



41<sup>st</sup> Parliament, Second session

The Standing Committee on Procedure and House Affairs has the honour to present its

### **THIRTY-THIRD REPORT**

Your Committee, which has received an Order of Reference from the House of Commons on January 29, 2014, is pleased to report as follows:

#### **Order of Reference**

On January 29, 2014, the House of Commons adopted the following motion: “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.<sup>1</sup>”

On December 3, 2014, the House concurred in the Committee’s 27<sup>th</sup> Report, which authorized the Committee to continue its deliberations beyond January 30, 2015 for a time extension of 30 sitting days.

#### **Evidence**

During the course of its study, the Committee heard from the following witnesses: Mr. Kennedy Stewart, Member for Burnaby—Douglas, Mr. André Gagnon, Acting Deputy Clerk, House of Commons, Mr. Soufiane Ben Moussa, Chief Technology Officer, Information Services, House of Commons, Mr. Aaron Wudrick, Federal Director, Canadian Taxpayers Federation, Mr. François Arseneault, Director, Parliamentary Proceedings Directorate, National Assembly of Quebec, Mr. Tim Mercer, Clerk of the Legislative Assembly, Legislative Assembly of the Northwest Territories, Ms. Jane Hilderman, Acting Director and Research Manager, Samara, Dr. Ruth Fox, Director and Head of

---

<sup>1</sup> House of Commons, *Journals*, January 29, 2014.

Research, Hansard Society, Ms. Catherine Bochel, Reader in Policy Studies, University of Lincoln, Mr. Mike Winter, Head of Office, Office of the Leader of the United Kingdom (“UK”) House of Commons, Mr. Chris Shaw, Parliamentary Adviser, UK Cabinet Office, Mr. Charles Walker, Chair, Procedure Committee, UK House of Commons, and Mr. Huw Yardley, Clerk, Procedure Committee, UK House of Commons.

On November 6, 2014, Mr. Kennedy Stewart, Member for Burnaby—Douglas, appeared before the Committee to speak to his motion, M-428. Mr. Stewart provided an outline of Canada's current paper-based petitioning system and emphasized that electronic petitions (“e-petitions”) would enhance and not replace paper petitions. He suggested an 11-step e-petition process; however he noted that his motion is instructive in nature, and the details of the process are left to the Committee to determine. Mr. Stewart noted that an e-petition system could follow many of the existing paper-based petitioning rules, as well as rely on existing staff and infrastructure, but allow Canadians to draft and sign petitions using electronic means. He assured the Committee that e-petitions will help more citizens engage in the democratic process between elections at a very low cost, discussed measures that could be put in place to ensure only the most serious of issues are ever debated in the House of Commons, and measures that ought to be put in place to protect the integrity of the process and privacy of Canadians.

On November 18, 2014, Mr. André Gagnon, Acting Deputy Clerk, House of Commons, and Mr. Soufiane Ben Moussa, Chief Technology Officer of Information Services at the House of Commons, appeared before the Committee. Mr. Gagnon provided a brief overview of the evolution of the issue of e-petitions at the House of Commons and outlined a number of themes and questions he suggested the Committee consider. Mr. Gagnon also raised a number of key areas for consideration for the Committee, particularly regarding how to validate an online signature, how to prevent frivolous or libellous petitions, and the role of Members in the e-petitions process. He noted that the proposal would require moderate changes to the Standing Orders. He suggested that the e-petition system should mirror, to the extent possible, the current procedures and practices in place for paper petitions.

Regarding costs, Mr. Gagnon provided a high-level estimate of an initial investment of \$100,000 to \$200,000 to implement such a system. He also approximated that an additional 20% should be added for ongoing technical costs, not including any costs associated with potentially hiring new staff. Mr. Gagnon estimated that the development and implementation phases could take from three to six months, following the approval of a business case by the Board of Internal Economy.

Mr. Aaron Wudrick of the Canadian Taxpayers Federation noted, in his appearance before the Committee on November 18, 2014, that his organization supports the motion because it permits citizens to engage with Parliament in a new way and demonstrates commitment to greater accountability by Parliament.

Mr. François Arsenault, Director, Parliamentary Proceedings Directorate, National Assembly of Quebec, and Mr. Tim Mercer, Clerk of the Legislative Assembly, Legislative Assembly of the Northwest Territories also appeared before the Committee on November 18, 2014, to discuss the e-petition systems in the legislatures of Quebec and the Northwest Territories (“NWT”).

The technology used for NWT legislature’s website was purchased from a firm located in the United Kingdom for \$8,000. The website is hosted and maintained by the firm in the U.K. for just over \$800 a

year. Since its implementation in 2012, 14 e-petitions have been tabled in the NWT Assembly. Mr. Arsenault noted that the two most important considerations in establishing an e-petition program are technology and staff preparedness. The National Assembly of Quebec developed their own software, and it took staff approximately six months to complete. Mr. Arsenault stressed that ensuring that the staff at the Assembly who would be reviewing the petitions was properly trained and ready to handle any problem that might arise was critical during the launch of the system.

On November 25, 2014, Dr. Ruth Fox of the Hansard Society (based in the UK) appeared before the Committee to discuss a report written by the Hansard Society on e-petitions at the request of the UK House of Commons Select Committee on Backbench Business. The report, entitled “What next for e-petitions?” addresses five problems that arose from the newly established e-petitions process: ownership and responsibility, heightened public expectations, public engagement, debates on e-petitions in Parliament, and the simplicity and fairness of the process. She recommended that the Committee integrate the paper and electronic petition systems for consistency and clarity. Further, she recommended the Committee consider the role of Members carefully in the petition process, as the process in the UK has “quite a thin form of engagement” between petitioners and Members.

Ms. Jane Hilderman, research manager and an acting director of Samara also appeared before the Committee on November 25, 2014. Ms. Hilderman focused her discussion on public opinion surrounding e-petitions, which she noted, appears to be favourable.

On November 25, 2014, the Committee also heard testimony from Ms. Catherine Bochel, Reader in Policy Studies, University of Lincoln, who provided the Committee with information on features of note concerning the UK government e-petition system and some statistics on usage.

In Ms. Bochel’s view, an e-petition system can increase public participation in and bolster the legitimacy of the democratic process, inform MPs about public concerns, and can perform an educative function. As to features of an e-petition system, Ms. Bochel made several points. The system needs a clear statement of purpose, there is a need to manage expectations by making it clear to petitioners how the system functions, and what the range of outcomes are for petitions. She also posed questions for the Committee’s consideration, such as whether the petitioner would be granted direct access to the system or whether the petition would require an M.P. to sponsor it? Ms. Bochel noted that, in her view, it could be useful to have the system alert an M.P. that a petition is being submitted by a constituent, noting also that engagement throughout the process with the petitioner would be desirable, such as having the system provide alerts when certain thresholds are met. She also provided the Committee with some usage statistics for the UK e-petitions system. During its first three years, the UK e-petitions system received approximately 53,500 petitions, of which 28,500 were deemed admissible. Of these, 145 received a response from the relevant government department, and debates had been held on 25 petitions.

Mr. Mike Winter, Head of Office, Office of the Leader of the UK House of Commons and Mr. Chris Shaw, Parliamentary Adviser, UK Cabinet Office, also appeared before the Committee on November 25, 2014. They provided information to the Committee on the e-petition system used by the government in the UK.

Mr. Winter described the process for signing a government e-petition in the UK. He noted, to be eligible to sign a UK government e-petition, a person must declare that he or she is a UK resident or a British citizen, he or she must have an active email account, and a valid postal code (this is checked against a Royal Mail database). Only one signature is allowed per email address per e-petition; however, signatories from the same IP address are allowed. The latter is monitored for unusual signing patterns by technical staff. Mr. Winter noted that, as far as he was aware, no abuses of the e-petition system had yet been found. In terms of privacy, the government stores only the name, postal code, and email address of individuals who create a petition. This data is not made available to any third parties. On the e-petitions website, the only information displayed about the petition creator is his or her name, and no other contact information.

The software for the e-petitions system was created by the UK Government's Digital Service at a cost of approximately £80,000. The ongoing operating costs are approximately £40,000 per year, a figure that does not include certain other marginal costs (staff costs, technical staff costs, and costs to individual government departments).

Mr. Winter noted that the UK e-petition system had been used by roughly 3.5 million people per year since being implemented in 2011. The system had also evolved, with the most notable changes being the introduction of a 10,000 signature threshold to elicit a government policy response to a petition, and the creation of a specific time in the sitting day for e-petition debates. In terms of statistics of note, Mr. Winter pointed out to the Committee that of the 15,000 e-petitions submitted each year, approximately 30% of approved petitions have two supporters or fewer. Further, about half of the signatories come to a specific e-petition via social media apps, and not through the home page.

On November 26, 2014, the Committee received a submission from the Privacy Commissioner. In it, the Commissioner indicated the Committee ought to consider establishing an internal code of practice for use by the House of Commons Administration when dealing with the personal information collected through an e-petition database. This code ought to be based on the ten privacy principles found in the *Personal Information Protection and Electronic Document Act*.<sup>2</sup> These principles are: accountability; identifying purposes; consent; limiting collection; limiting use, disclosure and retention; accuracy; safeguards; openness; individual access; and challenging compliance. Further, the Commissioner also stated in his submission that, among other things, collecting of personal information by the e-petition system should be kept at a minimum, that personal information be retained in the database only for a limited time period, that the e-petitions server and website be protected with solid security measures, that the use and disclosure of personal information be strictly limited to the purposes of the e-petition system, and that the publishing of personal information on the website be kept at a minimum.

On December 9, 2014, the Committee heard testimony from Mr. Charles Walker, Chair, Procedure Committee, UK House of Commons, and Mr. Huw Yardley, Clerk, Procedure Committee, UK House of Commons. Together, they briefed the Committee on the contents of the Third Report of the UK House of Commons Procedure Committee, presented to the House on December 4, 2014, entitled E-petitions: a collaborative system.

---

<sup>2</sup> S.C. 2000, c.5.

Among other things, Mr. Walker noted that the joint government–Parliament e-petition system proposed by the report represented an improvement on the current government only system. The report also recommended the establishment of a select e-petitions committee dedicated to handling all aspects of the e-petition system. It was envisaged that this committee would be given discretion, above and beyond any timelines and thresholds, to decide from a range of possible responses or actions what the appropriate response or action regarding an e-petition ought to be, and when this response or action ought to take place. This flexibility is meant to ensure that grassroots issues are as likely to be heard as issues of concern in large populated cities.

Mr. Walker indicated that the report does not recommend that a petition require the support of an M.P. to be deemed admissible, in order to provide for instances where an M.P. disagrees with the content of an e-petition brought forward by his or her constituents. The report, however, recommends that signatories to e-petitions be given the option of alerting their local M.P. that they have added their name to a given e-petition. With regards to privacy matters, it was noted by Mr. Yardley that under the legal framework in the UK, personal data can only be kept as long as necessary. The report recommends that e-petitions be allowed to remain open for a period of six months; when an e-petition closes, the text of the e-petition and the number of signatories is recorded in official House papers, and soon thereafter all personal information about petitioners is destroyed.

## Discussion

The right to petition Parliament is an ancient and well-established right in the Westminster parliamentary system, tracing its history back to the 13<sup>th</sup> century. Its origins are closely tied to Parliament's formative years, when Parliament's function was essentially judicial, and its first task being to receive petitions from individual persons or corporate bodies. It has even been put forward that, in the parliamentary context, it is from the practice of petitioning that gradually there emerged the procedure of legislation by both public and private bills.<sup>3</sup>

The presentation of petitions has been a feature of the Canadian House of Commons since the time of Confederation. From time to time, the procedures and practices that govern the petition process have been examined by the House with a view of ensuring its effective operation as a direct process through which people can voice their concerns to the House on matters of public interest.

In recent times, the petition process was examined for potential procedural reforms by the Special Committee on Reform of the House of Commons (known as the McGrath Committee) in the mid-1980s. In February 1994, the House of Commons passed a motion directing the Standing Committee on Procedure and House Affairs to examine measures to achieve more direct participation by citizens, including debates on petitions.<sup>4</sup> In 2003, the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons undertook a study of various practices in the House of Commons, including petitions. In its *Fourth Report*<sup>5</sup>, tabled in June 2003, the Committee

---

<sup>3</sup> United Kingdom, Memorandum by the Journal Office, *Second Report from the Select Committee on Procedure*, Appendix 1, H.C. 202, Session 1972-1973.

<sup>4</sup> House of Commons, *Journals*, February 7, 1994.

<sup>5</sup> House of Commons, Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, [Fourth Report](#), June 12, 2003.

noted that e-petitions were being used successfully in the Scottish Parliament, and recommended that a system for e-petitions be developed. The report was concurred in by the House on 18 September 2003. In 2005, the Standing Committee on Procedure and House Affairs undertook a study on parliamentary reform, including the feasibility of introducing an e-petition system for the House. In its 26<sup>th</sup> Report, among other things, the Committee indicated that following a briefing given by the Clerk of the House and his officials regarding implementing an e-petitions system, concerns and questions arose among Members as to the feasibility of such a system, and no further action was taken on the matter.

In January 2014, the Committee received an Order of Reference from the House to recommend changes to the Standing Orders and other conventions governing petitions with the view of establishing an e-petition system. Over the course of its study, the Committee has given thorough review to the e-petition systems currently in place in other jurisdictions (including Scotland, the United Kingdom, the United States, Wales, Quebec, Queensland, and the Northwest Territories), and has heard from a number of expert witnesses on the matter. Having concluded its study on this Order of Reference, the Committee is convinced that an e-petition system for the House is feasible and desirable, and ought to be put in place.

**The Committee recommends that the ancient right of petitioning be expanded, given the evolution in the means of communications, through the establishment an e-petition process.**

In order to put in place an e-petition process that would best serve Canada's Parliament, and reflect its procedures, practices and traditions, numerous procedural and technical aspects of such a system have been considered by the Committee. The Committee's recommendations for the establishment of an e-petition process, to be administered by the House of Commons Administration, and hosted on the Parliament of Canada website, are set out below in as full detail as possible.

### **Starting an e-petition**

In order to initiate an e-petition, an e-petitioner<sup>6</sup> would be required to visit the e-petition webpage hosted by House of Commons Administration on the Parliament of Canada website. A form would have to be completed by the e-petitioner in which he or she must provide the following information: full name, full address including postal code, phone number, and e-mail address. The e-petitioner must also confirm by means of self-declaration that he or she is a resident of Canada or a Canadian citizen living outside of Canada. The form to be filled in by the e-petitioner will also receive the e-petitioner's prayer (i.e. a request for the addressee to take some action to remedy a grievance).

When initiating a new petition, an e-petitioner must also select a Member of the House of Commons by using a drop-down list on the website to serve as its "sponsor." An e-petition requires a Member to sponsor it in order for it to proceed. Petitioners can only send a draft petition to one Member at a time. A disclaimer will appear on the website to inform the e-petitioner that 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 matter.

---

<sup>6</sup> "E-petitioner" will be used as the term to describe the individual who created or started a given petition.

The creator of an e-petition will be required to confirm the validity of his or her e-mail address. Upon completing the e-petition form, he or she will automatically be sent an e-mail with a link embedded in it that must be clicked in order to activate the submission. In addition, this automatic e-mail will also contain a security mechanism (e.g. a unique code randomly generated by the website) that will prevent the automated creation of e-petitions.

Similar to the process recommended in the UK House of Commons Procedure Committee's Third Report of Session 2014-15, the Committee suggests that the e-petitioner must identify five other individuals who support his or her e-petition. The e-petitioner would enter the full names and e-mail addresses of these five individuals. These individuals would be automatically e-mailed through the system and invited to confirm their e-mail addresses, provide their postal codes, and confirm they are residents of Canada or Canadian citizens living outside of Canada.

Following the receipt of confirmation of support of the e-petition from the five individuals, the e-petitioner's form (including contact information) and the text of the petition would be automatically submitted to the Member selected by the e-petitioner to be the sponsoring Member.

A Member selected by the e-petitioner to be the sponsoring Member would have the option of agreeing to do so or not. In the event that the selected Member does not agree to be the sponsoring Member, the e-petitioner will be notified and given the opportunity to select a second Member to be the sponsoring Member. Should the second selected Member also not agree to be the sponsoring Member, the e-petitioner will be notified and given the opportunity to select a third Member to be the sponsoring Member. This process for finding a sponsoring Member could be repeated up to and until the fifth selected Member declines to be the sponsoring Member, at which point the e-petition would proceed no further. Throughout this part of the process, where a selected Member does not agree to be the sponsoring Member, that Member may, if he or she wishes, have a message sent to the e-petitioner and the supporting individuals explaining why he or she does not agree to sponsor the petition. There will be no limit to the number of e-petitions that a Member can sponsor at one time. Once a selected Member agrees to be the sponsoring Member, the e-petition form is automatically sent to the Clerk of Petitions for certification.

The e-petitioner and sponsoring individuals should be advised that they may receive communications from the selected Member, as well as the Clerk of Petitions about the application for the e-petition, and from the e-petition administrators about subsequent events in relation to the e-petition. The Member from the e-petitioner's electoral district will not be alerted by the e-petition system that a constituent has created an e-petition as this would be contrary to the House's current practice for paper petitions.

### **Certification of a draft e-petition**

The Clerk of Petitions will be responsible for assessing all draft e-petitions against the current guidelines, standards and rules applied for certifying paper petitions, insofar as they apply (e.g. the rules on the dimensions of paper would not be relevant, etc.).

In addition, and for greater certainty, an e-petition must

- a) be addressed to the House of Commons, government of Canada, a Minister, or Member of the House;
- b) contain a clear, proper and respectful prayer;
- c) state a grievance sought to be remedied and specify the action the petitioners wish to see taken in response;
- d) relate to a matter within the powers of the House of Commons, the Parliament of Canada, or the Government of Canada;
- e) not relate to a matter within the prerogatives of the Queen or the Governor General (e.g. conferring the Order of Canada on an individual);
- f) not be about a matter in which one or more of the heads of relief sought are currently *sub judice*;
- g) not contain offensive wording or content which is illegal (e.g. information subject to a publication ban) or actionable;
- h) not contain appendices, attachments or lengthy extracts;
- i) be in one of the official languages;
- j) not exceed 250 words; and
- k) contain no reference to Universal Resource Locators (URLs), or other links or web-based references.

The Clerk of Petitions reviews draft e-petitions on a first-come, first-serve basis. There should not be a timeframe in which an e-petition is either posted on the website or otherwise rejected. The House of Commons Administration will be responsible for establishing its service standards in respect of handling e-petitions, based on but not composed wholly of, the recommendations in this Report. In the event that the Clerk of Petitions does not certify an e-petition, he or she will indicate to the e-petitioner and the sponsoring Member which standard(s) were contravened and may provide further comments and/or explanations as needed.

In addition, the prayer of an e-petition must not be identical or substantially the same as the prayer of an e-petition currently published and open to signatures on the Parliament of Canada website. A prayer will be considered substantially the same as the prayer of another e-petition if both the grievance and the action to remedy the grievance essentially duplicate that other e-petition.

The guidelines, standards and rules for e-petitions will be made easily accessible on the parliamentary website in order to assist e-petitioners in completing the form proposing their e-petition.

### **Publishing an e-petition**

Once the Clerk of Petitions certifies an e-petition, and confirms that its prayer is neither identical to nor substantially the same as another e-petition that is at that time published and open to signature, he or she will arrange for the translation of the e-petition, if necessary, into the other official language and publish the e-petition, in both official languages, on the e-petition website in a manner so as to enable others to sign it. The e-petition website will be hosted on the Parliament of Canada website in an appropriate and accessible location to be determined by the House of Commons Administration.



In the event that the Clerk of Petitions finds the prayer of an unpublished e-petition to be identical to, or substantially the same as, the prayer of a published e-petition which is, at that time, open to signature, the views of the e-petitioner of the unpublished e-petition will be sought in order to determine whether to withdraw his or her unpublished e-petition or to place it on a waiting list until such time as no other identical, or substantially the same, e-petitions are open to signature.

The published e-petition will display the full name and the city of the e-petitioner (for greater certainty, the website will not display any of his or her contact information) and the name and riding of the sponsoring Member, as well as the total number of signatories to date and the total signatories per province. No information whatsoever regarding the identity of the signatories (e.g. name, city, etc.) will be displayed on the website. The text of the e-petition, its translation notwithstanding, will be published in the form it was submitted, provided typographical errors do not result in the e-petition failing to meet House standards for clarity. Sponsoring Members may contact and alert e-petitioners as to potential wording problems or typographical errors.

It should be possible to link to a webpage on the e-petition website using a social media platform.

An e-petitioner may not have two e-petitions published and open to signature at the same time. In the event the Clerk of Petitions receives an e-petition from an e-petitioner who has, at that time, an e-petition published and open to signature, the views of the e-petitioner will be sought by the Clerk of Petitions as to whether to withdraw the e-petitioner's most recently published e-petition or place the newest one on a waiting list until such time as no other e-petitions initiated by the e-petitioner are open to signature.

An e-petition published and open for signatures shall remain open for signatures for 120 days.

If a sponsoring Member ceases to be a Member, at any point prior to an e-petition being presented to the House of Commons, the e-petitioner may select another Member to be the sponsoring Member and that process for finding a new sponsor shall start anew. Once an e-petition has been opened for signature, at that time, if the sponsoring Member ceases to be a Member, the e-petitioner will have the option of finding another sponsoring Member but this is not a requirement. A sponsoring Member will not be permitted to rescind his or her sponsorship of an e-petition, once they have formally accepted to do so.

In terms of the organization of the total list of all e-petitions on the e-petition website, the default organization should be by subject-matter. An option should, however, exist for a visitor to the website to reorganize the full list of all e-petitions by other fields, including by date, status, sponsor, or total number of signatures. An emphasis ought to be placed on a strong, effective, and user-friendly search engine; visitors to the website ought to be able to customize their search as much as possible (e.g. using keywords, multiple criteria, etc.).

### **Signing an e-petition and verification of signatures**

In order to sign an e-petition, an individual would need to provide and confirm his or her e-mail address, provide his or her full name, postal code and phone number, confirm that he or she is a resident of Canada or a Canadian citizen living outside of Canada, and confirm through self-declaration that he

or she has not previously signed the same e-petition. Signatories of an e-petition will be informed that they may receive updates on the status of that e-petition.

Each signature will first be verified by sending an automatically generated e-mail to the e-mail address provided by the signatory, which contains a link that must be clicked to confirm that email's validity. The signing process will also involve a security feature (e.g. a unique code randomly generated by the website) to ensure that signatures are not being added to an e-petition on an automated basis. Only one signatory per e-mail address will be permitted to sign the same e-petition. In addition, should the Clerk of Petitions believe that a signature is not authentic or not permissible, the Clerk of Petitions may disallow it. Only after a signatory's information has been verified will his or her signature count toward an e-petition's total signatures.

The software used to manage e-petition signatures should safeguard the integrity of the e-petition process and flag issues or unusual patterns for spot-checks and verification. For example, the software could flag instances of signatures with the same first and last names; similar e-mail addresses; where a high number of signatories (e.g. ten or more) originate from the same IP address for the same e-petition; or it could flag a disproportionate number of signatories for the same e-petition originating from non-Canadian IP addresses. For greater certainty, this would not otherwise limit the ability of the Clerk of Petitions from taking other measures to monitor and verify the integrity of the e-petition process. To avoid the potential for abuse by political staff during work hours, no signatures will be accepted from IP addresses associated with the Parliament of Canada or the Government of Canada.

If at any time the Clerk of Petitions believes that the integrity of an e-petition has become irreversibly compromised through inauthentic signatures, the Clerk of Petitions may withdraw the e-petition and notify the e-petitioner accordingly.

### **Closing an e-petition and the outcome(s) of an e-petition**

Following the expiration of the 120-day period during which an e-petition is published and open to signature, that e-petition will be closed to signature and removed from the website except for certain information to be kept in an archive hosted on the website. Petitions that have already been submitted and closed can be submitted anew on the parliamentary website.

If possible, the e-petition system should automatically send e-mail notifications to the signatories of an e-petition when an e-petition they have signed closes, indicating the total number of signatures received and next steps, where applicable, in the process. If not possible, at a minimum, instructions should be sent to each individual upon signing an e-petition concerning how to keep current with that e-petition's progress. Signatories should be able to opt-out of receiving any e-mailed update at any time.

An e-petition that has garnered fewer than 500 signatures at the time it is closed shall be deemed withdrawn. The e-petitioner, the five individuals who supported the petition in order to initiate it, and the signatories shall be advised of the outcome.

In the case of an e-petition that has garnered 500 or more signatures at the time it is closed, the Clerk of Petitions shall prepare the prayer of the petition into a hard copy format suitable for presentation to the House of Commons by the sponsoring Member. The tabling process should be broadly similar as for

paper petitions, except with e-petitions, the sponsoring Member tables the e-petition text and the total number of signatories (for greater certainty, a list of all signatories to an e-petition will not be tabled in the House). When the sponsoring Member has presented the e-petition to the House, the Clerk of Petitions shall cause the e-petitioner, the five individuals who supported the petition in order to initiate it, and the signatories to be notified by e-mail. An e-petition can be deposited with the Clerk of the House.

The government shall be under the same requirement, and timelines, to respond to an e-petition as it currently has for paper petitions (i.e. within 45 days). When the government responds to an e-petition, in addition to the response being tabled, the content of the response will be published on the e-petition website together with the relevant e-petition. Once the response has been so published, the Clerk of Petitions shall cause the petitioners to be notified by e-mail.

Should the government fail to respond to an e-petition within the established timeline, a designated committee shall call a meeting to enquire into that failure. The Clerk of Petitions shall cause the petitioners to be notified of the failure and the committee meeting called in relation to it. The petitioners will also be notified of the outcome of any committee proceedings.

The Committee anticipates that e-petitions will serve to heighten public interest and engagement in public policy matters and will help shape the debates in Parliament, along with the priorities of political parties. Elevated participation by citizens in the democratic process, including through e-petitions, can bear results in the shape of the government's legislative priorities and the use of its usual parliamentary time, the opposition parties' choices of opposition motions on allotted days, topics studied by committees, and the parties collaborating on the use of Take-note Debates.

The majority of the Committee does not agree to establishing a process whereby debates would automatically be triggered by e-petitions. While the rules place the initiative for Take-note Debates on ministers of the Crown, by current convention, the determination of whether an issue warrants a Take-note Debate is usually subject to informal discussions and negotiation among the parties' House Leaders. This practice allows the House to operate in a flexible manner, with the scheduling of Take-note Debates coming as the result of consensus achieved among House Leaders. The Committee sees no reason to disrupt this approach to Take-note Debates, and notes that very popular e-petitions may, indirectly, result in the choice of topics being debated.

### **Prorogation, dissolution and archiving**

As part of the e-petition website, an e-petitions archive should be created on which closed petitions will be displayed following their expiration. The purpose of the e-petition archive is to allow the public easy access to the results of closed petitions. A search engine should be included in the e-petition archive. Information to be included in the archive about each e-petition would include the name of the e-petitioner, sponsoring M.P., number of signatories, text of the e-petition, government responses, and any appropriate hyperlinks. Cost permitting, closed e-petitions should be archived indefinitely.

The prorogation of Parliament will have no impact on the e-petition system other than any inherent delays that may potentially arise in presenting the e-petition in the House or in the government responding to the e-petition.

Upon the dissolution of a Parliament, the e-petition website will be deactivated until the date fixed for the return of the writs for election of Members to the next Parliament. Any draft e-petitions in the process of being certified, e-petitions open for signature or e-petitions closed for signature but not yet presented to the House, shall, upon dissolution, be deemed withdrawn. The Clerk of Petitions shall cause petitioners to be notified of this outcome in the event of a dissolution; similarly, in relation to petitions presented to the House but not yet responded to by the government, the Clerk of Petitions shall cause those petitioners to be notified that the dissolution of Parliament prevents the Government from responding.

### **Data management**

The Committee considers it of high importance that an e-petition system, and those administering it, ensure the highest standards are met with respect to the protection of the privacy rights, and the handling of the personal information, of the citizens who choose to take part in the democratic process by starting or signing an e-petition.

The proposed e-petition system will be administered by the House of Commons Administration, and hosted on the Parliament of Canada website. The data collected on each e-petitioner and signatory will be only that information provided to the website in order for the House Administration to ensure that the person is eligible to start an e-petition or to sign an e-petition according to the process set out above. E-petitioners and signatories should be made aware of the purpose for which their personal information is being collected (i.e. to verify their identity as needed, and to provide them with updates on the status of their e-petition, which they may opt-out of receiving at any time).

The names and contact information of lead petitioners may only be shared by the House of Commons Administration in the manner and for the purposes of administering an e-petition system as set out above. For greater certainty, no third party (including Members or political parties) will have access to data or information collected by the e-petitions system. The names and contact information of the supporting individuals and other signatories shall not be released by the House Administration. In the event that a petition becomes the subject of a committee proceeding, House Administration may share with the clerk of the relevant committee the contact information of the e-petitioner, in the event the committee wishes to have him or her appear before it.

All personal information collected through the e-petition website should be destroyed by the House of Commons Administration within 6 months of each e-petition being closed. Should executing this task at this interval entail either a disproportionate administrative burden or cost, the House of Commons Administration could, alternately, destroy all data collected through the e-petition website at a regular interval that it deems both cost-effective and administratively efficient, provided the interval does not exceed every dissolution of a Parliament.

The House of Commons Administration is directed to develop an internal code of practice to be adhered to by those administering the e-petition system, in the spirit and along the lines proposed by the Privacy Commissioner in his submission to the Committee of November 26, 2014. This code of practice would, among other things, protect the privacy of citizens, and operate according to the privacy principles set out in the *Personal Information Protection and Electronic Documents Act*. The Committee further

considers it a best practice to limit access to an e-petition database to the furthest extent possible (e.g. to Journals Branch staff only), and to implement a mechanism to track which individuals have accessed the e-petition database.

### **Paper petitions and ministry responses**

The potential breadth and reach of an e-petition prompts consideration of similar issues related to paper petitions. The criteria for who may sign either an e-petition or a paper petition should be consistent. Therefore, paper petitions should be receivable if signed by individuals resident in Canada or Canadian citizens residing outside of Canada.

In order to facilitate the publication of copies of ministry responses on the e-petition website, the House of Commons Administration and the Privy Council Office ought to collaborate with a view of arriving at a formal agreement as to the policies and processes for transferring ministry responses to the House Administration, including arriving at a uniform and accessible electronic format for ministry responses to e-petitions and paper petitions.

### **Implementation**

The e-petition system should be activated at the opening of the 42<sup>nd</sup> Parliament (or as promptly as possible thereafter, according to when the necessary logistical arrangements can be put into place). The House of Commons Administration should work with the Committee on the “look and feel” of e-petition forms and website layout, presentation, and arrangement of information.

### **Private bills**

An e-petition may not be used for the petition aspect of the proceedings on a private bill.

### **Standing Orders**

Annexed to this Report are provisional Standing Orders necessary to implement the system. They shall come into effect at the beginning of the 42<sup>nd</sup> Parliament, which will coincide with the launch by the House of Commons Administration of the electronic petition system set out in this Report. The provisional Standing Orders shall remain in effect until such time as the Committee, designated by this Report to conduct a review of the e-petition system, undertakes such a review and the report concerning the review is concurred in by the House.

### **Privilege**

An e-petition is not to be considered a proceeding in Parliament, for the purposes of parliamentary privilege, until the e-petition has been presented to the House of Commons. A disclaimer setting out the terms and conditions of the e-petitions website ought to be created by the House of Commons Administration, and include therein a process for handling e-petitions that do not comply with the website’s terms and conditions.

## **Review**

Without prejudice to the Committee sooner reviewing the e-petition system or adjusting elements of the process, the Committee should undertake a review of the e-petition system and process once two years' experience have been acquired with its operation.

## ANNEX –

# AMENDMENTS TO THE STANDING ORDERS

**That Standing Orders 36, 131. (6) and 133. (4) of the *Standing Orders of the House of Commons* be amended to read as follows:**

Paper Petitions to be examined by Clerk of Petitions.

**36. (1)** Prior to presentation, the Clerk of Petitions shall examine all paper petitions, and in order to be presented, they must be certified correct as to form and content by the said Clerk.

Form of paper petitions.

(1.1) In order to be certified, pursuant to section (1) of this Standing Order, every paper petition shall:

(a) be addressed to the House of Commons, the House of Commons in Parliament assembled, the Government of Canada, a Minister of the Crown or a Member of the House of Commons;

(b) contain a clear, proper and respectful prayer which may call for the expenditure of public funds;

(c) be written, typewritten or printed on paper of usual size;

(d) be free of alterations and interlineations in its text;

(e) have its subject-matter indicated on every sheet if it consists of more than one sheet of signatures and addresses;

(f) contain only original signatures and addresses written directly onto the petition and not pasted thereon or otherwise transferred to it;

(g) not concern a matter in which one or more of the heads of relief sought are currently *sub judice*; and

(h) contain at least twenty-five signatures from citizens or residents of Canada, other than Members of Parliament, and where the signatories have a fixed place of residence, their addresses.

Electronic petitions to be verified by Clerk of Petitions.

**36. (2)** Prior to publishing on the Parliament of Canada website, the Clerk of Petitions shall examine all electronic petitions in order to determine that they are correct as to form and content.

Form of electronic petitions.

(2.1) In order to be published on the website, pursuant to section (2) of this Standing Order, every electronic petition shall:

(a) be addressed to the House of Commons, the House of Commons in Parliament assembled, the Government of Canada, a Minister of the Crown or a Member of the House of Commons;

(b) contain a clear, proper and respectful prayer which may call for the expenditure of public funds;

	<u>(c) not exceed 250 words;</u>
	<u>(d) be sponsored by a Member;</u>
	<u>(e) not concern a matter in which one or more of the heads of relief sought are currently <i>sub judice</i>;</u>
	<u>(f) contain no Universal Resource Locators (URLs), or other links or web-based references; and</u>
	<u>(g) be submitted by an e-petitioner who has no other electronic petition open for signature.</u>
<u>120 days for signature.</u>	<u>(2.2) Each electronic petition shall be open for signature for 120 days.</u>
<u>Similar items. Clerk of Petitions to decide.</u>	<u>(2.3) The Clerk of Petitions shall be responsible for determining whether an electronic petition is so similar as to be substantially the same as one already open for signature, in which case the last electronic petition received shall be returned to its sender without having appeared on the website.</u>
<u>Electronic petitions to be certified by Clerk of Petitions.</u>	<u>(2.4) In order to be certified by the Clerk of Petitions for presentation to the House, every electronic petition shall contain at least 500 electronic signatures from citizens or residents of Canada, other than Members of Parliament, and where the signatories have a fixed place of residence, their addresses.</u>
<u>Members answerable.</u>	<u>(3) Members sponsoring an electronic petition or presenting petitions to the House shall be answerable that they do not contain impertinent or improper matter.</u>
<u>Member's endorsement.</u>	<u>(4) Every Member presenting a petition shall endorse his or her name thereon.</u>
<u>Filing with Clerk of the House.</u>	<u>(5) A petition to the House may be presented by a Member at any time during the sitting of the House by filing the same with the Clerk of the House.</u>
<u>Presentation in the House.</u>	<u>(6) Any Member desiring to present a petition, in his or her place in the House, may do so on "Presenting Petitions", a period not to exceed fifteen minutes, during the ordinary daily routine of business.</u>
<u>No debate.</u>	<u>(7) On the presentation of a petition no debate on or in relation to the same shall be allowed.</u>
<u>Ministry's response.</u>	<u>(8)(a) Every petition presented pursuant to this Standing Order shall forthwith be transmitted to the Ministry, which shall, within forty-five days, respond to every petition referred to it; provided that the said response may be tabled pursuant to Standing Order 32(1).</u>



(b) If such a petition remains without a response at the expiration of the said period of forty-five days, the matter of the failure of the Ministry to respond shall be deemed referred to the appropriate Standing Committee. Within five sitting days of such a referral the Chair of the committee shall convene a meeting of the committee to consider the matter of the failure of the Ministry to respond.

No debate on report.  
Petition may be read.

**131.** (6) No debate shall be permitted on the report but a petition referred to therein may be read by the Clerk of the House at the Table, if required.

*NOTE: For greater certainty, only paper petitions shall apply for the purposes of this Standing Order.*

Map or plan with petition.

**133.** (4) No petition praying for the incorporation of a railway company, or of a canal company, or for an extension of the line of any existing or authorized railway or canal, or for the construction of branches thereto, shall be considered by the Examiner, or by the Standing Committee on Procedure and House Affairs, until there has been filed with the said Examiner a map or plan, showing the proposed location of the works, and each county, township, municipality or district through which the proposed railway or canal, or any branch or extension thereof, is to be constructed.

*NOTE: For greater certainty, only paper petitions shall apply for the purposes of this Standing Order.*

**That the Clerk of the House be authorized to make any required editorial and consequential alterations to the Standing Orders, provided that the Clerk of the House inform the Committee, in writing, of any editorial and consequential alterations they make.**

# MINUTES OF PROCEEDINGS

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 56, 57, 58, 62, 64, 65, 67 and 70](#)) is tabled.

Respectfully submitted,

JOE PRESTON  
Chair



---

Published under the authority of the Speaker of the House of Commons

#### **SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Standing Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site  
at the following address: <http://www.parl.gc.ca>