



Northern Ireland
Assembly

Research and Information Service Briefing Paper

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E-Petition systems

1 Introduction

This briefing paper sets out the position in other legislatures regarding their e-petitions system. It outlines the process for submitting petitions and the mechanisms in place for progressing admissible petitions.

2 Do legislative petitions systems have any impact?

Before examining the mechanisms in place in other legislatures, it is useful to look at what impact, if any, legislative petition systems can have. Previous research has explored this issue and the key points are highlighted below:

- **Link between Parliament and Citizen:** with systems and structures of modern government becoming increasingly complex, petitions systems can help ordinary citizens navigate and engage with government and government agencies. Petitions systems provide a recognised process which link citizen and state...what parliament does with a petition once it has been presented varies considerably from legislature to legislature.
- **Inform policy development and executive scrutiny:** petitions systems can provide those who are affected by a particular policy with the opportunity to make their views known on the operation and impact of that policy...Petitions

often form part of a broader attempt by individual groups within a community to draw public attention to a particular grievance... One of the recognised objectives of electronic petitioning is to bring together remote individuals and communities with common interests...even in circumstances where the petition was unlikely to be acted upon, petitioners felt better knowing that a group of parliamentarians had taken the time to consider the issue

- **Effect policy change:** petitions can contribute to the creation of a climate of opinion that may influence policy formulation and in some cases petitions can ultimately lead directly to a change in government policy...so long as the process itself is considered to be fair. It is not necessary for all petitions to be successful for a petitions system as a whole to be considered effective. However, for a petitions system to be considered truly effective, it must be able to demonstrate that some petitions actually achieve their intended objective. Few petitions systems demonstrably enable citizens to influence the outcome of parliamentary debate and/or affect policy development¹.

3 Petition systems in other legislatures

UK Parliament and UK Government

Unlike other legislatures, the UK Parliament does not currently offer a dedicated e-petitions service. It does have a traditional method whereby petitioners can submit written petitions to the House of Commons, but it is the UK Government that operates the e-petitions service, albeit with the House of Commons having an input into the process.

Since August 2011 an e-petitions service has existed under the DirectGov portal, moderated by Government Departments with oversight from the Office of the Leader of the Commons. Petitions that gathered in excess of 100,000 signatures would be eligible for debate in Parliament.

Concerns were expressed that the new service would raise expectations about what could be achieved through the service. It was pointed out that the Backbench Business Committee, which has only 35 days of parliamentary time each year, would find it difficult to incorporate petition debates into its workload, given other significant issues it has to deal with.

In its 2012 review of the process, the Procedures Committee noted that the Government had not provided any extra time for debating e-petitions, and suggested that such debates could take place in Westminster Hall on Mondays. The Government

¹ These points are summarised from Richard Hough, 'Do Legislative Petitions Systems Enhance the Relationship between parliament and Citizen?', *Journal of Legislative Studies*, September-December 2012, pp479-495

welcomed this recommendation and it was implemented in July 2012 on a pilot basis, subsequently extended until the end of the current Parliament. The Committee also suggested that “More detailed consideration should be given to proposals for more substantial changes in the future”, including “moving to an entirely parliamentary system of petitioning”.

This last point was highlighted by the Hansard Society, which undertook a review of the petitions system in 2012. It favoured a parliamentary, rather than Government-based system:

The (current) system, as it stands, is an unusual hybrid straddling a constitutional no-man’s land: it is neither fully a parliamentary nor a government system...petitions are simply directed to the Office of the Leader of the House of Commons, emphasising executive control of the legislature. Yet the onus is placed on the House of Commons, through the Backbench Business Committee, to respond to the most popular petitions that reach the 100,000 signature threshold².

Political and Constitutional Reform Committee review

In July 2013 the Political and Constitutional Reform Committee commented on aspects of the e-petitioning system:

The Committee reiterated concerns about the confusion between the roles of Government and Parliament over the e-petitions system and considered how a Petitions Committee could operate in Westminster. It concluded that:

- All e-petitions for consideration by Parliament must be hosted on the Parliamentary website
- Numbers thresholds should not be used to determine whether a petition should be debated
- There is still a case for the establishment of a petitions committee, as considered by the Wright Committee³

Debate on parliamentary e-petitions system

In May 2014 the House of Commons agreed the following motion:

That this House supports the establishment, at the start of the next Parliament, of a collaborative e-petitions system, which enables members of the public to petition the House of Commons and press for action from Government; and calls on the Procedure Committee to work with the Government and other interested parties on the development of detailed proposals⁴.

² Hansard Society, ‘What next for e-Petitions?’, 2012: <http://www.hansardsociety.org.uk/wp-content/uploads/2012/10/What-next-for-e-petitions.pdf>

³ <http://www.parliament.uk/business/publications/research/briefing-papers/SN06450/epetitions>

⁴ <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140508/debtext/140508-0003.htm>

National Assembly for Wales

Standing Order 23 of the National Assembly for Wales provides for a public petitions system. Petitions can be submitted in writing or electronically and must pass several admissibility criteria. A petition is not admissible if it:

- contains fewer than 10 signatures;
- fails to comply with Standing Order 23.2 (Providing the name and address of the petitioner and person supporting it) or is otherwise not in proper form;
- contains language which is offensive;
- requests the Assembly to do anything which the Assembly clearly has no power to do; or
- is the same as, or substantially similar to, a petition which was closed less than a year earlier⁵.

The Assembly's website contains guidance on the submission of petitions, including the various stages that an admissible petition will go through once it has been submitted:

Stage 1 - secretariat assessment: The committee clerk contacts the lead petitioner to request further information. The petitions team may prepare briefing notes to provide a policy and legal context

Stage 2 – committee consideration: Admissible petitions are considered by the Petitions Committee, which meets approximately every two weeks. It considers new petitions and decides on possible further action regarding ongoing petitions. For example, it might request information from Government Ministers or other relevant organisations or refer it on to another committee. The Petitions Committee also has the discretion to close a petition and take no further action.

What were the outcomes?

The petitions system is well suited to heightening the profile of an issue that may not previously have been on the political agenda. It has resulted in:

- a committee holding an inquiry on the issue
- individual Assembly Members taking action themselves i.e. asking questions of Ministers or seeking time to debate the issue in Plenary⁶

⁵ http://www.assemblywales.org/NAfW%20Documents/clean_sos.pdf%20-%2020102011/clean_sos-English.pdf

⁶ <http://www.assemblywales.org/en/gethome/e-petitions/Pages/get-petitions-guidance-2.aspx>

Scottish Parliament

The Scottish Parliament has a well-established petitions system. The Standing Orders applicable to petitions are broadly similar to those in the National Assembly for Wales, except there is no threshold for the number of signatures required for a petition to the Scottish Parliament.

Petitions are submitted using the online system or the template on the Parliament's website. Petitions should include the following information:

Details of the principal petitioner: Your name, a contact address where all correspondence will be sent to, and an email address (only the petitioner's name will be published).
Text of petition: state clearly and concisely what action you want the Parliament to take.
Additional information: provide additional information relevant to your petition and the reasons why you consider the action requested to be necessary. This information will be made available to the PPC prior to its consideration of your petition and should be limited to no more than three sides of A4.
Action taken before submitting the petition: provide a summary of the action you have taken to resolve the issue of concern including details of elected representatives you have approached.
Appearing before the PPC: the PPC may invite you to appear before it to speak in support of your petition and answer questions that Members may have. You should indicate whether you are willing to do so.

Source: Public Petitions Committee website, Scottish Parliament

Section 100 of the Postal Services Act 2000 allows for the freepost of petitions if handed in at a Post Office and clearly marked "Petition to the Scottish Parliament". It appears that this facility is available when submitting petitions to any of the UK legislatures⁷.

Public Petitions Committee

The Public Petitions Committee operates in much the same way as its Welsh counterpart. It can take evidence, refer a petition on to another committee and can bid for parliamentary time for a petition to be debated in Plenary. It (or another relevant committee) can also decide that no further action is required and that the petition should be closed.

How many petitions are lodged?

In the period May 2013 to May 2014 40 petitions were lodged to the Scottish Parliament. Based on a petition submitted by Barnardo's Scotland, the Committee undertook an inquiry into child sexual exploitation⁸.

The Committee also publishes a Newsletter highlighting some of the issues brought by petitioners and the progress and success of some petitions⁹.

Oireachtas

⁷ Section 100 of the Postal Services Act: <http://www.legislation.gov.uk/ukpga/2000/26/section/100>

⁸ <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/77711.aspx>

⁹ http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/General%20Documents/Newsletter_19.03.14.pdf

The Joint sub-Committee on Public Petitions is a sub-Committee of the Joint Committee on Public Service Oversight and Petitions. The new petitions system was launched in September 2012. Only one signature is required for the petition to be valid and it will be admissible if it:

- relates to matters on which the Houses of the Oireachtas have the power to act;
- complies with Standing Orders and is in proper form;
- is not sub-judice, i.e. does not relate to a case where court proceedings have been initiated and which is to be heard before a jury or is then being heard before a jury;
- does not contain the name or names of individuals;
- does not contain language which is offensive or defamatory;
- is not the same as, or is not in substantially similar terms to, a petition brought by or on behalf of the same person, body corporate or unincorporated association during the lifetime of that Dáil/Seanad and which was closed by agreement of the Committee;
- is not frivolous, vexatious or otherwise does not constitute an abuse of the petitions system;
- does not require the Committee to consider an individual complaint which has been the subject of a decision by the Ombudsman, by another Ombudsman, or by a regulatory public body or a body established for the purpose of redress¹⁰.

Furthermore, "Petitioners should demonstrate that they have already taken steps to resolve the issue raised in their petition, for example, through raising it with the Ombudsman, public bodies, or directly with the relevant Government Department"¹¹.

The Joint sub-Committee's webpage states:

On receiving an admissible petition, the Joint sub-Committee may invite the petitioner to appear before it to speak on the subject matter of the petition. The Joint sub-Committee may also seek oral or written evidence from relevant organisations such as government departments, other appropriate bodies or stakeholders. The sub-Committee has the power to invite government ministers to attend meetings and answer questions about the petition¹².

¹⁰ http://petitions.oireachtas.ie/online_petitions.nsf/PetitionForm?openform&type=intro+to+petitions&lang=EN&r=0.8637243768837258

¹¹ As above

¹² http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/psop-committee/jointsub-committeeonpublicpetitions/

Germany

The right to petition legislatures is guaranteed in the Basic Law of Germany:

Article 17 of the Basic Law grants every resident in the Federal Republic (irrespective of citizenship status) the right to address petitions to the responsible authorities as well as to parliamentary chambers at both the federal and state level...With the introduction of e-petitions, it became possible to submit petitions electronically. In this context, two types of e-petition can be distinguished: 'individual' and 'public petitions'¹³. The former are submitted by individuals and are dealt with individually without publishing them online. The latter are made public, revealing the original petitioner's identity. They can be signed online by further persons and often allow a public debate in an internet forum. Requests for public petitions are pre-checked by the clerks of the committee ensuring that the issue is of sufficient general interest and 'suitable' for publication.

The Bundestag's Committee on Petitions has a remit to address issues raised by petitions. In the 2009-13 mandate the Committee consisted of 26 members nominated by parliamentary parties proportional to their allocation in the Chamber. The committee is supported by a staff of approximately 60 people, including around 15 lawyers. Committee staff are responsible for the screening and sifting of complaints and for the preparation of investigation and reports¹⁴.

3 Petitions in the Northern Ireland Assembly

The Northern Ireland Assembly is unique among the devolved legislatures in that it currently has no facility for the submission of e-petitions. There is provision for the submission of written petitions and Standing Order 22 sets out this process:

22. Public Petition

(1) Every member offering to present a petition to the Assembly, shall confine himself or herself to a statement of the parties from whom it comes, the number of signatures attached to it and the material allegations contained in it, and to reading the prayer of such petition.

(2) Every petition presented under this order, not containing matter in breach of the privileges of the Assembly, shall be notified to the Clerk of the Business Committee, and that committee shall consider whether and when it shall be taken in the Assembly.

¹³ Thomas Saalfeld and Ralf Dobmeier, 'The Bundestag and German Citizens: More Communication, Growing Distance', *Journal of Legislative Studies*, vol. 18, September-December 2012

¹⁴ As above

(3) A petition shall relate to matters that are within the legislative competence of the Assembly¹⁵.

The Speaker allows the MLA three minutes to present the petition, after which it is forwarded to the relevant Minister and Assembly Committee.

To date in the current mandate, 28 public petitions have been presented and forwarded to the relevant Minister and Committee.

¹⁵ Standing Orders of the Northern Ireland Assembly: <http://www.niassembly.gov.uk/Assembly-Business/Standing-Orders/Standing-Orders/#22>