

Submission to Northern Ireland Assembly's Committee on Procedures Review of the Public Petitions Procedures

Introduction

1. On behalf of the supporters of the Make It Happen campaign, I am delighted to take this opportunity to respond to this public review. The Committee on Procedures' decision to progress this matter is extremely welcome and is, I believe, recognition of the increasing need to re-evaluate mechanisms for public engagement and an indication of the appetite which exists for parliamentary reform. I hope the comments contained within this submission are useful in informing the Committee's consideration of this matter, and remain willing to engage further in any way that would be helpful.

Background

2. For completeness, I thought it might be helpful to re-state some of the potential benefits of introducing a system of e-petitions to the Northern Ireland Assembly. Research conducted by The Hansard Society between 2004 and 2012¹ found that the public are generally more likely to add their signature to a petition than they are to engage in any other form of democratic activity other than voting. In the context of declining voter turnout, and increasing use of electronic methods of communicating, there appears to be an opportunity to harness the potential of using the latter to address the deficits of the former. In Northern Ireland today, there are plentiful opportunities to make critical comments about our elected representatives, and the adoption of anything other than a negative tone in media commentary is increasingly rare. Introducing a new constructive mechanism which would enable the public to influence political agendas, and politicians to publicly demonstrate their responsiveness, must at least have the potential to redress this balance.

Existing petitions to the Northern Ireland Assembly

3. Whilst the terms of reference for this Review also incorporate potential options to enhance public petition procedures more generally, this submission focusses primarily on the case for the introduction of e-petitions. However, it is also essential to state at this point that any e-petitions process must, in my view, be considered as an addition to the current system outlined in Standing Orders, not an alternative to it. The principle behind the Make It Happen campaign is to enhance the Assembly's public engagement by providing additional opportunities for people to participate in political debate, not to remove or replace existing mechanisms. To do so would, I believe, be regressive and risk disenfranchising those who cannot engage in that way.

¹ <http://www.hansardsociety.org.uk/wp-content/uploads/2012/10/What-next-for-e-petitions.pdf>

Establishing e-petitions

4. Turning to the practical implementation of e-petitions, there are numerous issues to be considered before their introduction, including:

- i. thresholds
- ii. acceptable submissions
- iii. registering signatories
- iv. petition management
- v. responding to petitions

5. Whilst all of these matters must be determined by the Assembly, I have provided a series of recommendations based on what I believe represents good practice in each area.

i. Thresholds

6. With regard to the submission of petitions, various systems operate minimum and maximum thresholds: the former requiring a number of supporters for a petition to be lodged on an online hosting platform, and the latter outlining the number of signatures required to trigger an official response.

7. Whilst some jurisdictions require a minimum number of signatures before a petition can be submitted, I recommend adopting the Scottish approach which requires only 1 signature for a petition to be considered valid and hosted on the official website. The principal petitioner (who submits the petition) should be required to provide their name and contact details for the Assembly to engage further if necessary, as well as an opportunity for them to provide a detailed rationale behind their decision to propose the topic for consideration.

8. Considering the threshold to trigger a response from the Assembly, whilst some systems have tiered systems which deliver different responses based on each level of support, I believe a simple target system would be easier both to understand and manage. Scaling the UK Government's approach, which requires 100,000 signatures, to Northern Ireland's population would result in a threshold of approximately 3,300. To demonstrate the Assembly's willingness to encourage this type of engagement I would recommend adopting a threshold of 3,000 to trigger a response in the first instance, with an inbuilt review within the first 12 months to ensure that the number of petitions reaching this target were manageable.

ii. Acceptable submissions

9. To maintain the confidence both of the public and the political institutions, it is essential that clear rules are established from the outset, outlining the types of submission that will be considered appropriate for further consideration. To that end, I believe an adaptation of the UK Government's model would represent a thorough and proportionate set of rules governing acceptable submissions, that minimises ambiguity, is easy to understand and apply, and limits the Assembly's discretion to rule out petitions. The first three conditions would require the principal petitioner to be resident in Northern Ireland, and the petition to call for a specific action which does not substantially duplicate an existing petition that is still open for signatures. Once these conditions are satisfied, I would recommend the following rules apply to the content of any petition:

- a. that the principal petitioner is ordinarily resident in Northern Ireland;
- b. that the petition calls for a specific action;
- c. that the petition does not substantially duplicate an existing petition which is open for signatures;
- d. that the subject of the petition has not been considered through a petitioning process within the preceding 12 months;
- e. that the subject of the petition must be within the Northern Ireland Assembly's competence;
- f. that the petition does not contain any language or information which is defamatory, libellous or confidential; and
- g. that the petition does not refer to any matter which is sub-judice or that should rightly be considered by a court or tribunal.

10. The application of these rules is critical to the maintenance of public confidence in the petitioning system and should, therefore, be as open and transparent as possible, with an emphasis on encouraging petitioners to amend their submissions to bring them within acceptable boundaries. Whilst officials should be responsible for applying them, they should provide updates to the relevant Assembly oversight committee to ensure consistency and proportionality in their approach.

iii. Registering signatories

11. Given that this system would be an officially ratified mechanism to appeal to the Northern Ireland Assembly, it is important to ensure that all signatories are verified. This will ensure that people who live outside the jurisdiction cannot have undue influence on the system, and that every eligible citizen is entitled to sign any petition only once. Having said that, it is also important that the process of signing a petition is as streamlined and user

friendly as possible. I recommend, therefore, adopting a process which requires users to register to use the system once, and allows them to login and simply indicate their support for any future petition. In order to register, a potential signatory would be required to confirm that they are a Northern Ireland resident and aged over 18 years (or indeed 16 if the voting age is reduced), as well as providing contact details and a name that can be published to encourage transparency. The web page on which the petitions are hosted should be mobile friendly and include clear and easy to use functionality enabling petitions to be quickly and easily shared through social media.

iv. Petition management

12. Turning to how petitions would be managed, once they have reached the agreed threshold, I recommend that an Assembly Committee should be tasked with this element of the process. The Committee should have sufficient discretion to decide on the most appropriate response to a petition, and could adopt a similar approach to the Welsh Assembly whose Petitions Committee have a range of potential options available to them which would include:

- writing to an Executive Minister for further information;
- inviting petitioners or other interested groups to present oral evidence;
- seek further information from research or legal services;
- conducting a short inquiry; or
- asking another Committee to consider the issue.

13. Furthermore, I would recommend adding a further option for the Committee responsible for managing petitions, which would be to enable them to make a referral to the Business Committee to bid for time to debate the matter on the floor of the Assembly.

v. Responding to petitions

14. The final response to petitions will be a critical factor in demonstrating the utility of this system of engagement. To maintain an ongoing reporting function to the wider public, updating them on newly lodged petitions and summarising the responses to those that have completed the process, I recommend publishing a newsletter, as is currently the practice in the Scottish Parliament. This should be published online and shared with a database of those who have signed up to receive updates on petition related matters.

15. Once the Assembly has completed its chosen course of action in dealing with a particular petition, I recommend using a similar approach to the Oireachtas who publish a report on the outcome in each case. This report could summarise the action taken by the Assembly in response to the petition, as well as making recommendations for a government department to address outstanding issues. These reports should also be freely available online, and circulated to relevant signatories, to uphold confidence in the process and provide a practical demonstration of the impact of the petitioners' efforts.

Conclusion

16. In conclusion, I hope this short submission is of assistance to the Committee in its deliberations on the potential for introducing a system of direct electronic petitions to the Northern Ireland Assembly. Having outlined a number of recommendations that I believe represent best practice in progressing such forms of public participation, I would be happy to continue to engage with the Committee and provide any further information that might be of benefit. I believe that this Review presents an opportunity for the Assembly to demonstrate its willingness and ability to adapt, to respond to changing methods of public engagement and to create a new and constructive platform for democratic dialogue.