

# STATES OF JERSEY



## USE OF ELECTRONIC DEVICES IN THE STATES CHAMBER: TRIAL

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Lodged au Greffe on 31st July 2012  
by the Privileges and Procedures Committee

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

- (a) to agree that elected members should be permitted to use hand-held and battery powered electronic devices, including battery powered laptops, that are silent in operation in the States Chamber during meetings of the States Assembly for a trial period ending on 31st July 2013, provided that the devices do not disturb other members or impair decorum;
- (b) to request the Privileges and Procedures Committee to monitor the progress of the trial and report back to the States with recommendations before the end of the trial to enable the Assembly to decide at that stage whether to allow such devices to be used on a permanent basis or whether their use should be prohibited.

**PRIVILEGES AND PROCEDURES COMMITTEE**

## REPORT

### Background

Standing Order 99(1) states –

- “(1) Before entering the Chamber, a member of the States must switch off any mobile telephone and every other electronic device he or she has with him or her that would be likely to disturb the proceedings of the States.”

On 20th January 2010 the Bailiff ruled (using his power under Standing Order 167 to determine matters that are not provided for in Standing Orders) that laptops could not be used by elected members during a States meeting. In making this ruling the Bailiff nevertheless acknowledged that this was ultimately a matter for elected members to decide and that his ruling could only apply until the Assembly itself considered the matter. The full text of the Bailiff’s ruling is attached for information in the Appendix.

In May 2011 the Privileges and Procedures Committee (PPC) as previously constituted lodged ‘*au Greffe*’ Projet No. P.77/2011, which proposed a trial of hand-held electronic devices (but not laptop computers) in the States Chamber during meetings of the Assembly. The then Deputy D.J. de Sousa of St. Helier lodged an amendment to the proposition that would have expanded the scope of the trial by including laptop computers. This proposition was withdrawn prior to debate on account of the build-up of public business towards the end of the First Session of 2011. On that basis the Bailiff’s ruling of January 2010 stands.

PPC believes that the position on the use of electronic devices in the States Chamber is a source of frustration for an increasingly significant number of members. A number of members have become use to using BlackBerries and other smartphones in the Chamber to communicate and to research. The availability of hand-held electronic tablets appears to be causing more members to begin a more fundamental review of how they work and, in particular, whether it might be better to reduce their reliance on documentation in hard copy.

Recognising that the Strategic Plan 2012 commits the States to reforming how government works and, in particular, to develop e-government, the PPC believes that the time is right to revisit Standing Order 99(1) and to consider whether the proportionate use of hand-held electronic devices in the Chamber should be accepted.

### Proposal

PPC proposes that members be permitted to use a battery powered electronic device or battery powered laptop, on condition that the device must be silent when used in the Chamber and that decorum in the Chamber should be maintained. This definition will permit the use of electronic tablets such as the iPad, which the Committee believes are sufficiently light and unobtrusive as to be capable of use without causing disruption, and small laptop computers. The Committee trusts that members will use such devices sensibly. The Committee is of the view that, if this proposition is adopted, the Presiding Officer will be empowered to request any member to cease use of an electronic device if he considers that the operation is not silent, it is disturbing other members, or decorum is being impaired, and the decision of the Presiding Officer is final.

PPC does not consider it necessary to address the use of electronic devices in committees and panels in this proposition. It believes that the Chairmen's Committee and other committees and panels are eminently capable of regulating their own procedure.

Members will note that the proposed definition of an acceptable device has deliberately been kept simple. The Committee agrees with the conclusions of the Committee as previously constituted that a more prescriptive definition of an acceptable device would quickly prove counterproductive given the pace of technological change. PPC has nevertheless seen fit to insist on battery power, in recognition of the fact that space is limited in the Chamber and that a plethora of battery chargers and mains power leads would present an unwelcome hazard for members taking or leaving their seats.

In making its proposal, PPC is mindful that it may continue to exclude members from using the very laptop computers they are issued with, as it remains concerned that the larger laptops issued to members currently (which are generally rather unwieldy in comparison with tablets, smartphones and the smaller sized laptops now available) have backlit screens that are sufficiently large as to risk posing a notable distraction to neighbouring States Members. Some have markedly shorter battery life than an electronic tablet, to the extent that they would require power from the mains before the conclusion of a States day, and the trial does not allow any device to be plugged in to an electrical socket during the sitting. The wooden desks, which have remained largely unchanged since 1887, are clearly unsuitable for use with a large laptop as they are sloping and the distance between the desk and a member's seat could make it uncomfortable for a member to use a keyboard for a protracted period. Above all, PPC has a concern that it would be extremely unsatisfactory for the proceedings to be disturbed by the collective use of standard mechanical computer keyboards, which could generate sufficient background noise to disrupt proceedings.

The proposed trial will provide the opportunity to assess the real impact of using hand-held devices in the Chamber, whilst also providing PPC with an opportunity to gauge members' appetite for moving towards a paperless working environment.

### **The position in other jurisdictions**

Reuters reports that the Dutch Senate adopted iPads and all but went paperless in late 2011. Various municipal governments in the United States of America have done likewise.

In its accompanying report to P.77/2011, PPC noted that the House of Lords voted to permit a one-year trial of hand-held electronic devices (but not laptops) operating in silent mode, having acknowledged that a detailed definition of an acceptable device '*would rapidly be overtaken by new technology.*' It also acknowledged the March 2011 report of the Procedure Committee of the House of Commons,<sup>1</sup> which recommended –

*“That hand-held electronic devices (not laptops) may be used in the Chamber, provided that they are silent, and used in a way that does not impair decorum;*

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<sup>1</sup> “Use of hand-held devices in the Chamber and Committees” HC 889 published on 24th March 2011. Both Reports can be viewed on the Parliament website [www.parliament.uk](http://www.parliament.uk)

*that Members making speeches in the Chamber or in committee may refer to electronic devices in place of paper speaking notes; and that electronic devices, including laptops, may be used silently in committee meetings, including select committees.”*

On the matter of restrictions on use, the Procedure Committee of the House of Commons made the following observations –

- “12. *The purpose to which hand-held electronic devices might be used is clearly the starting point and was rightly identified by the Lords Administration and Works Committee as the “main consideration” in determining the new rules. The Lords Committee concluded that electronic devices could be used “for any purpose not related to the proceedings before the House or Grand Committee”. The new rules singled out for prohibition sending or receiving messages for use in proceedings and also searching the Web for material for use in debate. The latter point attracted most comment in the debate on the report, with several peers arguing that a ban on searching the internet was impractical as well as misconceived since such searches could lead to better informed debate.*
13. *We have reservations on three fronts about basing any reformulation of the rules on what activities are either permissible or forbidden. First, the inadequacy of the reference in the current rules to checking emails shows how rapidly the range of applications available on hand-held devices could outstrip any attempt at defining acceptable usage.*
14. *Secondly, we agree with the concerns expressed in the Lords that it is difficult to police activity on an electronic device in a proportionate way. The Lords Administration and Works Committee considered that the convention of self-regulation in the House of Lords would make it feasible to experiment with a one-year trial of banning the use of electronic devices to search the internet for material that might be used in the course of proceedings but which is not generally available. There is no such convention in the Commons and it would be invidious to expect the Speaker to rule on whether a Member had been using his device for a proper purpose following a complaint from another Member or the public.*
15. *Thirdly, we are persuaded by the argument that it is illogical to prevent Members from using electronic devices in the way that they would use paper notes and documents for speaking notes or for research purposes. Nor would we wish to prevent Members from checking facts or consulting material by means of an internet search in the course of proceedings in the Chamber.*
16. *We therefore conclude that Members should be allowed to use electronic hand-held devices for any purpose when in the Chamber whilst not speaking, and that the current ban on the use of hand-held electronic devices as an aide memoire, whilst speaking in a debate, should be ended. We understand that Hansard would be happy to*

*accept notes for speeches electronically, rather than requiring a hard copy print-out of a Member's speech.*

17. *We have given special consideration to the example set by the Lords in their reinforcement of the rule that electronic devices must not be used to send or receive messages for use in proceedings. At its most extreme, allowing messages to be passed in and out of the Chamber in this way could result in Prime Minister's Question Time being conducted by instant rebuttal teams briefing the principals on what they should say, whilst all other Members were bombarded with messages from the public and others commenting on and attempting to offer contributions to the debate. We believe that it is a fundamental principle, to which all Members should agree, that direct interference in proceedings should not be permitted. However, at present notes are passed from officials to Ministers during debates and Members may choose to consult others in the margins of committees. We see no reason why such messages should not equally be transmitted electronically as by hand.*
  
18. *The next issue of importance is how devices may be used. The link between the rules formulated by many different legislatures is that devices must be used with discretion and with due regard to decorum. For us, that is the central principle on which the House should agree. The current rules refer to not causing disturbance. This covers distracting other Members by sight or sound but we feel that it does not convey quite the right message that Members using hand-held devices should have constantly in mind that they are in the Chamber and should behave accordingly. We are therefore attracted to the inclusion in the rules of a condition that hand-held devices may be used only where they do not "impair decorum". It would then be a matter for the occupant of the Chair to judge in specific circumstances when this rule had been breached, which is in keeping with the general conventions on behaviour in the Chamber. The decorum rule should be understood to mean that all devices should be used silently and unobtrusively, without disturbing other Members, and that excessive use should not be tolerated.*
  
19. *On the type of devices which may be used, it is a certainty that any attempt to be prescriptive would soon be out of date. It is therefore preferable for the House to define in general terms what is acceptable. We believe that the House would wish to maintain its current prohibition on using mobile phones, except in silent mode, in the Chamber or in Committee and we also consider that there is no case for the use of laptops in the Chamber, partly on grounds of lack of space since Members do not have their own desks or even their own seats. We see no logical reason to distinguish between other types of hand-held devices, provided that they are of reasonably small dimensions. A good rule of thumb would be a device no bigger than an A4 sheet of paper in width and length which did not obscure the Member's face when in use. We believe that all devices fitting this description should be permissible."*

PPC notes the House of Commons Procedure Committee recommendations in relation to usage, but has agreed that the States should operate their trial on the basis of silent electronic devices, including small laptops that are silent in operation. Trying to impose restrictions on what types of e-mails members could send or receive whilst in the Chamber or what internet sites could be viewed would then place the presiding officer in the position of having to police such restrictions with no realistic possibility of being able to do so. Points of order from other members alleging that Member X had received an e-mail, or was otherwise breaching the rules would simply waste time and, in reality, it would be almost impossible to rule on such matters. PPC believes that members must be trusted to use these devices sensibly and with restraint.

### **Changing the Rules – possible consequences**

PPC is proposing a trial rather than an outright change of the rules because the permitting of electronic device use is not without risk.

As the Bailiff pointed out in his January 2010 ruling, it is quite possible that the character of proceedings could change if members are engaged in reading and sending e-mails, looking at the internet and undertaking other work on their electronic devices rather than giving all their attention to the debate that is taking place. The accompanying report to P.77/2011 refers to negative feedback from members who visited the National Assembly for Wales, where computers have been used in the debating Chamber since the devolved Assembly was first established.

There is also a potential risk of increased interference to the audio recording equipment installed in the States Chamber. Members will be aware that mobile phones held, pocketed or otherwise stored in reasonably close proximity to a live microphone in the Chamber have, from time to time, caused interference to both the live audio feed used by accredited media organisations and to the recording equipment used to generate the Official Report. This interference can be caused by any device connected, or which is attempting to connect, to a mobile phone network (but not a Wi-Fi network) and irrespective of whether the device is operated in silent mode. Enquiries have revealed that this problem will be very difficult to resolve without an expensive reworking of the recording systems. It will therefore be necessary for any members bringing in hand-held electronic devices capable of connecting to mobile networks to disable any mobile data connections other than Wi-Fi. Failure to do so may increase the risk of audible disruption to the extent that the Presiding Officer may need to curtail the trial.

### **Financial and manpower implications**

There are no additional resource requirements for the States arising from this proposition. The Committee will not be arranging for the supply of any new devices to States Members. Any Members wishing to use an electronic tablet or other device will be expected to purchase the device themselves using their expense allowance.

If the trial proves successful PPC would nevertheless envisage discussing with the Information Services Department the possibility of offering a suitable tablet or other electronic device as an alternative to the laptop computers currently available to members.

Alongside the discussions on this proposition, PPC remains committed to considering revised methods of distribution of documents such as propositions and reports to

members. In this regard, the Committee has instructed its officers to review the existing arrangements for the provision of IT equipment and services to members and to identify scope for improvement.



**Ruling by the Bailiff on the use of laptops  
20th January 2010**

“I think I must start by saying that whether laptops or other electronic equipment such as BlackBerries or laptops should be permitted is ultimately a matter for Members not ultimately a matter for the Chair. It is for Members to decide how they wish to proceed and as I understand it, the Privileges and Procedures Committee is looking into the matter at present and may come forward with proposals and certainly if Members may be interested, I have just been to the Conference of Speakers of Commonwealth Parliaments and this is a matter which is being considered by a number of Parliaments. The majority at the moment do not allow laptops but some do. Canada does and Wales does, for example. Now, it seems to me that I must make a ruling at the moment one way or the other pending a decision taken by the Assembly as a whole and we have, of course, Standing Order 99(1) to which reference has already been made which says that Members must turn off any electronic equipment that may disturb the proceedings of the States. There is also Standing Order 167 which provides the Bailiff shall decide any question of order or procedure not provided for in Standing Orders. Now, I have to say that in my judgment, if a number of Members start using laptops, there is a real risk of disturbance of the proceedings under Standing Order 99(1). Furthermore, it would be quite a considerable change from the procedure which has been followed hitherto and it would be likely to affect the character of the proceedings. At present, those who are in the Chamber are by and large listening to the Member who is speaking because there is no other activity which is meant to be undertaken subject to the BlackBerry point. If laptops are permitted, Members would be able to send messages, deal with wholly unrelated matters and if one of the main purposes of proceedings is to persuade by oral argument, that would be a considerable change. Furthermore, I consider that if there are laptops there, they are quite large, they are quite obvious. When people tap on the keys, it tends to make a noise as, for instance, one hears over there even though they have been silenced. If we had 53 of those going on, I consider that that would disturb the proceedings. So I emphasise that ultimately it is a matter for Members through Standing Orders whether they wish to have laptops in or not but pending any such decision by Members, I am going to rule that laptops are not permitted. Now, can I add 2 points? First of all, the question is whether that applies to BlackBerries. The fact is BlackBerries have been used and I am not going to rule that they should not be for 2 reasons. First, as I say, they have been used and it is now before Members so Members will be able to decide today whether they think they should or not, so I do not think it is right for the Chair to change the *status quo* in the midst of a debate or immediately before a debate. Secondly, I do not consider that they disturb proceedings to the same extent as a laptop because they are small, they are hidden but that is a matter for Members but I do not consider that they are breach Standing Orders. Can I just add this in relation to the Attorney General because I accept that he has been allowed to use a laptop for some years. I do not consider that so far that has disturbed the proceedings. It is only one person and no one has made a complaint so far. So what I propose to say is that I am not going to allow laptops but because this has hitherto been allowed so that he can continue to do his work, I am going to allow him to continue. Again, it will be a matter for Members to decide in due course whether they think that should be allowed or not. I emphasise what Members do think should happen in this Assembly is ultimately for Members. I am just making a ruling in the meantime pending P.P.C. considering the matter and bringing it forward.”