluded from the political and economic process, to be deliberately included in the future. It is the strategy by which the have-nots join in determining how information is shared, goals and policies are set, tax resources are allocated, programs are operated, and benefits like contracts and patronage are parcelled out. In short, it is the means by which they

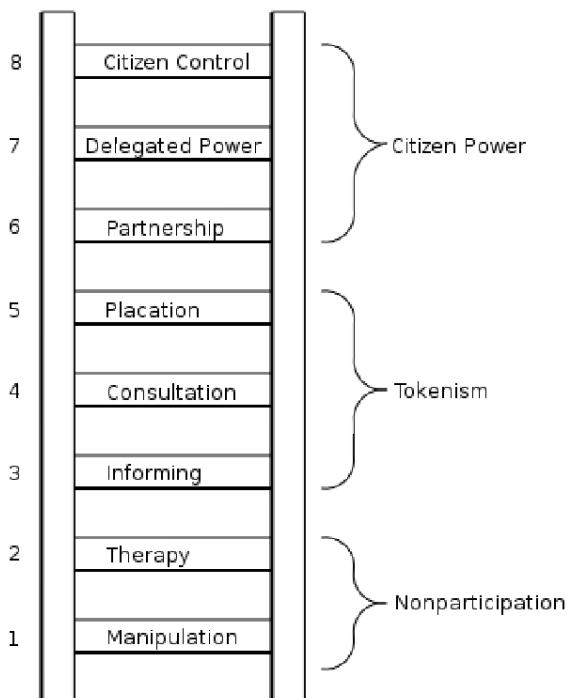
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<sup>15</sup> Mark McRae (ed.), *Companion to the Standing Orders of the Legislative Assembly for the ACT*. Canberra: Legislative Assembly for the ACT, 2009, pp. 267-274.

can induce significant social reform which enable them to share the benefits of the affluent society.<sup>16</sup>

Through her analysis of public participation, Arnstein identified eight types of participation, which are grouped under three broad categories. Figure 6 identifies the eight types of participation and the three broad categories each type falls within.

**Figure 6. Ladder of Citizen Participation<sup>17</sup>**



Arnstein goes on to define what form of participation each rung of the ladder takes. The bottom two rungs of the ladder, manipulation and therapy, describe levels of non-participation. The objective of these two rungs is not to enable people to participate, but enable the powerholders to educate and cure the participant. Rungs

<sup>16</sup> Sherry. R. Arnstein, 'A Ladder of Citizen Participation' *Journal of the American Planning Association*, 35(4) 1969, p. 216.

<sup>17</sup> Arnstein, 'A Ladder of Citizen Participation'.

three, four and five—informing, consultation and placation—describe levels of tokenism. These rungs allow people to hear and be heard. However, these three rungs still place the power to consider and the right to decide with the powerholders. The top three rungs—partnership, delegated power and citizen control—describe levels of citizen power and provide the citizens with the full managerial power.<sup>18</sup>

To apply Arnstein's Ladder of Citizen Participation to the petition process, the 'powerholders' would be identified as the government of the day, while the 'have-nots' would be identified as petitioners and signatories. The program in which the level of participation is evaluated is the petition process. Finally, the committee referral process is considered as a mechanism to increase the power of the have-nots.

To determine whether referring petitions to committees improves citizen participation, the first step will be to identify which level on Arnstein's Ladder of Citizen Participation was being achieved prior to the introduction of Standing Order 99A. The next step will be to identify whether the introduction of Standing Order 99A increased the level of participation. The final step will be to identify if the adoption of Standing Order 99A is the best method for increasing the level of citizen participation in the Assembly. Improved participation can be defined as whether or not the level of the citizens' participation has climbed on the Ladder of Citizen Participation.

## **PARTICIPANT EXPECTATIONS**

When evaluating public participation, two clear expectations are identified: the individual who expects to hear and be heard, and the individual who expects their role to contribute to an effective policy that reflects the needs of the wider community. Both forms of participation have been acknowledged, within the political process, as essential for the functioning of a government that is representative of its constituents. As such, a number of processes have been adopted within Parliament to ensure public participation is acknowledged and applied in the decision making process. Such processes adopted by the Assembly include direct access to Members, question time, the adjournment debate, the committee process and the petition process. However,

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<sup>18</sup> Arnstein, 'A Ladder of Citizen Participation', p. 217.

the question is not whether there is access to citizen participation in the Parliament, but what level of participation citizens wish to engage in.

Recent evidence from the United Kingdom is instructive on this question. The Hansard Society facilitates an annual audit of political engagement, which provides an annual benchmark to measure political engagement in the UK, gauging public opinion about politics and the political system and more broadly the general health of UK democracy. In the *Audit of Political Engagement 15: The 2018 Report*, a number of questions were asked that highlighted the level of public engagement through participatory mechanisms adopted by the Government and the Parliament, as well as the public's perception of their engagement. With regards to participatory mechanisms utilised by the public, the Audit highlighted that creating or signing an e-petition, as well as donating money or paying a membership fee to a charity or campaign, have remained the most frequently undertaken public participation activities.<sup>19</sup>

In the Audit, 38 percent of respondents said that they would create or sign an e-petition, with only 24 percent actually having signed an e-petition. Additionally, 37 percent of those audited said that they would create or sign a paper petition, with only 10 percent actually having signed a paper petition.<sup>20</sup> With regards to the public's perception of political engagement, the Audit highlighted that, when asked how good or bad the system of governing Britain is at allowing ordinary people to get involved in politics, only 21 percent responded positively.<sup>21</sup> Additionally, the public's sense of the efficacy of their involvement remains consistently low. The Audit indicated that only 34 percent of people believe that they can affect political change.<sup>22</sup>

If these statistics were indicative of a cross section of citizens of the ACT, the increased number of signatories to petitions presented to the Assembly in 2017 and 2018 are indicative of the desire by citizens to be heard but not involved in the decision making process. Additionally, the increase in petition related debate in the Chamber would be reflective of a satisfactory level of participation. However, a second group is also identified in these statistics, the British population which feel that they are unable to get involved with politics or find that they cannot affect political change. If these

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<sup>19</sup> Hansard Society, *Audit of Political Engagement 15: The 2018 Report*, 2018, p. 39.

<sup>20</sup> Hansard Society, *Audit*, p. 40.

<sup>21</sup> Hansard Society, *Audit*, p. 61.

<sup>22</sup> Hansard Society, *Audit*, p. 42.

statistics were to be applied to the ACT, this particular cross section of citizens feel that having their voices heard is not enough and want to participate in the process of changing public policy. Consequently, the adoption of referring petitions to Standing Committees could go some way to improving citizen perceptions of the efficacy of their involvement in parliament.

## PETITIONS AND COMMITTEES

Parliaments that have adopted the Westminster system have implemented a number of petition related processes that aim to increase the consideration and accountability of issues brought to the Parliament through petitions. A number of parliaments have adopted petition specific committees that can consider, inquire into and even report on petitions that have been referred to them, a process that can be seen in the Scottish Parliament. Alternatively, other parliaments utilise existing general purpose committees when referring petitions, an example of which can be seen in the New Zealand Parliament. These two options are explored in more detail below.

### *Scottish Parliament—Public Petitions Committee*

Under rule 6.10 of the Scottish Parliament's Standing Orders, the remit and responsibility of the Public Petitions Committee is to consider public petitions addressed to the Parliament and, in particular, to—

- a) Decide in 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 petition system.<sup>23</sup>

In the 2017-18 financial year, the Public Petitions Committee considered 86 petitions with a total of 26,508 signatures, took written evidence from 676 people and organisations, heard evidence from 77 people, and tabled three reports on petition related matters.<sup>24</sup>

<sup>23</sup> The Scottish Parliament, *Standing Orders*, 9 May 2018, Rule 6.10.

<sup>24</sup> The Scottish Parliament, Public Petitions Committee, *Annual Report 2017-18*, 13 June 2018, p. 4.



A review of the Public Petitions Committee in 2015 found that a key expectation of petitioners was that the Public Petitions Committee would consider the contents carefully, receive evidence and take a considered view about the issues involved. However, a survey of the extent to which petitioners agreed that their petition was given due consideration by the Public Petitions Committee found a mean satisfaction score of +0.24, on a scale from -1.0 (strongly disagree) to +1.0 (strongly agree). When respondents were asked the extent to which they agreed that they were given a chance to present additional evidence to the Public Petitions Committee, a mean satisfaction score of +0.22 was achieved.<sup>25</sup>

Although fairly neutral results were provided by respondents in regards to the extent in which petitions were considered and inquired into, petitioners expressed the view that they did feel more engaged in politics as a result of the petition process. The Review of the Public Petitions Committee concluded that if the point of the petitions process is to encourage more participatory democracy, then the positive attitude expressed by respondents provided some assurance that the system was working well.<sup>26</sup>

The inclusion of a petition specific committee, for the consideration and report on petitions presented in Parliament, contributes to the increase in citizen participation on Arnstein's Ladder of Citizen Participation. The Scottish Parliament Public Petitions Committee appears to sit on the placation rung of the ladder. This level of participation allows the petitioner to advise the Committee of their concerns, which in turn the Committee can make recommendation to the Scottish Government. However, the right to decide how to proceed with these recommendations is still retained by the government of the day.

### *New Zealand Parliament – General Purpose Committees*

An alternate method for utilising committees in the petition process is adopted by the New Zealand Parliament. This approach results in all petitions being referred to the relevant general purpose committee (a select committee) of the New Zealand Parliament. Standing Order 370 of the New Zealand Parliament states that:

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<sup>25</sup> Gareth D. James, SPICe Briefing, *A Review of the Public Petitions Process, 2009-2015*, October 2015, pp. 44-53.

<sup>26</sup> \ James, SPICe Briefing, pp. 44-53.

When a petition that conforms with the Standing Orders is presented, it stands referred to a select committee. The petition is allocated by the Clerk to the most appropriate select committee for consideration and report.<sup>27</sup>

Following the referral of a petition to a select committee, the extent of the consideration given is entirely up to the committee. However, there appear to be a number of well-established steps committees follow when considering a petition. First, all Government departments that are considered to have some official interest in the subject matter of the petition are sent a request and asked to make a submission to the committee. Second, the principal petitioner will be asked if they wish to tender any written evidence in support of the petition. Third, committees, may hold a public hearing where the principal petitioner, the Member who presented the petition and the government departments are asked to appear and give evidence. Finally, a report is presented in similar form to that of other select committee reports. The clerk of the committee advises the principal petitioner of the nature of the committee's report. When a select committee presents a report on a petition that includes recommendations addressed to the government, a response is required by the appropriate Minister who will communicate directly with the petitioner and present the response in the House.<sup>28</sup>

In 2018, 89 petitions were referred to select committees for consideration and report, and 25 of the 89 petitions were reported on. The inclusion of the referral of all petitions to a select committee for consideration and report contributes to the increase in citizen participation in Arnstein's Ladder of Citizen Participation. The New Zealand Parliament's referral of petitions to a select committee appears to fall on the placation rung of the ladder. Similarly to the Scottish Parliament's Public Petitions Committee, the utilisation of a committee allows the petitioner to voice their concerns and make recommendations. However, the right to decide how to proceed with these recommendations is still retained by the government of the day.

Although both the Scottish and the New Zealand model appear to be on the placation rung of the ladder, it is important to recognise two distinct aspects of the petition process that citizens' value. The first valued aspect is that the petition process is an avenue where concerns are raised and heard by the Parliament. The second valued

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<sup>27</sup> New Zealand Parliament, *Standing Orders of the House of Representatives*, 23 August 2017, SO 370.

<sup>28</sup> New Zealand Parliament, *Parliamentary Practice in New Zealand*, 17 August 2017, pp. 600-613.

aspect is the process itself. As Carman notes, ‘process evaluation far exceeds outcome evaluation in influencing petitioner trust in political institutions’.<sup>29</sup> These two distinct aspects of the petition process highlight a clear expectation that petitioners’ voices are heard and that their concerns are validated.

## **ACT LEGISLATIVE ASSEMBLY—PAST, PRESENT AND FUTURE**

Prior to the adoption of Standing Order 99A, petitions were presented to the Assembly. Under Standing Order 98 (2016) the Clerk would:

1. Announce the petitions lodged for presentation to the Assembly;
2. Indicate the Member who lodged the petition; and
3. Identify the number of eligible petitioners and the subject matter of the petition.<sup>30</sup>

Standing Order 98 (2016) also stipulated that no discussion upon the subject matter of a petition should be allowed at the time of presentation.<sup>31</sup> However, as noted earlier in this article, statements were made by both Members and Ministers. Members were able to do this by seeking leave to make a statement, which appeared to always be granted. Standing Order 100 (2016) stipulated that once the petition was presented in the Assembly, a copy of the petition was referred to the Minister responsible for the administration of the matter which was the subject of the petition. The Minister had then to respond to the petition within three months of the tabling of the petition and lodge the response with the Clerk for presentation in the Assembly.<sup>32</sup>

Prior to the adoption of Standing Order 99A, the level of citizen participation experienced through the petition process fell on the informing rung of Arnstein’s Ladder of Citizen Participation. This rung emphasises a one-way flow of information

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<sup>29</sup> Christopher Carman, ‘The Process is the Reality: Perceptions of Procedural Fairness and Participatory Democracy’, *Political Studies* 58, 2012, pp. 731-751.

<sup>30</sup> Legislative Assembly for the ACT, *Standing Orders and Continuing Resolutions of the Assembly*, December 2016, SO 98.

<sup>31</sup> Legislative Assembly for the ACT, *Standing Orders and Continuing Resolutions of the Assembly*, December 2016, SO 98.

<sup>32</sup> Legislative Assembly for the ACT, *Standing Orders and Continuing Resolutions of the Assembly*, December 2016, SO 100.

from the government to the petitioner. The form of one-way information was expressed through the obligatory government response, as well as Standing Order 100, which did not allow for debate of a petition at the time of presentation (although this appears to be circumvented). There was no clear avenue for feedback to the petitioner and no form of negotiation with them.

After the adoption of Standing Order 99A, petitions with at least 500 signatories are referred to the relevant standing committee for consideration. In the period from 2105 to 2018 after the adoption of Standing Order 99A, 26 petitions were referred to a committee but none were inquired into. Under Standing Order 99A, the level of citizen participation experienced through the petition process could be considered the consultation rung. This rung emphasises providing an avenue for citizens to voice their concerns and ideas. However, it provides no assurance that government will take these concerns and ideas into account. Not one petition was inquired into. Up to 18 statements were made to the Assembly, by chairs of the standing committees to which the petition was referred. These statements advised the Assembly that the Committee had considered the petition but resolved not to take any further action. It appears that the adoption of Standing Order 99A could have increased the participation level from informing to consultation, but due to the lack of committee involvement in the petition referral process, it is more likely that the adoption of Standing Order 99A has not improved citizen participation in parliament.

If the Assembly were to re-evaluate their approach to referring petitions to committees, the level of participation and the effectiveness of the process could improve. As the Assembly is a small, unicameral parliament, it is difficult to argue for a petitions specific committee. However, the adoption of a similar model to that utilised by the New Zealand Parliament could result in an increase in citizen participation from informing or consultation to placation. Additionally, the adoption of the New Zealand Parliament model could also result in an increase in citizens feeling that they have been acknowledged and considered through the petition process, which in turn, could instil greater trust in the Assembly and the decisions it makes.

As the Assembly and subsequently the Office of the Assembly is small, it is important to ensure that both committee members and the committee secretariat do not feel impeded by the pressure of petition related inquiries. Ellingford argues that:

If committees are impeded in their investigatory work due to large petitions workload, members may become frustrated or dissatisfied with the committee process. This would result in petitions being treated as an unwelcome hindrance to their regular work and thus not taken seriously,

thereby removing the benefits of referring petitions to committees for consideration.<sup>33</sup>

The continued application of Standing Order 99A would alleviate the pressure of inquiring into all petitions, as well as reducing the risk of Members treating petitions as an unwelcome hindrance, which would remove the benefits of this process. However, the inclusion of a requirement to inquire and report on petitions referred to committees would ensure that committees carefully consider those petitions referred. The inquiry process would include the committee seeking a submission from the government and the principal petitioner, having the option to hold a public hearing with the responsible Minister and the principal petitioner, and tabling a report with recommendations. This provides a process in which the citizen can recognise efforts taken by the Assembly to acknowledge and consider their thoughts and concerns.

## Conclusion

A review of petitions in the ACT between 2008 and 2018 demonstrates that petitions have shown inconsistency in numbers over during this period but an increase in the last two years of the period. The number of petitions presented, the number of signatories to petitions, and the number of Members making statements on petitions have all increased significantly.

Due to the increase in the popularity of petitions in the 9<sup>th</sup> Assembly, it is apparent many residents of the ACT want to participate in the parliamentary process and they want their concerns and voices heard. This re-energized passion for Parliament must be harnessed by the Assembly and it appears that the adoption of Standing Order 99A could nurture this re-energised passion. However, the continued lack of consideration of petitions by committees is not nurturing in any way and could negatively impact the public's perception that their opinions are valued. Conscious of the negative impact of inundating committees with petition related inquiries can have, it is recommend that Standing Order 99A be amended by the Assembly to stipulate that:

A petition and/or e-petition with at least 500 signatories in total from residents/citizens of the ACT presented to the Legislative Assembly on the

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<sup>33</sup> Karen Ellingford, *The Purpose, Practice and Effects of Petitioning the Victorian Parliament*, Australasian Parliamentary Review, Spring 2008, Vol. 23(2), p. 106.

same day shall be referred to the relevant standing committee for **inquiry and report**.

The inclusion of ‘inquiry and report’ to Standing Order 99A would increase the level of participation from informing or consultation to placation, which is an improvement in citizen participation in Parliament. The inclusion of ‘inquiry and report’ to Standing Order 99A would also address the two levels of citizen expectations; that being the citizen who expects to hear and be heard and the citizen who expects their role to contribute to an effective policy that reflects the needs of the wider community. Although, the citizen still would not have the power to directly change policy, through the inquiry process, the citizen could use the committee as a conduit for the recommended changes in policy.

Although the level of participation would increase if committees were to inquire into petitions referred to them, it must be noted that the process prior to the adoption of Standing Order 99A, the adoption of Standing Order 99A and the recommended amendment to Standing Order 99A still place the level of participation within tokenism, as seen in Figure 7.

**Figure 7. Impact of Standing Order 99A to the Ladder of Citizen Participation**

