



42nd Parliament, 1st Session

REPORT OF THE COMMITTEE

The Standing Committee on Procedure and House Affairs

has the honour to present its

SEVENTY-FIFTH REPORT

Approval and Updating of the House of Commons Electronic Petitions System

INTRODUCTION

On 2 November 2017, pursuant to its mandate under Standing Order 108(3)(a)(iii), the Standing Committee on Procedure and House Affairs (“the Committee”) adopted the Eighth Report from its Subcommittee on Agenda and Procedure, which contained the following item:

That, during the second hour of the meeting on Tuesday, November 7, 2017, the Committee commence a review of the House of Commons electronic petitions system; and, that officials from the House of Commons Administration be invited to appear.

During its study, the Committee heard from three witnesses: Mr. Charles Robert, Clerk of the House of Commons, Mr. André Gagnon, Deputy Clerk, Procedure, and Mr. Jeremy LeBlanc, Principal Clerk, Chamber Business and Parliamentary Publications. The Committee wishes to thank them for their invaluable assistance and support during this study. Further, the Committee received written correspondence from Project Naval Distinction. The Committee thanks them as well for their important contribution.

BACKGROUND

During the 41st Parliament, Mr. Kennedy Stewart, the member for Burnaby—Douglas, introduced private members’ motion M-428, which proposed that the House of Commons create an electronic petition system (“e-petition system”) for use by the Canadian public.

Specifically, M-428 states:

That the Standing Committee on Procedure and House Affairs be instructed to recommend changes to the Standing Orders and other conventions governing petitions

so as to establish an e-petitioning system that would enhance the current paper-based petitions system by allowing Canadians to sign petitions electronically, and to consider, among other things, (i) the possibility to trigger a debate in the House of Commons outside of current sitting hours when a certain threshold of signatures is reached, (ii) the necessity for no fewer than five Members of Parliament to sponsor the e-petition and to table it in the House once a time limit to collect signatures is reached, (iii) the study made in the 38th Parliament regarding e-petitions, and that the Committee report its findings to the House, with proposed changes to the Standing Orders and other conventions governing petitions, within 12 months of the adoption of this order.¹

On 29 January 2014, the House of Commons adopted M-428 and the matter was referred to the Committee for study. However, due to competing interests for the Committee's time, a study on M-428 could not be completed within the timeframe adopted by the House. In order to extend the deadline, on 3 December 2014, the House concurred in the Committee's Report 27, which authorized the Committee to continue its deliberations on e-petitions for 30 sitting days beyond 30 January 2015.

On 24 February 2015, the Committee completed its study on M-428. In its Report 33, the Committee recommended that the House of Commons establish an e-petition system according to the framework set out in the report. The House concurred in the Committee's Report 33 on 11 March 2015.

As recommended by the Committee, the House e-petition system was launched at the opening of the 42nd Parliament on 3 December 2015.

Further, Report 33 included a review provision, stating that the Committee must undertake a review of the e-petition system and process two years after its implementation on 3 December 2015, while noting that nothing would prevent the Committee from undertaking such a review sooner.

SUMMARY OF PROPOSED CHANGES TO THE CURRENT E-PETITION SYSTEM

At its 7 November 2017 meeting, the Committee asked Mr. Robert and Mr. Gagnon to provide members with a list of any notable issues with the current e-petition system that the House of Commons Administration considered worth calling to the Committee's attention, and to also provide the Committee with the House's views on how to best address any such issues.

On 10 April 2018, the Committee received a document from the House Administration that identified six issues for discussion about the current operation and/or functioning of

1 House of Commons, Journals, 29 January 2014.

the e-petition system. For each issue, the Committee was provided with background information to help situate the issue in the broader context of the rules and practices of the House, and options to address each issue.

On 8 May 2018, with the assistance of Mr. Robert, Mr. Gagnon and Mr. LeBlanc, the Committee reviewed the issues raised by the House Administration with the current e-petition system. The following section contains a summary of the Committee's deliberations, along with the Committee's recommendations for improving the current e-petition system.

A. Reducing the time period for signing an e-petition

Issue: Under Standing Order 36(2.2), a certified e-petition remains open for signature for 120 days. The inflexibility of this fixed timeframe can impede the use of an e-petition as a tool to raise matters of concern in a timely manner.

Discussion: The Committee agrees that adding flexibility to the length of the period an e-petition can remain open would represent an improvement to the current system. However, the Committee expressed the view that an e-petition must have a firm deadline on which it will close but that this deadline could be chosen, at the start of the e-petition process, by the e-petitioner.²

The Committee recommends:

That, as part of the process for starting an e-petition, the e-petitioner be able to select the length of time that the e-petition will remain open for signatures from among the following time periods: 30, 60, 90 or 120 days.

That within 90 days of the adoption of this report, when the necessary technical adjustments to the e-petitions website have been completed, the Standing Orders be amended by replacing Standing Order 36.(2.2) with the following:

“(2.2) Each electronic petition shall be open for signature for either 30, 60, 90 or 120 days, as determined by the e-petitioner.”

² “E-petitioner” will be used as the term to describe the individual who created or started a given petition.

B. Changing the signature threshold for presentation of an e-petition in the House

Issue: A discrepancy exists between paper petitions and e-petitions with regard to the number of signatures that must be garnered in order to be certified for presentation in the House of Commons. Under Standing Order 36, an e-petition must garner 500 signatures to be certified for presentation in the House of Commons, while the threshold for paper petitions to be certified is 25 signatures.

Since December 2015, about 70% of published e-petitions have reached the 500-signature threshold. Of those that did not, the average number of signatories was about 175.

Discussion: The Committee considered lowering the number of signatures an e-petition needed to be presented in the House to either 175 or 25. Following discussion on the matter, the Committee opted to maintain the status quo for the number of signatures that both paper petitions and electronic petitions must garner in order to be presented in the House.

C. Reducing or eliminating the support signatures needed prior to publishing

Issue: As part of the certification process for having an e-petition published and open for signatures on the Parliament of Canada website, an e-petitioner must demonstrate that the e-petition is supported by at least five individuals. To do this, the e-petitioner enters the full names and e-mail addresses of five individuals. These individuals are then e-mailed and invited to confirm their e-mail addresses, provide their postal codes, and confirm that they are residents of Canada or Canadian citizens living outside of Canada. Since December 2015, only about 11% of submitted e-petitions have not met this requirement.

Once an e-petition has been supported by five individuals, it is then sent to the member of Parliament of the e-petitioner's choosing, to seek the approval from that member to be the "sponsor" of that e-petition. Sponsoring an e-petition does not necessarily mean that the member supports or agrees with its content. As with paper petitions, members are responsible for ensuring that the e-petitions they sponsor do not contain impertinent or improper matters.

It was proposed to the Committee for its consideration that the requirement for an e-petition to garner five initial signatures as part of the certification process could be

reduced or eliminated, as members could themselves verify that e-petitions they sponsor do not contain impertinent or improper matters.

Discussion: The Committee opted to maintain the requirement that an e-petition must garner five signatures as part of the certification process for being published on the Parliament of Canada website. The Committee remains mindful that the reason it recommended that a threshold of signatures be established for an e-petition to be published was to avoid the situation that had arisen with the United Kingdom government's e-petition system in the years after it was launched in 2006. Namely, in 2014, the Committee heard that in the U.K., of the 15,000 e-petitions submitted yearly, approximately 30% of approved petitions had two supporters or fewer.³ To reduce the number of e-petitions in their system that garnered almost no public support, in 2015 the U.K. government put in place a threshold of five supporting signatures in order to start an e-petition.

D. Members "sponsoring" an e-petition

Issue: As part of the process for starting an e-petition, the petitioner must find a member who agrees to act as the e-petition's sponsor. While the e-petitions system explicitly states that sponsoring an e-petition does not necessarily mean that the member supports or agrees with its content, some members remain uncomfortable with the term sponsor, as it implies that the member supports the petition.

Discussion: It was suggested to the Committee that the term "sponsor" could be replaced with a more neutral term, which better describes the role that members play. The Committee fully supports this change. In addition, the Committee heard that Standing Order 36(3), which makes members answerable for ensuring that the petitions they present in the House or authorize for publication on the House of Commons website do not contain impertinent or improper matters, is no longer necessary. Currently, the task of certifying and/or approving petitions is performed by the House's Clerk of Petitions, making Standing Order 36(3) duplicative and unnecessary.

The Committee recommends:

That throughout the e-petition system, including on the House of Commons website and in Standing Order 36, references to the term "sponsor," or "sponsored" where referring

3 House of Commons, Standing Committee on Procedure and House Affairs, M-428, Electronic Petitions, Thirty-Third Report, 2nd Session, 41st Parliament, February 2015.

to the role executed by a member of Parliament in relation to petitions, be adjusted to reflect that the member is agreeing to allow the petition to be published.

That within 90 days of the adoption of this report, when the necessary technical adjustments to the e-petitions website have been completed, the Standing Orders be amended by replacing Standing Order 36.(2.1)(d) with the following:

“(d) have a member who has authorized its publication;”

That Standing Order 36.(3) be deleted.

E. Publishing paper petitions and their government responses

Issue: The Committee’s Report 33 of February 2015 contained a recommendation that the House Administration collaborate with the Privy Council Office to arrive at a uniform and accessible electronic format for ministry responses to e-petitions and paper petitions. The purpose of this recommendation was to increase public access and availability of e-petitions, paper petitions, and their ministry responses by posting these on the Parliament of Canada website.

Discussion: The Committee heard from Mr. Robert and Mr. Gagnon that during the first phase of the e-petitions website, it was not feasible for the House of Commons Administration to include paper petitions and their responses as part of the e-petition system due to the large number of paper petitions presented yearly in the House of Commons (about 1,500).⁴

Since 2015, however, discussions held between the House Administration and the Privy Council Office about publishing all petitions and responses on the Parliament of Canada website have yielded a solution that could be implemented in the near future.

The House Administration noted that a key consideration for delivering this project would be the possibility of allowing responses to all petitions to be tabled in electronic format. The Committee heard the reason for this would be to allow for a more efficient, timely, convenient and environment-friendly process.

⁴ House of Commons, Standing Committee on Procedure and House Affairs, Evidence, 1st Session, 42nd Parliament, Meeting 102, 8 May 2018, 1130 (Mr. Charles Robert, Clerk of the House of Commons).

Further, the Committee heard that this project could serve as a useful pilot project for assessing the feasibility of permitting other sessional papers that are tabled in the House to be filed and published electronically.

The Committee therefore recommends:

That, as of the beginning of the 43rd Parliament, the text of paper petitions also be published on the House of Commons website, along with government responses thereto.

That the government be permitted to table responses to petitions (electronic and paper) in electronic format.

That, as of the beginning of the 43rd Parliament, the Standing Orders be amended by replacing Standing Order 36.(8)(a) with the following:

“(8)(a) Every petition presented pursuant to this Standing Order shall forthwith be transmitted to the Ministry, which shall, within forty-five days, respond in an electronic format to every petition referred to it; provided that the said response may be filed pursuant to Standing Order 32(1).”

F. Examining rules for paper petitions

Issue: In order for a paper petition to be certified by the Clerk of Petitions, it must comply with a number of detailed rules. These rules are defined in the Standing Orders, by procedural authorities or through longstanding practice. Breaches of these rules can occasionally cause paper petitions to be refused for certification. At times, these rules may seem unduly restrictive and incompatible with a desire to provide the public with opportunities to petition Parliament and government.

The Committee heard that some of the rules for certifying petitions were considered by the House Administration to be integral to the process or to the dignity of the House. However, other rules could appear to the public to be overly restrictive and/or frivolous.

Discussion: Three potential changes to the rules for certifying paper petitions were identified for the Committee’s consideration.

First, currently images and logos are not permitted to be on paper petitions. It was suggested that the Committee could consider recommending allowing for non-offensive and non-partisan images or logos to appear on a petition. However, the Committee took the view that images and logos were not appropriate on petitions and that determining

which images and logos were non-offensive and non-partisan would present undue difficulties for the House.

Second, signatories to a petition, when writing their address next to their signature, must use a specific address format in order to be counted (e.g. “city and province” is allowed, but “city and postal code” is not). It was suggested that the Committee could recommend allowing for the use of any address format that clearly establishes the place where the signatories reside. The Committee fully supports this recommendation.

The Committee recommends:

That the use of any address format on a paper petition that clearly establishes the place where a signatory resides be made acceptable.

Lastly, currently the paper used for a petition must be paper of “usual” size (i.e. measuring 21.5 cm x 28 cm (8.5 x 11 inches) or 21.5 cm x 35.5 cm (8.5 x 14 inches)). A petition submitted on paper that is not the usual size is not acceptable. It was suggested that the Committee could consider recommending that the use of varying sizes of paper be allowed for use as a petition. The Committee fully supports this recommendation. Further, the Committee wishes to recognize the points of order raised by the Hon. Diane Finley, member for Haldimand—Norfolk, on 24 October 2017 and 29 October 2018, as the impetus for the Committee proposing to increase the maximum acceptable paper size for a paper petition.

The Committee recommends:

That the minimum size of a sheet of paper for a petition be 14 cm x 21.5 cm (5.5 x 8.5 inches) and that the maximum size be 28 cm x 43.25 cm (11 x 17 inches).

That the Standing Orders be amended by replacing Standing Order 36.(1.1)(c) with the following:

“(c) be written, typewritten or printed on paper no smaller than 14 cm x 21.5 cm and no larger than 28 cm x 43.25 cm.”

That the Clerk of the House be authorized to make any required editorial and consequential alterations to the Standing Orders.

Having completed its review of the House of Commons’ e-petition system and process, as mandated by the Committee’s Report 33 of 2015, the Committee is highly satisfied with the functioning of the system, impressed by the level of public use and engagement with the House e-petitions website (see Appendix), and considers its implementation to

have been successful. As such, it is the Committee's view that the provisional Standing Orders necessary to implement the system should be made permanent.

The Committee recommends:

That the Standing Orders related to the e-petition system be made permanent as of the start of the 43rd Parliament.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 77, 102 and 128](#)) is tabled.

Respectfully submitted,

Hon. Larry Bagnell, P.C., M.P.
Chair

APPENDIX: E-PETITION STATISTICS

E-Petition Statistics (December 2015–October 2018)

Number of signatures: 1,612,494

Average number of signatures per day: 1,628

Percentage of signatures rejected by the clerk of petitions (mainly duplicates or incomplete first or last name): 0.35%

Number of e-petitions currently in the system: 1,924

Number of e-petitions published to the website: 630

Percentage of all e-petitions in the system which are published to the website: 32.7%

Reasons why e-petitions are not published:

- Withdrawn by the e-petitioner at some stage in the process: 22%
- E-petitioner has not completed the drafting stage: 18%
- Failed to garner five supporters: 15%
- Failed to be sponsored by a member: 13%

Number of MPs who have sponsored an e-petition: 205

Percentage of published e-petitions which reached 500 signatures within 120 days (not counting those still open for signature): 69.4%

Website Statistics (October 2017–October 2018)

Number of visitors to the e-petition website: 1.2 million

Number of communities from which these visitors accessed the site: 824

Percentage of House of Commons website visitors related to e-petitions: 32.6%