

Introduction

- 1.1 The House of Representatives appoints a Procedure Committee in each parliament to inquire into and report upon matters concerning the changing practices and procedures of the House.¹ Its coverage includes the Chamber, the Federation Chamber, and the House committee system. In its deliberations before adopting terms of reference for this inquiry into the use of electronic devices in the Chamber and Federation Chamber, the Procedure Committee noted the increasing use of electronic devices by Members of the House of Representatives participating in social media and the issues this raises about their use in the Chamber, in particular. The Committee notes these issues are by no means confined to the House of Representatives – parliaments around the world are addressing similar practices and the implications of those practices.
- 1.2 Members have been using electronic devices while in the Chambers and parliamentary committees, to communicate with their staff, constituents, the general public and others, via sms, email and, more recently, social media. The increased use of smart phones and tablets and easier access and portability provided by wireless internet connectivity, means that electronic devices are changing the way many Members work,² including in their parliamentary duties. The Committee considered it was timely to examine the regulatory framework on the use of electronic devices by Members in the House of Representatives Chamber and the Federation Chamber.

1 The Committee's role is prescribed in standing order 221.

2 See Mr T Watts MP, Member for Gellibrand, *Submission 3*, p. 1.

- 1.3 The universality of the issues arising from the use of electronic devices in chambers can be demonstrated by debate and consideration of this subject in the United Kingdom House of Commons,³ the New Zealand Parliament,⁴ the United States Congress,⁵ the Canadian Parliament,⁶ and a number of Australian State and Territory Parliaments.⁷ The use of some electronic devices is possible in these chambers but they must be silent and used in a way that does not disrupt proceedings. For example, in accordance with a motion agreed by the UK House of Commons that had been recommended by its Procedure Committee, hand-held electronic devices (not laptops) may be used on silent in the Chamber but must not impair decorum.⁸ Members are urged to show good sense and behave with courtesy and not tweet messages which would be considered disorderly if said in the House.⁹ In December 2012 the Legislative Assembly of Victoria Standing Orders Committee reported on the use of social media and drafted guidelines on the use of hand-held devices in the Chamber.¹⁰
- 1.4 In 2013 the Inter-Parliamentary Union (IPU) prepared *Social Media Guidelines for Parliaments* based on good practice and drawing on lessons learned by parliaments. The IPU found that a large percentage of parliaments allow tablet and smartphone use in plenary sessions; these are used by members for a variety of purposes, including social media. The

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- 3 See for example HC Deb (13.10.2011) accessed electronically at <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm111013/debtext/111013-0002.htm> on 25 August 2014.
- 4 See for example NZ Deb (27.06.2012) accessed electronically at http://www.parliament.nz/en-nz/pb/debates/debates/speeches/50HansS_20120627_00001297/robertson-h-v-ross-depleted-uranium-prohibition-bill on 25 August 2014.
- 5 See for example US HR, Rules of the House, Rule XVII (5) accessed electronically at <http://clerk.house.gov/legislative/house-rules.pdf#page=32> on 2 September 2014.
- 6 See for example Parliament of Canada, Speaker's Ruling May 16 2006 accessed electronically at <http://sen.parl.gc.ca/nkinsella/PDF/Rulings/Ruling16May06-e.pdf> on 25 August 2014.
- 7 See for example Legislative Assembly of Victoria Standing Orders Committee, *Report into use of social media in the Legislative Assembly and reflections on the Office of Speaker*, December 2012; NSWLA Deb (3.4.2012) 10521 (Speaker's statement); ACTLA Deb (23.2.2010) accessed electronically at <http://www.hansard.act.gov.au/hansard/2010/week02/476.htm> on 25 August 2014.
- 8 HC Deb (13.10.2011) accessed electronically at <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm111013/debtext/111013-0002.htm> on 25 August 2014.
- 9 UK House of Commons Procedure Committee, *Use of hand-held electronic devices in the Chamber and committees*, HC 889, March 2011, p. 11.
- 10 Legislative Assembly of Victoria Standing Orders Committee, *Report into use of social media in the Legislative Assembly and reflections on the Office of Speaker*, December 2012, pp. 7, 9. As at 19 August 2014, the guidelines had not been adopted.

IPU noted that social media usage within parliaments needed to be considered in the context of ‘parliamentary protocol, guidelines for courtesy and conventions’.¹¹

- 1.5 In the 43rd Parliament, Speaker Burke, after a Member made certain comments on Twitter, noted that the House may wish to ask the Procedure Committee to address the issue of the use of electronic devices:

As Speaker ... My role is to adjudicate on the proceedings of the House. It is not practical to extend this role to adjudicating on a range of matters incidental to proceedings such as private communications, conversations or use of social media when it is thought that they have come from the chamber.

To prevent tweeting would necessitate a blanket restriction on all electronic and communication devices in the chamber. Although this may appeal to some members, I imagine it would be strongly resisted by others ... If the House wishes to come to a more considered view on this matter, it may wish to use the avenues available to it, such as asking the Procedure Committee to address the question of tweeting or sending other forms of public communication from the chamber.¹²

- 1.6 In the current Parliament, Speaker Bishop, when asked to consider whether certain Members had been reflecting on the Chair in their use of Twitter, ruled that:

... we have decided in this Chamber that we do allow electronic media to be used and that it is the responsibility of individual Members to abide by the standing orders in the way in which they use those electronic and social media.¹³

Scope of the inquiry

- 1.7 At its meeting on 27 February 2014, the Committee adopted the following terms of reference:

To inquire into and report on the use of electronic devices in the House of Representatives Chamber and Federation Chamber for public communications, including but not limited to:

- i. The adequacy of the current regulatory framework; and
- ii. Members’ awareness of the regulatory framework.

11 Dr Andy Williamson, *Social Media Guidelines for Parliaments*, IPU 2013, pp. 3, 14-15.

12 HR Deb (13.3.2013) 1934-35.

13 HR Deb (21.11.2013) 1030.

Conduct of the inquiry

- 1.8 Following adoption of the inquiry, the terms of reference were advertised on the Committee's website.¹⁴ The Committee wrote to all Members to inform them of the inquiry, and invited them to comment on the current regulatory framework and whether formal guidelines would assist the House.
- 1.9 The Committee received five submissions to the inquiry, listed at Appendix A. Informal feedback was also received from Members via email and correspondence.
- 1.10 To encourage discussion on the matters raised by the terms of reference and responses, the Committee held an informal private roundtable on 26 May 2014 to which all Members were invited. Two private briefings were also held with the Clerk of the House on 19 June and 17 July 2014.
- 1.11 A draft resolution proposed by the Clerk of the House in his submission to the inquiry was circulated to all Members of the House by the Committee on 26 June 2014, inviting comment and feedback by 15 July 2014. A copy of the resolution is attached at Appendix B.

Structure of the report

- 1.12 In Chapter 2 the Committee examines the regulatory framework on the use of electronic devices, the current use of devices by Members, and the issues raised in relation to proceedings in Parliament. In particular, the Committee considers order, decorum, and the role of the Chair, including reflections on Members and the Chair, as well as parliamentary privilege and the status of comments made by Members on social media.
- 1.13 Chapter 3 provides the Committee's conclusions and considers the resolution proposed by the Clerk.
- 1.14 Appendix A lists the submissions to the inquiry.
- 1.15 Appendix B contains the terms of the resolution that was proposed by the Clerk of the House in his submission and which the Committee circulated to all Members. The terms of the draft resolution have been endorsed generally, albeit informally, by Members.
- 1.16 Appendix C contains the current 'Guidelines for Members on the status and handling of their records and correspondence'. These were prepared by the Committee of Privileges and Members' Interests to assist Members.

14 See www.aph.gov.au/proc.

They have no legal standing but they are comprehensive and practical. The Procedure Committee would be pleased to see additional comment that would assist Members and complement the proposed resolution in Appendix B.¹⁵

¹⁵ See Chapter 2 for more detailed comment.

