



CONDUITS BETWEEN PARLIAMENT AND PEOPLE:
DOES REFERRING PETITIONS TO COMMITTEES IMPROVE CITIZEN PARTICIPATION?

PARLIAMENTARY LAW, PRACTICE AND PROCEDURE
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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 paper examines the trends of participation through petitions presented to the Legislative Assembly for the Australian Capital Territory between 2008 and 2018. Following this analysis, the paper 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 expectation. As a result of applying these definitions to the Assembly's petition trends, this paper concludes that Standing Order 99A, as it stands, does not improve citizen participation but has the potential to if additional processes are adopted.

INTRODUCTION

This paper compiles and analyses the data available on petitions presented to the Legislative Assembly for the Australian Capital Territory (Assembly) to assess if petitions improve citizen participation in the Assembly. Petitions have been reviewed for a period of 10 years, from the last year of the 6th Assembly in 2008 to the lasting sitting day of 2018 (9th Assembly). During this period, ACT Labor formed government with a Parliamentary Agreement between ACT Labor and ACT Greens, excluding 2008.

This paper 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 referred petitions with more than 500 signatures to a standing committee for consideration. This paper explores the impact the adoption of Standing Order 99A has had on increasing citizen participation, as well as meeting citizen expectation.

Before analysing the role and effect of committees in the petition process, improved citizen participation and participant expectations must first be defined. This paper sets out to define citizen participation and expectation, 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 citizen expects to achieve through the petition process is met. This analysis further demonstrate that, to achieve improved participation and meet citizen expectation, the role the committee takes in the petition referral process is essential.

THE RISE OF PETITIONS IN WESTMINSTER

While extinguishing uprisings and rebellions in Scotland and Wales, many of King Edward I subjects were also petitioning their Parliament. Seen as one of the first forms of petition in the Westminster system, the 13th century and the reign of King Edward I adopted the practice of petitioning the Parliament to seek the redress of grievances, to request some form of action, or to stop proposed action.

Fast forward to 1669 and the reign of King Charles II. While King Charles II was battling the great plague of London and foreign policy issues, the House of Commons passed two resolutions regarding the people's right to petition and the House's right to deal with petitions. The two resolutions stated:

That it is an inherent right of every Commoner of England to prepare and present petitions to the House in case of grievance; and of the House of Commons to receive them.

That it is the undoubted right and privilege of the House of Commons to adjudge and determine, touching the nature and matter of such petitions, how far they are fit and unfit to be received (Jack, 2001).

Although these resolutions were erased from the Journal (Jack, 2001), in 1689 the right to petition the King was included in the *Bill of Rights 1689* and ultimately paved way for Australia's adoption of the right to petition state and federal parliaments.

As a result of the two resolutions of 1669, citizens in the Australian Capital Territory (ACT) can prepare and present petitions to the Assembly as a way of seeking redress of any personal, local or Territory-wide grievance they may have. Citizens can also present petitions asking for changes to law, or requesting the reconsideration of administrative decisions. However, petitions in the ACT typically relate to matters of public policy.

PETITIONS IN THE 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.

The Assembly Standing Orders and Continuing Resolutions are the formal rules that govern the conduct of business in the Assembly and committees. On 1 January 2019, the Assembly implemented the revised Standing Orders. Six of the 23 petition related Standing Orders were updated, following the revision of the 280 Standing Orders on 29 November 2018. Majority of the amendments were typographical or to better reflect the modernisation of petitions through the e-petition process. However, Standing Order 98 was expanded to include Standing Order 98A, which provided time restrictions for the debate on petitions after they are presented in the Assembly. Standing Order 99A also saw an amendment that allowed paper petitions and e-petitions of a similar topic be considered together and referred to a standing committee if there are more than 500 signatures combined. The current Standing Orders can be found on the [Assembly website](#).

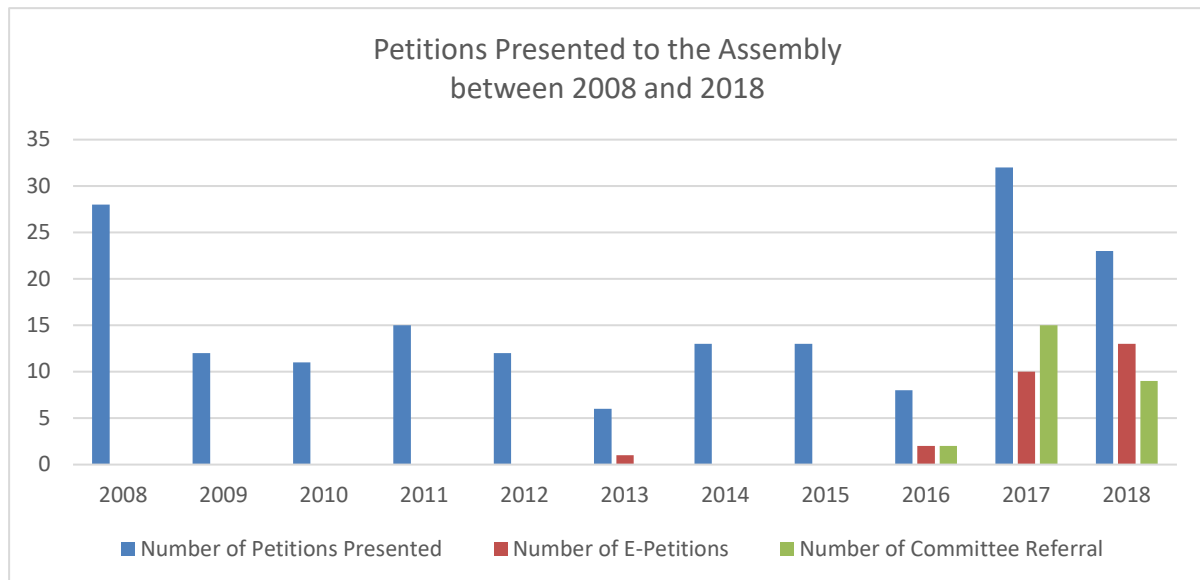
NUMBER OF PETITIONS

The number of petitions presented to the Assembly has been inconsistent over the past ten years. The number of petitions tabled in the Assembly has ranged from six in 2013 to 32 in 2017, with the average number of petitions tabled each year between 2008 and 2018, being 13.

Figure 1 provides a breakdown of the number of petitions tabled in the Assembly over the last decade. In addition to the breakdown of petitions presented to the Assembly, Figure 1

also identifies 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 2018¹



NUMBER OF SIGNATORIES TO PETITIONS

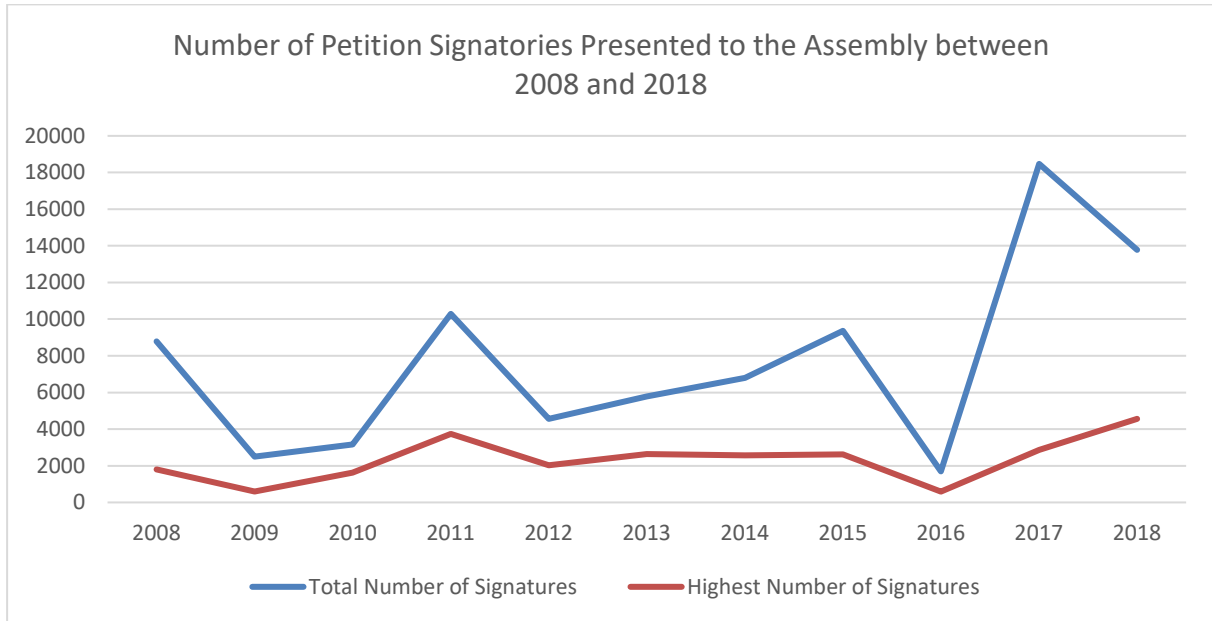
There were approximately 85,000 signatories to petitions tabled in the Assembly between 2008 and 2018. During this time, the population of the ACT increased from 345,600 in 2008 to 406,692 in 2018. The largest single petition lodged between 2008 and 2018 was tabled in the Assembly on 20 March 2018. The Assembly Minutes of Proceedings (2018) noted the terms of the petition called for the Assembly to reinstate the light rail stop planned for Mitchell (a suburb in Canberra). The petition contained 4,560 signatories.²

Figure 2 provides a breakdown of the number of signatories to petitions tabled in the Assembly during the 2008 to 2018 period. Figure 2 also provides a breakdown of the petition with the highest signatories for each year.

¹ 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 comparisons to the subsequent years. If repeat petitions are excluded from the data, 2008 only had 14 petitions presented to the Assembly, which is reflective of data for the subsequent years. It appears that repeat petitions was not a trend carried on to the 7th, 8th and 9th Assemblies.

² 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.

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

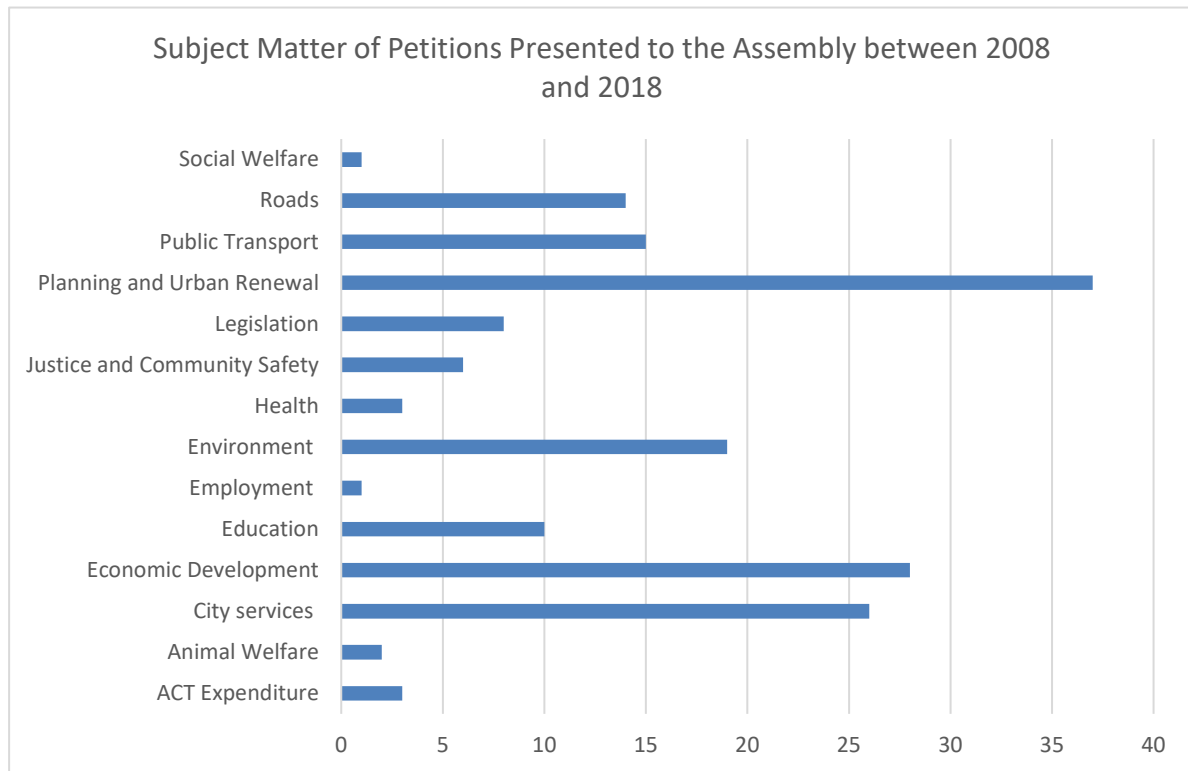


SUBJECT MATTER OF PETITIONS

The subject matter of petitions tabled in the Assembly between 2008 and 2018 were reviewed and categorised according to the primary subject matter even if there was more than one subject.

As shown in Figure 3, planning and urban renewal matters accounted 25.6 per cent of petitions presented to the Assembly in the last 10 years. Other subject matters that 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

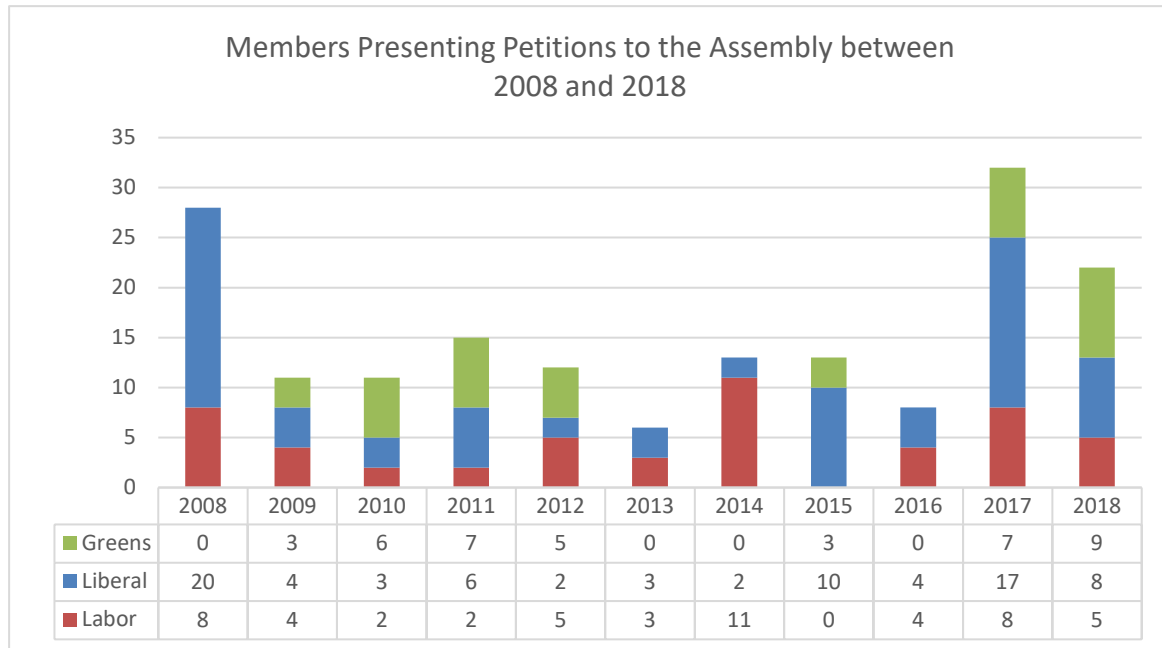
Under Standing Order 95, petitions presented to the Assembly can only be lodged by a Member. Due to this requirement, it could be argued that the number of petitions sponsored by a particular party may be reflective of which party is in power and which party is in opposition. From the period 2008 to 2018, ACT Labor formed the Government and the Canberra Liberals formed the Opposition. For the majority of the past ten years, ACT Greens have signed a Parliamentary Agreement with ACT Labor, in order for ACT Labor to form Government.³

As shown in Figure 4, Members of the Canberra Liberals party sponsored majority of petitions presented to the Assembly, with 46 per cent. ACT Labor Members sponsored 30 per cent of petitions presented to the Assembly whilst, ACT Greens Members sponsored 23 per cent of petitions. However, as ACT Labor and ACT Greens were part of a

³ In 2008, which was the last year of the 6th 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 7th Assembly, the ACT Greens signed a Parliamentary Agreement with ACT Labor.

Parliamentary Agreement for majority of this period, combined both parties sponsored 53 per cent of petitions presented to the Assembly between 2008 and 2018.

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

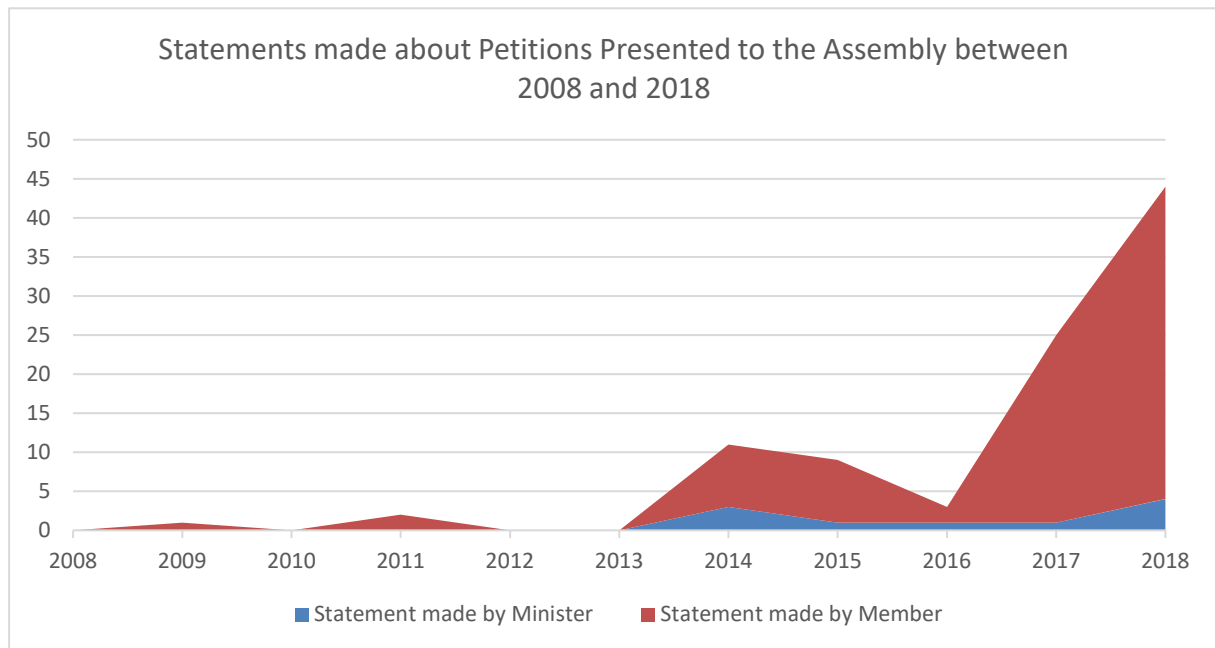


STATEMENTS BY MEMBERS ON PRESENTATION OF PETITIONS

As shown in Figure 5, there has been a significant increase in the number of Members of the Assembly that have made a statement immediately after a petition has been presented to the Assembly. Prior to the 9th Assembly, an average of 2.3 Members made a statement in regards to a petition. However, in 2017 (the first year of the 9th Assembly) 24 Members and one Minister made statements in relation to a petition. Additionally, in 2018 the number of Members that made a statement in relation to a petition almost doubled from 2017 figures, 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 the time spent on petitions.

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



CONSIDERATION OF TRENDS

Although there have been peaks and troughs with the number of petitions presented to the Assembly and their corresponding signatories, it is interesting to note that the first two years of the 9th Assembly (2017 and 2018) have seen an increase in the number of petition related matters. Such petition related matters include 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 9th Assembly, 13 petitions were presented to the Assembly each year. However, within the 9th Assembly, the number of petitions presented has increased, with 32 petitions presented in 2017 and 23 petitions presented in 2018.

On average, prior to the 9th Assembly, only three petitions each year would have been referred to a standing committee for consideration. However, after the adoption Standing Order 99A, the data illustrates 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 9th Assembly, the collective number of signatures received each year was 5,881. However, within the 9th 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 of petitions referred to standing committees during the 9th Assembly. However, the argument that will be further explored in this paper, 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, the percentage of petitions that would have been referred to a standing committee, had Standing Order 99A been in place for the 10 year period, would have been 29.5 per cent. Following the adoption of Standing Order 99A, an average of 42.3 per cent of petitions presented to the Assembly have been referred to a standing committee. The number of petitions receiving more than 500 signatures has increased 12.8 per cent 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 9th Assembly and subsequently the Assembly itself.

EFFECTIVENESS OF PETITIONS

The Companion to the Assembly's Standing Orders (2009) notes that the two resolutions adopted in the 17th 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 21st century. As petitions have been entrenched in the Westminster system for five centuries, the Companion (2009) argues that petitions are an important element within the parliamentary system that provides a direct line of communication between the public and the Parliament. However, 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 now choose to use those avenues to air their grievances or seek redress. The Companion (2009) goes on to suggest that although petitions do 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.

However, as the data indicates, there is a potential argument for the petition referral process to committees being a process utilised as a conduit between the community and the Parliament and, as such, improving the engagement and participation of the community in the parliamentary process. However, before calculating the effectiveness of committees considering petitions, improvement must be defined, as well as the participant's expectations.

DEFINING IMPROVEMENT

The Macquarie Dictionary (1997) defines improvement as:

1. The act of improving;
2. The state of being improved; and
3. A change or addition whereby a thing is improved.

The Macquarie Dictionary (1997) defines participation as;

1. The act or fact of participating;
2. A taking part, as in some action or attempt; and
3. A sharing, as in benefits or profits.

As both definitions use the word they are defining within the definition, it can be difficult to apply these simple characterisations when examining the effectiveness of petitions in improving citizen participation in parliament.

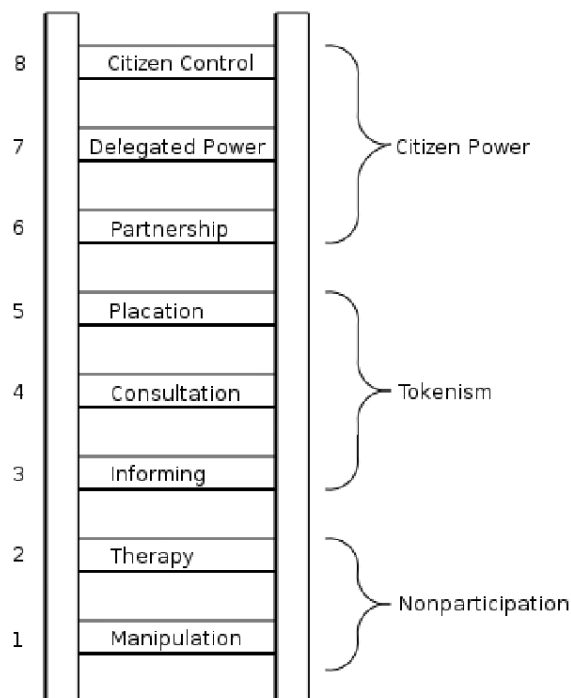
Beyond standard definitions, there are a number of academic papers available that examine levels of participation within the social construct. In particular, Sherry R. Arnstein's 1969 paper, *A Ladder of Citizen Participation*, specifically examines public participation in the decision making process, which could be applied to the examination of the effectiveness of petitions in improving citizen participation in parliament. Arnstein's paper defines citizen participation as:

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 can induce significant social reform which enable them to share the benefits of the affluent society (Arnstein, 1969, p. 216).

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 (Arnstein 1969)



Arnstein (1969) goes on to define what form of participation each rung of the ladder takes. The bottom rungs of the ladder, that being 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 three, four and five, that being 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, that being partnership, delegated power and citizen control describe levels of citizen power and provide the citizens with the full managerial power.

To apply Arnstein’s Ladder of Citizen Participation to the petition process, the ‘powerholders’ would be identified as the government of the day, 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. Through this analysis and utilisation of Arnstein's Ladder of Citizen Participation, improved participation can be defined as whether or not the extent of the citizens' participation has increased, on the Ladder of Citizen Participation, as a result of the adoption of Standing Order 99A.

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, adjournment debate, the committee process and the petition process. However, the question isn't; is there access to citizen participation in the parliament, but rather; what level of participation does the citizen wish to engage in?

The Hansard Society facilitates an annual audit of political engagement, which provides an annual benchmark to measure political engagement in Great Britain, gauging public opinion about politics and the political system and more broadly the general health of their democracy. In the *Audit of Political Engagement 15: The 2018 Report*, a number of questions were asked, which 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 (2018) 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.

In the Audit (2018), 38 per cent of those audited said that they would create or sign an e-petition, with only 24 per cent actually having signed an e-petition. Additionally, 37 per cent of those audited said that they would create or sign a paper petition, with only 10 per cent actually having signed a paper petition.

With regards to the public's perception of political engagement, the Audit (2018) highlighted that, when asked how good or bad the system of governing Britain is at allowing ordinary people to get involved with politics, only 21 per cent responded positively. Additionally, the public's sense of the efficacy of their involvement remains consistently low over a number of the annual audits (Hansard Society, 2018). The Audit (2018) also indicated that only 34 per cent of people believe that they can affect political change.

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 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 adopt 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, which can be seen in the Scottish Parliament. Alternatively, a number of Parliaments utilise existing general purpose committees when referring petitions, which can be seen in the New Zealand Parliament.

SCOTTISH PARLIAMENT – PUBLIC PETITIONS COMMITTEE

When considering processes adopted by parliaments which aim to improve the citizen’s participation in parliament, two approaches can be considered. The first is the adoption of a petition specific committee, similar to that of the Scottish Parliament. Under rule 6.10 of the Scottish Parliament’s Standing Orders (2018), 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.

In the 2017-18 financial year, the Public Petitions Committee considered 86 petitions and tabled three reports on petition related matters. Figure 7 shows the work undertaken by the Public Petitions Committee in the 2017-18 financial year.

Figure 7 – The Public Petitions Committee in Numbers for 2017-18 (Scottish Parliament 2018)



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, survey results showed that the extent to which petitioners agreed that their petition was given due consideration by the Public Petitions Committee, was a mean satisfaction score of 0.24

(SPICe, 2005).⁴ Additionally, 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 (SPICe, 2005).

Although fairly neutral results were provided by respondents in regards to the extent in which petitions were considered and inquired into, petitioners expressed 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 in regards to this provides some assurance that the system appears to be working well (SPICe, 2005).

The inclusion of a petition specific committee, for the consideration and report on petitions presented in parliament, contributes to the increase in citizen participation produced in Arnstein's Ladder of Citizen Participation. When considering the Scottish Parliament Public Petitions Committee, it appears to fall within 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 the method adopted by the New Zealand Parliament. This particular approach results in all petitions being referred to the relevant general purpose committee, which is identified as a select committee by the New Zealand Parliament.

⁴ Mean satisfaction scores were computed using the following series of weights to give an overall mean score between -1 and 1. A positive score indicates the majority is satisfied, while a negative score indicates the majority is dissatisfied.

Reponses	Weight Applied
Strongly Agree	+1.0
Agree	+0.5
Neutral	0.0
Disagree	-0.5
Strongly Disagree	-1.0

Standing Order 370 of the New Zealand Parliament (2017) states that:

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.

Following the referral of a petition to a select committee, the extent of the consideration given is entirely up to the Committee. However, there appears to be a number of well-established steps committees follow when considering a petition. Firstly, all Government departments that are considered to have some official interest in the subject matter of the petition would be sent a request and asked to make a submission to the Committee. Secondly, the principal petitioner will be asked if he or she wishes to tender any written evidence in support of the petition. Thirdly, committees, at times, will 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 similar to that of other select committee reports and 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 (New Zealand Parliament, 2017).

In 2018, 89 petitions were referred to New Zealand Parliament select committees for consideration and report. In 2018, 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 identified in Arnstein's Ladder of Citizen Participation. When considering the New Zealand Parliament's referral of petitions to a select committee, it appears to fall within 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 fall within the placation rung of the ladder it is important to note two distinct aspects of the petition process which 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 aspect is the process itself, noting that 'process evaluation far exceed outcome evaluation in influencing petitioner trust in political institutions' (Carmen, 2012). These two distinct aspects of the

petition process highlight that a clear expectation is that petitioners' voices are heard and that these 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.

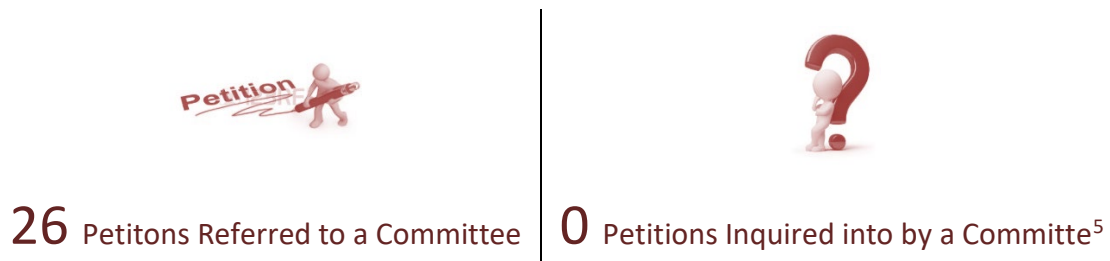
Standing Order 98 (2016) also stipulates that no discussion upon the subject matter of a petition shall be allowed at the time of presentation. However, as noted in the data provided on statements by Members on presentation of a petition, statements have been made by both Members and Ministers over the past 10 years. Members were able to do this by seeking leave to make a statement, which appears to always be granted.

Standing Order 100 (2016) stipulates that once the petition is presented in the Assembly a copy of the petition is referred to the Minister responsible for the administration of the matter which is the subject of the petition. The Minister must then respond to the petition within three months of the tabling of the petition. The Minister must lodge the response with the Clerk for presentation in the Assembly.

Prior to the adoption of Standing Order 99A, the level of citizen participation experienced through the petition process, when adopting Arnstein's Ladder of Citizen Participation, would have fallen within the informing rung of the Ladder. This rung of the ladder places an emphasis on a one-way flow of information from the Government to the petitioner. The form of one-way information can be expressed through the obligatory government response, as well as Standing Order 100, which does not allow for debate of a petition at the time of presentation (although this appears to be circumvented by requesting and granting leave to make a statement). There is no clear avenue for feedback to be provided by the petitioner and no form of negotiation.

After the adoption of Standing Order 99A, petitions with at least 500 signatories are referred to the relevant standing committee for consideration. Figure 8 shows the number of petitions referred to standing committees for consideration since the adoption of Standing Order 99A and the number of petitions inquired into by standing committees in 2018.

Figure 8 – Assembly Petitions Referred and Inquired into (2015-2018)



Following the adoption of Standing Order 99A, the level of citizen participation experienced through the petition process, when adopting Arnstein’s Ladder of Citizen Participation, could be considered the consultation rung of the Ladder. This rung of the Ladder places an emphasis on providing an avenue for citizens to voice their concerns and ideas. However, it provides no assurance that these concerns and ideas would be taken into account. As noted above, since the adoption of Standing Order 99A, 26 petitions have been referred to standing committees and not one petition has been inquired into. It must be noted that since the adoption of Standing Order 99A up to 18 statements have been made, to the Assembly, by the Chair of the Standing Committee, which the petition was referred to. These statements have advised the Assembly that the Committee has considered the petition but has 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 could improve, as well as the effectiveness of the process. 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 utilised by the New Zealand Parliament could result in an increase in citizen participation from informing/consultation to placation. Additionally, the adoption of the New Zealand Parliament model could also result in an increase of citizens feeling that they have been acknowledged and considered through the petition process, which in turn, instils a 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 committee support staff do not feel impeded by the pressure of petition related inquires. Ellingford argues that:

⁵ There was an instance where a petition regarding billboard advertisement was referred to the Standing Committee on Planning and Urban Renewal, however, the Committee was already inquiring into this particular topic.

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 (2008, p. 106).

The continued application of Standing Order 99A, where only petitions with 500 or more signatories are referred to a standing committee, 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 between 2008 and 2018 demonstrates that petitions have shown inconsistency in the number of petitions presented and the signatories to petitions during this period. However, it is evident that in the past two years petitions have seen a revival. The number of petitions presented, the number of signatories to petitions, as well as the number of members making statements on petitions have all increased significantly. Due to the increase in the popularity of petitions in the 9th Assembly, it is apparent the 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-energized 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.

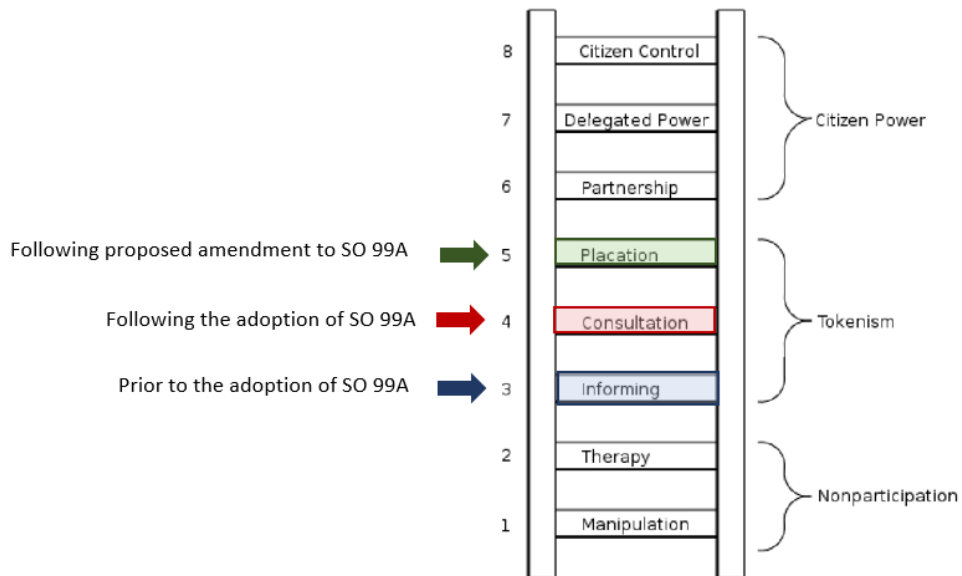
Conscious of the negative impact of inundating committees with petition related inquiries can have, it is recommend that Standing Order 99A be amended by the Assembly to stipulate that:

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 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 identified in Arnstein's Ladder of Citizen Participation from informing/consultation to placation, which is seen as 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 does not have the power to directly change policy, through the inquiry process, the citizen can 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



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