



Northern Ireland
Assembly

Assembly and Executive Review Committee

OFFICIAL REPORT (Hansard)

Petitions of Concern: Briefing from Northern
Ireland Assembly Research and Information
Service

24 September 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Gregory Campbell
Mr Stewart Dickson
Mr Paul Givan
Mr Raymond McCartney
Mr Sean Rogers
Ms Caitríona Ruane

Witnesses:

Mr Ray McCaffrey Northern Ireland Assembly Research and Information Service

The Chairperson: I ask Ray McCaffrey, who is a research officer, to come to the table. You are very welcome, Ray. Go ahead when you are ready.

Mr Ray McCaffrey (Northern Ireland Assembly Research and Information Service): Thank you, Chair.

Members have several papers on petitions of concern. Given that you will shortly hear legal advice, I will speak briefly to the paper, which contains additional information and includes section 4 of a paper that was submitted to the Committee as part of its previous review.

As of March 2013, 56 petitions of concern had been submitted since the Assembly was established in 1998. Since March, and the completion of the previous paper, a further five have been submitted. Three related to the Planning Bill; one to marriage equality at the constitutional convention in the Republic of Ireland; and one to a motion calling for an inquiry into alleged political interference at the Housing Executive. So, in total, there have now been 61 petitions of concern: 34 unionist, 25 nationalist and two joint.

From the table in the paper, you will see that there is no real set pattern to their use. Certainly, since the Assembly was first established, their use has increased, but that is, of course, thrown out somewhat by the long period of suspension. Even in the 2010-11 session, for example, the 17 unionist petitions of concern can largely be accounted for by the Caravans Bill and Justice Bill. So, even where it looks as though there are a lot, they centre on a couple of pieces of legislation.

Section 4 is an extract from our larger paper, 'Opposition, community designation and d'Hondt'. It provides some background to the concept of community designation in the Assembly. It also sets out the legislative basis of community designation and the process under Standing Orders for designating as "Nationalist", "Unionist" or "Other". Section 42 of the Northern Ireland Act 1998 states that any vote on a petition of concern must be on a cross-community basis. Standing Order 28 states that, if 30 Members sign a petition of concern, the vote on that matter will be delayed until at least one day after the petition was submitted.

As Members are aware, there is disagreement on the principle of community designation, and the arguments for and against were advanced in the evidence sessions for the Committee's previous inquiry. Critics suggest that it is a method of entrenching sectarianism by dividing the Assembly into clearly defined groups. Others argue that it simply addresses the reality of political parties working in a divided legislature. Another argument is that it means that the votes of those designated "Other" do not count. That was refuted in one evidence session, when it was argued that it would be more accurate to say that the votes of nationalists and unionists are worth more than the votes of those who designate as "Other". It was suggested that community designation could be replaced with a weighted majority voting system with a sufficiently high threshold. That would still ensure that no decision could be taken against significant opposition in one of the two communities. It was argued that petitions of concern could be limited to certain key votes in the Assembly. That could be a method of curtailing their use, if it was felt that they were being employed too often, as some have suggested.

Finally, the paper provides another example of the type of community designation that exists elsewhere. This one is in the Belgian Parliament and has been described as an alarm bell procedure, whereby a motion signed by at least three quarters of one of the language groups in the Parliament, the French-speaking or the Dutch-speaking group, could state that the provisions of a particular Bill could be seriously detrimental to community relations. That means that the Bill is referred back to the Cabinet, which has to consider it and refer it back to the Parliament within 30 days.

That was just a brief recap of some of the issues around petitions of concern and community designation.

The Chairperson: Thanks for that, Ray.

According to the table, a joint petition of concern about the Civic Forum was brought by nationalists and unionists. Will you give us the background to that?

Mr McCaffrey: I do not have the background to hand, Chair, but I am happy to go away and confirm that for the Committee.

The Chairperson: I was just wondering about that one and the petition of concern about the election of the First and deputy First Ministers. Those two stand out.

Mr McCaffrey: I think that the one about the election of the First and deputy First Ministers was, perhaps, submitted by the Ulster Unionists and the SDLP. I will double-check the one about the Civic Forum.

The Chairperson: No members wish to ask questions. Thank you, Ray.