

**REPORT OF THE SEVENTH ANNUAL CONFERENCE OF THE  
BRITISH-IRISH PARLIAMENTARY REPORTING ASSOCIATION  
(BIPRA)**

Held in the States Chamber, States Building,  
Royal Square, St. Helier, Jersey, Channel Islands on  
Sunday 9, Monday 10, Tuesday 11 and Wednesday 12 August  
2009

The BIPRA constitution states:

*'The association shall endeavour to hold an annual conference which will be attended by delegations...of the member organisations...representative of all sections of the staff of those organisations.'*

## **DELEGATES**

### **House of Commons (HoC), London**

Alex Newton  
Nick Beech  
Deborah Jones  
Mayah Weinberg  
Cara Clark  
Janet Beck  
Elaine Harrison

### **House of Lords (HoL), London**

Will Humphreys-Jones  
Gareth Wigmore  
Ben Woodhams  
Irene Stringer  
Jackie Dixon

### **Northern Ireland Assembly (NIA), Belfast**

Simon Burrowes  
Martha Davison  
Patrick O'Hanlon  
Ronan O'Reilly  
Alice McKelvey

### **Scottish Parliament (SP), Edinburgh**

Henrietta Hales  
Bronwyn Brady  
Robert Arnott  
Tracy Boyle  
Ailsa Kilpatrick

### **National Assembly for Wales (NAW), Cardiff**

Mair Parry-Jones  
Meinir Harris  
Gruffydd Jones  
Sara Jones  
Rhys Iorwerth  
Sarita Marshall  
Iona Warmington  
Rhian Huws  
Elgan Davies  
Siân Richards  
Shôn Williams

### **Houses of the Oireachtas (HoO), Dublin**

Reine McDonnell  
Denise Kelleher  
Finin O'Driscoll

**Tynwald (Tyn), Isle of Man**  
Ellen Callister

**States of Jersey (SoJ), Jersey, Channel Islands**  
Peter Monamy

**GUESTS**

Mr. Michael C. St.J. Birt, Bailiff of Jersey

Senator Terence A. Le Sueur, Chief Minister

## Sunday 9 August

### Reception

The conference opened with an evening reception and briefing at the States Building situated in the historically significant Royal Square. The Deputy Greffier of the States, Anne Harris warmly welcomed the delegates, expressing the hope that they would enjoy their time in Jersey, and saying that she looked forward to the discussion to be held over the next few days on a range of matters of interest to the various jurisdictions represented. Delegates were given a briefing on the conference events and arrangements, after which they had tour of the States Chamber. The Assistant Greffier of the States, Lisa Hart outlined its history, displayed the Royal Mace (given to the Bailiff of the Island by King Charles II in 1663) and explained the seating arrangements for the various categories of Members of the States (Senators, Connétables and Deputies), as well as for the Presiding Officer and Officers of the States.

## Monday 10 August

### Session 1: Welcome and Official Opening (TRANSCRIPT)

#### Opening of Conference

The conference was officially opened by Mr. Michael C. St.J. Birt, Bailiff of Jersey and Senator Terence A. Le Sueur, Chief Minister.

**The Bailiff:** “Good morning, ladies and gentlemen, welcome to Jersey. The weather has taken a turn for the better so no doubt that is why you are all going to be working inside and spending your time not on the beaches but in conference. But I am delighted to welcome you here on behalf of the States of Jersey.

As you will no doubt hear shortly, the States has in fact recently introduced a Hansard system, so for us it is most fitting that you are all here and holding your conference here. Indeed you are sitting today, as you have been told already I think, in the seats of Members of our States whose words are recorded by the new system.

People in the United Kingdom often ask why the Channel Islands are different. Why do they have their own legislatures? Why do they not pay the same taxes as people pay in the United Kingdom. So I thought it might be of interest just to take a few minutes today, by way of welcome, to explain perhaps why we are different and the explanation, of course as so often, lies in history.

From 911 onwards Jersey was part of the Duchy of Normandy. So, in 1066 when William the Conqueror defeated King Harold at the Battle of Hastings, the Duke of Normandy and the King of England became one and the same

person. Indeed we Channel Islanders like to argue that if we were on the winning side when Normandy conquered England, and as we are the only bit of Normandy which is still united with the English Crown, England ought really to be treated as our dependency rather than the other way round. I have to say, however, this is a view which does not find great favour in the corridors of Whitehall.

The most important date for us in the Channel Islands is not 1066, it is 1204 because that was the year that King John lost Normandy to the French King, so the Islanders were cut off from their continental capital of Rouen, and they had to make a difficult choice. Should their loyalty be given to the French, because after all their trade was with Normandy, their language, their law and their custom were Norman, and all their clergy were appointed by the Bishop of Coutances, or should they remain loyal to their Duke who is now the English King? Now the precise reasons for their choice are lost in the mists of time. Certainly on the face of it, it was a somewhat surprising choice because, as you may or may not have seen since you have arrived here, we are only 15 miles off the Normandy Coast, and you can usually see it, whereas we are over 100 miles from England. Nevertheless, for whatever reason, the Islands elected to stay with the English Crown rather than the French King.

Now, King John no doubt helped them because he offered them important privileges. He confirmed they should be continued to be governed by their own law and customs. They would be given a separate administration and he would protect them with English force of arms. He appointed someone called a Warden with responsibility for the defence of the Islands and he ordered the construction of the magnificent castle, which you may see on your trip, at Mont Orgueil which still stands guarding the harbour at Gorey on the east coast.

Obviously it was not possible for one man to do all that was necessary and so, by an early stage, a Bailiff was appointed, one for Jersey and one for Guernsey, and the Bailiff became responsible for the civil administration with the Warden remaining responsible for military matters. Now King John had also issued a document, which we call the Constitutions of King John, and by that he ordered that the Island should elect their 12 best men to administer justice, and they are known as Jurats, and they still, together with the Bailiff, form the Royal Court.

There is a board at the entrance of this building which you may or may not have seen when you came in, but it records all the Bailiffs who have been appointed and it can be seen the first one was back in 1277 and I am the 87th, not a particularly distinguished number but nevertheless the 87th.

Originally the Royal Court was not only a law enforcing body like all courts, but it was also a law making body. What would happen was that if a change in the law was required, the Royal Court would petition the King who would issue an Order in Council to amend the law. After a period of time or over a period of time it became customary for the Royal Court to consult with the Constables of each Parish and the Rectors of 12 Parishes - the Constable is

the equivalent of the Mayor of the Parish, I suppose - and the Rectors, with the aim of evaluating public opinion before submitting a proposition to the King.

By the end of the 15th century this process had become formal, and so a legislative body emerged called the States of Jersey because it consisted of the 3 estates, namely the Jurats, the Rectors and the Constables. It was named that, no doubt, after the Etats de Normandie, the States of Normandy. By 1524 there were minutes being recorded of the States Assembly, separate from the Royal Court, although they were still mixed in with the records of the Royal Court. It was only 1603 that, for the first time, the minutes of the States were kept completely separate from those of the Court. That was probably organised by Sir Walter Raleigh who was our Governor at the time and you can see there a plaque in memory of his time here.

There are 2 stories I can perhaps mention as illustrating how things were going in the 17th century. The first is that in 1204 I suppose it would have been possible for King John simply to have incorporated the Islands in England, but he chose not to. There has only been one other attempt to incorporate the Island into England and that was made by Oliver Cromwell because his logical mind could see no merit in a separate administration for some offshore islands. So in 1653 he issued an edict, written in English, commanding the Islanders to elect 2 representatives to sit in the House of Commons. Now, this posed a bit of a problem for the States, they did not really want to upset the protector, so they sat on it for some time and eventually they then replied thanking the protector very much for his communication but regretting they could not understand it because their language was French. By that time Cromwell had more pressing things to think about and so that was the last attempt that anyone made to compel us to elect representatives to the House of Commons.

The second anecdote concerns an acrimonious dispute which arose about this time between the Governor of the day and the Bailiff of the day, as to who had precedence; the Bailiff or the personal representative of the King. Now, in the end, it was referred to the Privy Council who came up with a splendid compromise; it was decided that in the Royal Court and in the States the Bailiff would take precedence, but that everywhere else the Lieutenant Governor should take precedence. That is why in order to emphasise the point you will see that my chair is 7 inches higher than the chair of the Lieutenant Governor in which the Chief Minister is sitting today, and that remains the position.

Another important date for the Island is 1771 because it was then that the decision was taken that the Royal Court should cease to have any power to promulgate new laws and after that it was only the States, which consisted still of the 12 Jurats, the 12 Rectors and the 12 Constables presided over by the Bailiff, but in 1856 elections began and Deputies were introduced by way of direct franchise.

In 1948, that was our major change, after the German occupation there were major reforms. The Jurats and the Rectors were removed from the States and they were replaced by 12 Senators and a greater number of Deputies. That remains the position today, so there are a total of 53 Members in the States, 12 Senators who are elected on an Island-wide mandate for 6 years, 12 Constables who are elected as Constable by their Parish but then sit in the States, and they are elected for 3 years, and similarly 29 Deputies who are elected by Parish, or by district within the Parish in some cases, and they are also elected for 3 years, and the Bailiff remains as President of the States and also as Chief Justice. But his role in the States is a very limited one. It is simply that of being an impartial presiding officer. The Bailiff has no vote and simply rules on points of procedure and maintains order.

Now although there were political parties in the 19th century, in more recent times Members have been elected for the most part as independents, although there is at present one political party which has 4 Members in the States. Until 2006 Government was by way of a number of committees, so for example you had a Finance Committee and the Finance Committee was responsible for the executive arm of government in matters of finance, and each committee would consist of a president and 6 other members. Now it was in certain ways a very inclusive form of government because it meant that every Member of the States formed part of the Executive for some aspect of government policy. They might be on the Committee of Education or the Committee of Health. But it was felt by many to be rather inefficient.

So, in 2006 following a review the Island introduced ministerial government, so now we have a Chief Minister, Senator Le Sueur, who is sitting beside me today, and he has a Council of Ministers, and they, in effect, act as the Executive of the Island. Unusually the States of Jersey law, the statute, provides that the Council of Ministers together with any Assistant Ministers appointed must be in a minority, made up of no more than 23 out of the total of 53 Members, so in order to get any business through the Assembly the Council of Ministers has to persuade enough other Members to vote with it and, furthermore, because there is no party system, Ministers and Assistant Ministers can and quite often do depart from the position of the Council on particular matters.

So, the form of debate in our Assembly is quite interesting because it ultimately does depend upon persuasion on the day. Legislation takes the usual forms with which you will be familiar, so the States can enact primary legislation, which requires the assent of Her Majesty in Council to become law and such laws, as we call them, can often confer powers to make subordinate legislation, either conferred upon the States as a whole, in which case they are called Regulations, or upon Ministers, in which case they are called Orders.

To come back to my original question as to why Jersey and the other Channel Islands are different and why we do not pay the same taxes as in the U.K. One can see that none of the Channel Islands has ever been subject to the authority of the United Kingdom Parliament. Jersey has never elected any

Member of the House of Commons which therefore has no democratic mandate for any of the Islands. On the contrary, Jersey has had its own legislature for many centuries and certainly since 1948 it has been a wholly democratically elected legislature.

So for the Westminster Parliament to seek to impose taxation upon residents of Jersey, or Guernsey of course, would amount to a breach of that most fundamental of doctrines, no taxation without representation. Therefore, So the Islands are autonomous in relation to their domestic affairs but of course we are not sovereign states and the U.K. remains responsible for our defence and for international relations. I have to say, given the degree to which international treaties and conventions nowadays can impinge on matters which might in previous years have been thought to be entirely domestic, they can sometimes be interesting discussions between Her Majesty's Government and our own government as to exactly where the boundary lies. But that is a matter for another day.

I hope that has given you some idea of our history and our background and I would certainly like to welcome you all to Jersey for your conference. I hope you find it interesting and enjoyable, and I am delighted now to ask the Chief Minister to say a few words."

**The Chief Minister:** "Thank you, Bailiff, and good morning ladies and gentlemen. Can I begin by adding my welcome to that of Mr. Birt in welcoming you all to Jersey to your conference and I hope that as well as the work you have a chance to enjoy some of the countryside and amenities that the Island has to offer.

I speak to you as the second Chief Minister. As the Bailiff said, we changed only recently to a ministerial form of government. In his speech which took about 15 minutes he covered over 1,000 years. I am only going to talk about the last 4 or 5 years so on that basis mathematically I have got about 5 seconds. **[Laughter]** It may take a little bit longer but hopefully not too much longer.

Certainly the change which occurred in 2005 was a significant one. It came from a committee system where really all 53 Members of the Government of the States were involved in one way or another in setting policy. There were a number of committees, one for each different area of government policy and people would often sit in different groupings on 2 or more of those committees. So everyone felt very much involved.

Now, of course, with the ministerial system, of which I am sure you are all well aware, we have an Executive of 10 Ministers and up to 13 Assistants. Other States Members are involved in holding that Executive to account through Scrutiny Panels and Public Accounts Committee. But, as the Bailiff said, and it is I think a sobering thought, my Council of Ministers and I are always in a minority. Not always the most comfortable positions for a Chief Minister to be in but it is in the nature of Jersey politics and Jersey thinking, I think, that we try to do things in a consensus fashion and the only thing we achieve is

achieved with the genuine wish of the majority rather than by any particular political doctrine or party whip. So, certainly I think Jersey is pretty unusual in that respect. I am tempted to say unique but that is probably an overused word these days, too many things are unique or, even worse, nearly unique.

Certainly Jersey is unusual. It is self-governing and it is self-supporting. It has evolved into what we believe is a very democratic process with the vote available to all from the age now of 16. We are not part of the United Kingdom, we are not part of the European Union and although the U.K. does have some responsibility for us we are able to engage independently in matters such as international taxation agreements. I think this is becoming increasingly important because often our objectives do not tally exactly with those of the U.K. It would be difficult for the U.K. to try to speak with one voice when sometimes its interests differ from ours.

So, we do have an understanding between Jersey and the U.K. of each other's needs and particular requirements. We can set our own taxes and we have done so in a way that we run our own finances and I believe we run them in a very satisfactory way. At the current time the Island has no national debt. In fact we have assets in the bank sufficient to cover more than a year's expenditure. We are able to deal with a downturn in the economy with surplus cash that we put aside to deal with just such an eventuality. We believe, in that respect, that we are responsible and we do not put off problems, we face them head on.

We have no direct links with the United Kingdom but we do have a very strong affinity for the Crown and the Royal Family. The local currency - and you will see we have our own pound notes and £5 notes and so on - they bear the head of the Queen. I am sitting, as the Bailiff said, in the Governor's seat. My apologies to those of you who cannot see me over the top there but I think one of the requirements for a Governor ought to be that he is sufficiently tall to sit in this low seat. **[Laughter]**

A lot has been written and spoken about recently about tax havens and inevitably Jersey gets lumped in with that lot. We would call that a misleading label. We prefer to call ourselves an independent well-regulated and responsible international finance centre with a low rate of tax. I think more importantly than what we see, how do other people see us? Well, we have been reviewed quite regularly by bodies such as the I.M.F. (International Monetary Fund), the F.A.T.F. (Financial Action Task Force) and all those other groups with acronyms now that you cannot remember what they stand for but you know that they are something important somewhere. And, of course, by the U.K. Government as well. Our standards of regulation and compliance and co-operation have been recognised and praised. I think Jersey's challenge now is to distinguish between well run jurisdictions such as ours and other sometimes larger placers which do not always meet international standards so willingly as we do.

While we can be proud of our reputation I think, we are by no means complacent. We will continue to work hard to meet and keep pace with

modern standards but also see how we can help to raise those standards elsewhere, including the developing world and we are working very much now on a pilot project to see how things like our tax information exchange agreements can be extended to the third world. I would like to think maybe the world - we would be too proud to say the world is our oyster - but certainly the world very much now is our market place.

But we cannot ignore, and I do not ignore the problems facing any Island community of current time and in an economy as successful as ours there is a danger of creating a 2-tier society. I think we see this in the U.K. and elsewhere in Europe as well. As economies develop there is this danger. We have tried to make sure that those in society who may be less well-equipped do not suffer unduly and indeed our objective is to try to achieve greater equality throughout. We do have the same sort of difficulties to face as other jurisdictions. That of an ageing population I think is one which is on everyone's minds at the moment.

Because of the success of the Island and the beauty of the Island there are pressures on our environment. People wanting to come and live here but equally local people saying one of the beauties of Jersey is its green fields, its countryside, its open views, we do not want to spoil it by making it one huge housing estate. We are facing increasing international legislation and that does have a burden on a small economy trying to comply with some of those, and we have to see how we can meet those challenges. Even on fairly straightforward things like rising standards of healthcare and education, and so on, which we all want to, and rightly, adopt.

So, our objective here in this small Island must be as far as possible to allow everyone to reach their own full potential, have good opportunities of employment and good opportunities for training to higher levels and higher standards of employment. We need to raise skill levels as the Island, along with the rest of Europe, becomes increasingly devoted to services rather than manufacturing. Above all, I think, as Jerseymen, and proud to be Jerseymen, we want to ensure that Jersey retains its character and its success.

I could go on for ages about some of the political problems here but rather than do that I will just conclude by wishing you all an enjoyable stay in Jersey over the next few days and hope that we might see you back in the future. I hope that you take back with you good memories of the Island and I hope you have a chance to see what we would regard as one of the best places in the world. So thank you all for choosing Jersey to come, and I hope you have a good conference.” **[Approbation]**

**Peter Monamy (SoJ):**

“I call upon Simon Burrowes, the secretary of B.I.P.R.A. to respond.”

**Simon Burrowes (NIA):**

“Bailiff and Mr. President of the States, Chief Minister, friends and colleagues. This is — and hopefully it will be — a very few words of thanks on behalf of

B.I.P.R.A., another organisation with a marvellous acronym which is indeed reflective of its importance and standing.

Can I say, on behalf of everybody, a very big thank you for giving us your time this morning to welcome us and open our conference. It is an honour for us and it reminds me that in Belfast 2 years ago, the Rev Dr Ian Paisley told us not long after becoming First Minister that B.I.P.R.A. was the first official invitation he had accepted in his capacity as First Minister. I gather that this is one of your first functions, Bailiff, so clearly the B.I.P.R.A. conference is becoming an invitation much sought after.

B.I.P.R.A. was formed 8 years ago in Belfast and at that meeting I well remember we were graced with the presence of a woman who I shall describe as redoubtable, i.e. Mary Newcombe from the States, and I am delighted to say that the States of Jersey have been a member of B.I.P.R.A. — and an important one at that —since the start.

I know that you did not have a full Hansard operation in those days and I would like to think that B.I.P.R.A. and colleagues have played some small role in helping you establish what is undoubtedly probably the most important publication that the States produce, never mind the legislation, et cetera. Indeed, I note from your most recent annual report that clearly your report is going from strength to strength because something like 6,500 Hansard pages were produced and uploaded on to the website last year. That is a considerable amount of talking and it just goes to show it really does not matter whether you have got 650 Members, as in London, or whether you have got around 30-something as in the Isle of Man —if you have got more than one person talking, it is all the same for Hansard. It all has to be written down.

I do remember in BIPRA's early days that we were very glad to see the States of Jersey on board — if for no other reason that we thought immediately that it would be a nice place to have a conference. **[Laughter]** I have to say that initially Mary, and latterly Peter, who has been with us at virtually all of our meetings and conferences, have done the States of Jersey proud and retained money in its coffers because they were somewhat reticent about extending an invitation, and I think that had something to do with the fact that there was not a full Hansard operation here. But, finally, they agreed and I have to say that our thoughts of trying to get to Jersey for a conference and everything I have seen in the 2 days that I have been here were very well placed. We were very wise to try to get here, and I am absolutely delighted that you have been able to host us this year and that we are here, because from what I have seen it really is the most marvellous place.

I do not have anything else to say in particular. I suspect that over the next 3 days we will enjoy ourselves. Indeed how could we not in such marvellous surroundings. I rather suspect that we should do away with the roll call because I am sure that there will be some people who will call in “malade” over the next couple of days after the networking opportunities and the conference dinner.

So, can I say very simply, on behalf of all the members of B.I.P.R.A. and all the folk who are here today — and it is nice to see such a marvellous turnout — a very big thank you to you and the States of Jersey for everything that you have done. We have had a great time so far. A marvellous explanation of the history of Jersey from the Bailiff and indeed from the staff last night. We have enjoyed ourselves so far. Doubtless that will continue.

There is only one other thing I would like to do. B.I.P.R.A. is not a cash rich organisation, but we wanted to mark the occasion by making a small presentation to the Bailiff and the Chief Minister. So, I have in this splendid bag some of the original tools of the trade, which doubtless the Dukes of Normandy in days gone by — quills **[Laughter]** — would have used when making their legislation, et cetera, and 2 small pin badges with the marvellous acronym B.I.P.R.A. on them, and I am sure I would be allowed to approach.”

**The Bailiff:** “Thank you very much. **[Applause]** Thank you very much indeed, very kind. You had to have good writing in those days, of course, in order to record anything. Nowadays I think most of us cannot write very well — I certainly cannot. My writing is appalling. Thank you very much indeed.”

## **Session 2: “A Year in the Life...” (TRANSCRIPT)**

The first working session was chaired by Mair Parry-Jones (NAW). It consisted of a series of presentations by the representative bodies on the main challenges and developments they had faced during the past year.

### House of Commons:

**Alex Newton (HoC):** “I think I am called upon to give an account of proceedings in the world of Hansard at Westminster in the last year. The biggest theme has been that of taking more responsibility for more things. Several activities have started to come under our umbrella which is perhaps perverse given that 2 years ago we were merged into the Clerk’s Department and lost our autonomy as an individual organisation. That has in some ways made us more influential and allowed us to focus on our real job, the reporting of Members’ speeches and making them accessible to an ever-wider audience through the medium of republication on the internet rather than simply in its printed form. That is an increasing and continuing challenge and for that reason we will be rewriting our reporting system, partly so that we have a more up-to-date software to allow us to do our core job, but partly so that for the first time clear thought is given to how information is used by different people in different ways and in different formats. That is the future of parliamentary reporting. We need to make it easier for people to get the information they want on the subjects they are interested.

The second area where we have taken more responsibility is parliamentary broadcasting. There are sensible factors behind that. It probably fits better with us than with almost any other part of the House of Commons administration and there are some useful opportunities. For instance, our digital audio system provides timestamps that allow video indexing. Strange as it may seem, there is not another way of doing that. What has come home to me strongly is the wide variety of people who use the things that we produce. It is not always obvious who uses Hansard and that is something that we need to bear in mind. A lot of people use the parliamentary material that we produce.

A third area where we are taking more responsibility is select committees, and that was made manifest this year by the fact that Parliament launched a series of regional committees which has entailed visits to places such as Middlesbrough. All the candidates for Speaker in the very interesting recent speaker election stressed the regional dimension of Parliament and that is something we have to be prepared for. There will be increasing pressure for Parliament to go out to the people rather than everyone coming to London. Ideologically, I think that is a good thing but speaking as a manager it is a real pain in the arse, because it is difficult to get people who already suffer working 3 or 4 nights in a week to disappear up to Middlesbrough on a Sunday night. So far we have absorbed that without any difficulty, but it is something that we need to work to make ourselves more adaptable to deal with.

I can foresee that in the next couple of years we will face a double whammy, to coin a phrase, from the certainty of public expenditure cuts and the probability of constitutional reform. The recent scandals in Westminster mean that virtually all parties have got some idea of how they want to change Parliament and any kind of constitutional reform, no matter how trivial sounding, whether it is proportional representation on the serious end or dropping the honorifics used in Parliamentary debate, has an effect on the way we do things or on the way that our IT systems work.

As an organisation we have to be adaptable to deal with that, whatever is thrown at us. The third theme that I would pull out from the last year is getting our staff to take more responsibility, because we are stuffed full of very capable people. Often we do not ask them to do very much and it is part of an ongoing project to try and bring the most out of people by getting them to be more involved in working out how to deal with the challenges that are being thrown at us.

I am sure that some of those themes are familiar to everyone in this room, although I am sure also that most of you find it weird that we do not already report select committees. I think the next 2 years will be a real test for what we as an organisation can do; whether we can meet the challenge of adapting to whatever is thrown at us will be the key hallmark of what Hansard is all about in the next few years. Thank you.”

**Mair Parry-Jones (NAW):** “Thank you very much, Alex. Does anyone have any questions to ask on Alex’s presentation?”

**Henrietta Hales (SP):** “Alex, how do you see the staff becoming more fully involved with what you were touching on at the end of your presentation there?”

**Alex Newton (HoC):** “I think it is about line management. It is about making line managers really responsible for their staff and making them involve their staff at every level and getting people to talk to each other about problems as they come up honestly, rather than hoarding information at the top and presuming that you have got all the answers, because you have not.”

**Mair Parry-Jones (NAW):** “Anyone else? If not, may I ask Gareth Wigmore on behalf of the House of Lords, please.”

**Gareth Wigmore (HoC):** “Alex, just before I begin, parliamentary broadcasting coming under Hansard, who is responsible for that?”

**Alex Newton (HoC):** “A chap called Tim Jeffes runs the parliamentary broadcasting contract and he was, how can I put it, a free radical floating in the Clerk’s Department soup of Westminster. He has now been located under Lorraine as his line manager. In fact that does make a lot of sense, because a lot of things that broadcasters need, such as sound in committee rooms, in Parliament or out of Parliament, are what we need as well.”

**Gareth Wigmore (HoL):** “But the contract is still with Westminster?”

**Alex Newton (HoC):** “No, the contract for broadcasting is with an organisation called PARBUL who subcontract to an organisation called Bowtie but from 2011 the public broadcasters and the private broadcasters like Sky and the BBC who have hitherto funded Parliamentary broadcasting are going to pull out and Parliament will have to pay for its own broadcasting from 2011 and Tim - well, and now Lorraine - will be in charge of putting that contract out.”

House of Lords:

**Gareth Wigmore (HoL):** “Yes, it has been a relatively busy session for us in the Lords this year. We have had a lot of committee stages that have gone on for a very long time. A lot of Grand Committees... which are our sort of *bête noire* because every time there is a Grand Committee it means that we have to have 5 or 6 freelancers in the list. We have had an awful lot of those and in particular the Lords is now using them a lot for doing secondary statutory instruments and general debates as opposed to just the committee stages of Bills, so it is something we are seeing a lot more of. It has also been quite busy with ... there has been some emergency legislation - the Banking Bill, Parliamentary Standards Bill - and the Lords I think definitely want to show what they are capable of. They feel empowered, I think, by the perceived lack of scrutiny in the Commons; or certainly they perceive it. Whether it is true or not is another matter. They want to get their teeth into legislation and really kick it about and of course we have also had ... well it is getting people like Peter Mandelson in the Lords raises its profile a lot. We have had ... it is good to see Mandelson at the despatch box although sometimes it is like watching a premier league footballer playing with a load of amateur league people. It is a bit of a sorry thing to see but the Lords has of course ... we have now got Lord Adonis as well, the Secretary of State. We have had the credit crunch team, really, with Lord Myners as well, so it is ... there seems to be quite a lot going on in the Lords at the moment and as such they want to legitimise themselves, they feel the need for that, short of election of course, and there is a lot of stuff about reform kicking around. David Steel has got a Bill which turns up almost every Friday with some monotony and of course they love talking about themselves, and they would do things like, I think it would remove the hereditaries and enable peers to resign and be thrown out and so on, so there is definitely a sort of groping towards that kind of reform, I think. Of course that has come to a bitter focus with the scandal that there was with the *Sunday Times* exposing Lord Truscott and Lord Taylor of Blackburn, being willing to table amendments for cash, basically. This was very interesting for us because the Procedure Committee inquiry that was set up to investigate that asked us to transcribe all the *Sunday Times* tapes so that they had an impartial version of events, and this was supposedly top secret and we could not tell anyone about it. Then of course they published our transcripts in the report and said very clearly that we had done it, and so on. So we probably made a few enemies there, but never mind. The work of the office has again been pretty busy with side projects like that but the core work has been busy and it has been very busy

having the new freelancers around. For the first time last year we went through a proper external recruitment procedure for our freelance staff. Previously we have operated it on a slightly word of mouth basis - friends of friends and so on - but I will talk more about that tomorrow. Certainly we have had a lot of new people around and they have had to be trained, they have had to be looked after and that all takes time. It has also been an interesting year in the office in terms of staff turnover, we have got a new deputy editor now, John Vice. We have lost Patrick to Northern Ireland and so we have got some new subs and some new reporters, so it has all settled down again now. But for a while there it was mixed up and we did not have the number of people that we wanted and it just made things especially hard for a while. We have got select committees heading towards us as well and yes, we have to learn how to cope with that over the next couple of years too. I think that is going to be a big challenge for us and we are also doing the new reporting suite with the Commons, that is coming up in the next year or so. It is interesting what you were talking about, Alex, about line managers and that sort of thing. I think one of the most interesting things that we are doing at the moment - and I think it is a good thing - is that all the reporters, basically, are going to have line management responsibility for freelance reporters. So I think people are going to be taking responsibility and I think that is a good thing. Anyway, I shall say no more."

**Mair Parry-Jones (NAW):** "Thank you, Gareth. Any questions for Gareth, please?"

**A Delegate:** "Can we do some of your freelance?"

**Gareth Wigmore (HoL):** "Can we do some of yours?"

**Mair Parry-Jones (NAW):** "Anyone else on that? Fine, so we come to our very own Mr. Secretary Burrowes for Northern Ireland, please."

Northern Ireland Assembly:

**Simon Burrowes (NIA):** "I look after Northern Ireland and it is nice to see so many here, as I said earlier."

It has been a fairly eventful year for us in many ways. We had a period over the past year where we did not have our Executive sitting, which meant that legislation coming before the Assembly was few and far between. In some sense that has been no change from the past. Interestingly — and I am sure this is something we all come across — the perception was that because the Executive was not sitting we had no work to do, which gets back to the ever present question about the difference between the Executive and Parliament. It is amazing the number of friends that I came across, wherever it might be, whether out for a drink or something, who say: "Oh, I see you are not very busy at the moment." Of course, it simply meant that our members were not talking about legislation. I felt that was an interesting take on things, but it is pretty typical, I think, and one of the bigger debates that I think all the Parliaments are having around how they try to educate people.

So, despite the fact that the Executive were not meeting, we had plenty of work to do, and we have been working away. In fact, it has been an unbroken period since May 2006 for us now because although devolution only came back to Northern Ireland in May 2007, we had what was known as the Hain Assembly sitting from the middle of May 2006, so we have been working away. The bald statistics are that in the last year we had 68 sittings and we produced 69 reports for those — one of them was a lengthy one and we had to split the book — and we produced just over 350 reports for different committee meetings. All told, that was about 6.5 million words which is somewhere in the region of about 130 novels, and when you take recess out of the equation, it is probably about 3 to 4 novels a week, depending on the number of words you consider are in a novel. I am told that major thrillers have about 100,000 words so we have not written quite as many of them but it is an interesting way to help people grasp the quantity of what we produce. It is not bad. Most of it is fiction. **[Laughter]**

We produce only a couple of hundred copies of our daily book and about 60 of them go to Members of the Assembly and about 100 of the rest come into the Assembly, 30 of which are for Hansard, so there is not a big market out there for the rest of them. But on the web side of things we had approaching 300,000 page views last year; about 400,000 hits; 91,000 visits; and nearly 50,000 visitors. That is a lot of people looking at what goes on in Northern Ireland. Those figures have grown over the last 3 years and some of them are up by about 20 per cent over the same period last year, so people are looking at Hansard.

The main problems we have had to face over the last year concern staffing. We had a new intake of reporters at the start of 2008, 13 in fact, so they have had to bed-down. We also appointed, as was referred to earlier, young Mr. Marsh who came back to us as deputy editor and indeed Martha, who is behind me, was also appointed substantively as deputy editor after acting up for some time — actually, she acts up quite a bit. We also promoted 4 reporters and took in one external person as new assistant editors. So, it has been quite a mix and match for us and, from a management point of view, that has been slightly awkward while trying to provide normal services.

I think it is worth highlighting a couple of other things that we have done in the past year. First of all, in June last year we introduced “same day publication”, as we call it. Essentially it is the rolling Hansard that you see on the Westminster website, and we now put chunks of debate up on the website as soon as we can after they have taken place. We generally put 3 chunks up a day, sometimes 4, but certainly before we go home of an evening the entire daily book is published and available. Some Members have started to use that facility and we are starting to get hits on that part of the website. We aren't getting as many hits as thought we might, but then part of the reason for that is because we have not really told anybody that we have done it. We wanted to make sure it would work before we did that and went public with it, so that is something we hope to do in the next year. However, I think that it is an important development for us. As to how we do it, well it is still being done

with brown paper and string, if you like, but nonetheless it works and the book is on the web. Of course, we replace it the next morning with the revised version.

Our Standing Orders have been changed and our Members, in their wisdom, voted to allow for written ministerial statements to be included in the Hansard reports; to date we have had 9. They have not caused us any great problems so far, apart from the fact that people are now sending us things that are not written ministerial statements because they have found the electronic distribution list to send these things to. In addition, when we asked to get the statements electronically we did not really define things as carefully as we might and people started sending us P.D.F. (Portable Document Format) documents that we can't easily work with, but the bottom line is that we now have written ministerial statements.

There are a couple of other things that I wanted to mention. I am sure some of you know we had a review of the Assembly back in the autumn of 2007. That produced some pretty big changes, because the whole of our top management board was essentially removed and the outworking of a number of other proposals will have an impact on us over the next few months, most notably the fact that the Assembly intends to separate from the Northern Ireland Civil Service. At the moment we still have a bit of a mixed economy as we call it of seconded civil servants mixed in with directly recruited Assembly employees and indeed some agency workers. But we have to have separate terms and conditions and pay and grading by the end of March next year.

So, what did we do? We held a competition to devise a name for what this project might be called and it is now called the Genesis Project. It is going to be particularly awkward, especially when it comes to job evaluation and grading, I imagine, and some people — around about 50 to 60 — have to make a decision as to whether they wish to remain with the Assembly or whether they want to go back to the Civil Service. There are some interesting challenges there, although in Hansard we are not too bad because most of our staff are now directly recruited — probably around 70 or 80 per cent. Nonetheless, there are at least 5 of us, including myself, who have to make a decision at some stage over the next few months, as to whether we remain with the Assembly or return to the Civil Service. Sadly, I intend to remain, but there you go.

Another thing that will take our time over the next year is a project to replace our recording system — we still work with cassettes — and our workflow system. Our friends at Edinburgh and in the Commons and the Lords have spoken to us and have been very helpful, and we enjoyed a nice day down in Wales — and a very nice day it was too because we finished slightly early and I was able to go to the cricket on one of England's most successful afternoons, but many thanks to all those folks who allowed us to visit them. I should add that there are others who we want to go to see, and we will be in touch.

When we get back after recess, we are going to take over publication of committee reports. At the moment we produce the committee reports but we do not publish them. That is the responsibility of the committees. I have always thought that was wrong and the clerking side has now agreed. So, it is really just a matter of sorting out the logistics as to how we will do it. But I think that it is important that we will be responsible for the publication as well as the production of reports.

That is nearly it for the year. I have to thank everybody in other establishments for their help because we had new members of staff and people were very helpful in taking them for development visits. We have some more new staff, because over the next year as part of the separation project our whole administration team — 5 people — will change. Our existing staff have either all gone or are going and new staff and will be a challenge. We are losing a huge amount of expertise, but there will also be some opportunities to develop what we do.

We have had other things going on, for example work experience visits and the refurbishment of our Assembly Chamber. Also, the Assembly is now placing a huge amount more importance on engagement and outreach and we have an increasing number of external committees and the problems of how you get people to go to Middlesbrough. Middlesbrough sounds quite exotic probably, at least for our people, but we do have a problem sometimes when we seek volunteers. A lot of the time Martha, who looks after the committee side of things, is beating her head against a brick wall. That is something that I think we have to address as part of the terms and conditions negotiations, because I think our people have to be considered as mobile grades, and of course there's always the problem of how we get the sound back to Stormont and how we record it on a system that is old.

I was trying to think if there was anything that was particularly humorous that came up during the year and there are a couple of things that I just wanted to share with you.

We had the usual spellchecker errors, but there was an “arsing” and a “pubic” in particular which caused us some problem. There was also an interesting episode when the chairman of one of the committees could not make it into the House so they had to get somebody else to present a committee report to the House. The chap they got kindly agreed to present the committee report, open the debate and move the committee report in the Assembly, but he had no papers. So, staff hurriedly got him a set of papers and everything seemed fine, at least until about an hour afterwards when somebody from the Committee Office came down and said: “Look, whenever we were giving such and such the speech, we photocopied it double sided”. You can guess the next bit: the chap did not realise that it was photocopied double sided and gave the speech using every other page. Interestingly nobody came back and nobody seemed to notice **[Laughter]** but it was quite interesting.

Finally, one of our well known Members said: *“As I have said before, if it is broken do not fix it.”*

So there we are, folks, that was the year in Northern Ireland.” *[Laughter]*

**Mair Parry-Jones (NAW):** “Thank you very much, Simon. Would anybody like to ask Simon any questions on that? I see that no-one does. It is obviously self-explanatory. The next update is from Sarita Marshall from the National Assembly for Wales.”

National Assembly for Wales:

**Sarita Marshall (NAW):** “It has been another busy year for the Record of Proceedings. The name of our service has changed again—we are no longer the Parliamentary Translation and Reporting Service, but the Translation and Reporting Service. This happened because of a rebranding exercise in the Assembly and it was decided that the word “Parliamentary” was misleading, as we are still an Assembly and not a Parliament. I do not know whether any of you has visited us, but Tŷ Hywel, which is our office building next to the Senedd, is currently undergoing major refurbishment and our floor is being revamped. We are hoping that it will mean more light and sea views, which would improve our quality of life significantly. Sound-proof booths are also being installed for those who use voice recognition technology and those who want a quieter space. As for the workload, this past year has probably been the heaviest ever. As a result, we have outsourced the transcription of some committees to Merrill, an external company, and we have borrowed some of the freelance editors in London, who already work for the House of Lords, and that has been pretty successful. We have also enlisted the help of some of the internal translators on Plenary days. The increased workload may have led to increased problems with repetitive strain injury and, in response to that, our health and safety department organised a six-week Alexander technique course, undertaken in our own time but paid for by the Assembly. A number of us took that opportunity and found it very beneficial.

Turning to IT, we have never had a searching tool for the official Record, to the point where if a Member quoted from a previous Record we would have to e-mail them to find out the date of that debate. However, on a work shadowing trip to our Members’ research service, about a year and a half ago, I stumbled across a programme called dtSearch, which works like an in-house Google. We found that the Members’ research service was already indexing our records and putting them onto a drive that we could all access. All that we had to do was get the software, which we have done, and many of us have found it to be a revelation as we can now check how terms have been transcribed before and how they have been translated. You simply put your search word in, tick the type of document you want to search, and away you go. It can search for words with the same stem or for words that sound like other words. We are also looking at publishing the record in XML format (extensible markup language). This will make searches easier, but in the meantime, dtSearch has been a lifesaver.

On recruitment, due to difficulties recruiting experienced staff, we have decided to recruit at training-level grade, with a view to filling 4 trainee posts.

The trainees will undergo a six-month training programme in translation and reporting, after which time they will have to demonstrate that they fulfil certain criteria. A decision will then be made as to whether they specialise in translation, reporting or both. Linked to the recruitment exercise, we had a stall at Cardiff University's careers fair and, as a result of that, we sent recruitment packs to 12 people who had made inquiries about the posts. Fluency in English and Welsh is a requirement of all four posts. We also placed an advertisement in the Western Mail, to which we had an overwhelming response, and a total of 68 applications, which I think is a record. Those applications went through an initial sift, which reduced the number to 21. The remaining applicants were invited to an assessment day, which included a group discussion of a scenario, under observation, followed by a translation exercise. They were then given a presentation on editing principles, followed by an editing test, so that we could see what they had learned from the presentation exercise and whether they could apply that learning. We are in the process of holding interviews and it looks likely that we will fill all four posts, which is a result.

We have started publishing Plenary records on the internet in 15-minute sections in the language spoken as soon as the Senior Editors have revised them, so if the Member has spoken in Welsh the contribution will be published in Welsh, and if he or she has spoken in English it will be published in English, with the translation of Welsh contributions being published the following morning, as normal. We are not sure how successful this service has been as yet, as we have not received any feedback, but we may need to market it a bit better. A controversial decision has recently been made regarding the translation of the Record. The Record has always been published on the internet bilingually within 24 hours of the end of the meeting, with the translation from English into Welsh being undertaken overnight by external translators. For various reasons—including low take-up and cost—it was decided that the Record will no longer be published completely bilingually and only Welsh contributions will be translated, with English contributions remaining in English only. This will come into effect as of next term. So far, a few Members have objected and made their views known but it is still early days, so we are not sure what the outcome is going to be.

An excellent piece of news from the translation side is that several of the translators have passed simultaneous translating examinations that will allow them to work in Brussels. Two presentations have now been made in Welsh in the European Parliament and the interpretation service was provided by our staff.

There have been a few staffing changes during the year. A fifth senior editor was appointed, so we have welcomed Rhian to our fold. Rhian came from an external translation company that used to translate the Record. However, no sooner had Rhian started that one of the other Senior Editors went on long-term sick leave, so we have been still struggling on with the 4 Senior Editors, but we are hoping that Lisa will be back with us next term. We have also welcomed Elgan Davies, who joins us as an editor, and Lowri Jones, who joins our business unit. Other new additions are Steffan, a baby son for

Awen, Dafydd Sion, a baby son for Nia, and Dylan, a baby son for Richard. We said farewell to Buddug and Owain of the business unit—Buddug now works for the IT Department and Owain is a deputy clerk to one of the legislation committees. We also bid au revoir to Leah Jenkins who has taken a six-month career break to go travelling. Finally, on a sad note, our colleague, Kathryn Jenkins, passed away a few months ago. She had moved to work as a clerk for Committee Services three years ago and had kept in touch. Her death came as a great shock to everyone in the Assembly and she will be greatly missed.”

**Mair Parry-Jones (NAW):** “Thank you, Sarita. Any questions on the National Assembly for Wales? If not, we move back to Henrietta, all up and running.”

Scottish Parliament:

**Henrietta Hales (SP):** “It has been quite a year in Scotland. Some of you are well versed in events in Edinburgh, but I realised from talking to some of you last night that for those of you a lot of this will be new, so I will just try and strike a balance.

First of all, staff news. This is a bit of an old photo, but it is the most recent one I could find. Most of the changes this year have been in the editorial support team. Carol-Anne Frame, our Office Manager, left for a new job in the Church of Scotland after the C.H.E.A. (Commonwealth Hansard Editors Association) conference last year. I hasten to add that there was no connection to the C.H.E.A. conference - she worked her socks off – and that the job was already lined up; we recruited a new office manager, Ailsa, who is here. Mags Crisp - some of you will know her - retired, and we recruited 2 editorial support assistants. One of them has left due to a change of plans, so there is a team of 3 at the moment. We ran another successful exchange with the Oireachtas in May, under our continuing annual exchange programme.

However the main staff change affected me directly and this arose from the Parliament’s corporate change programme. I am now Head of Research, Information and Reporting; here is how it came about. There is a quotation in the bottom right-hand corner, which I thought you would enjoy, which is about Nokia. It mentions synergy which is important in this context. As background, a senior management review was carried out between February and April 2008 and on the back of that review Paul Grice, who is our Chief Executive, decided to initiate a corporate change programme. Its aims, which are on the slide here, are being met through the implementation of a new strategic plan, an analysis of processes to minimise bureaucracy and a review of senior management structures. The new senior management arrangements have had the most impact on me and on us as an office. The directors who were the grade above me are now called Assistant Clerk/Chief Executives and they have individual responsibility for specific programmes under the strategic plan. The number of directors has been reduced by one — that person was Carol Devon, who worked at the Northern Ireland Assembly as their Clerk. Directorates are no more. Office heads - that is my level at grade 7 - are now

called Group Heads, and we are fully accountable for the day-to-day operation of our groups. I now have the responsibility for both the *Official Report* and the Scottish Parliament Information Centre, or S.P.I.C.e, which some of you might have heard about before. So these are my new SPICe staff. There are around 50 of them — in fact I think there are 53 which equates to the number of seats we have here — and they cover a whole range of duties from research to freedom of information, information management, and the Parliament’s website, so I have a lot of skills to learn about in this new job.

So what happened was that the post of the head of S.P.I.C.e. and the editor of the *Official Report* were merged and that reduced the number of posts at my level by one. Under the programme the aim was to improve the balance between offices led at grade 7 and to exploit possible synergies between different functions. A lot of this is lifted from all the material that we were given at the time. The rationale was that while the *Official Report* remains operationally critical it did not require leadership at grade 7. The post of editor was seen as light on direct staff management, budget management and the complexity and diversity of services under my command, so it was concluded that the best fit was to merge the post with the head of S.P.I.C.e. as there was a degree of crossover in our work. While all this was happening, a voluntary early retirement/early severance scheme was introduced for staff at grade 8, grade 7 — my grade — and grade 6 which is Stephen Hutchinson’s grade. That initiative was aimed at reinvigorating the staff organisation by creating opportunities for staff to compete for promotion. One of the people who left was the head of S.P.I.C.e, Patsy Richards, and on 1st April I took on the role as the new Head of Research, Information and Reporting. A bit of a mouthful. Stephen is now the editor and there is no deputy, so we have Stephen as editor of the *Official Report*, then the sub-editors, and I am on top running both the *Official Report* and S.P.I.C.e. Stephen and I have had to work out the division of responsibilities between us and life is much more hectic, as you can imagine. The programme continues: there is leadership development training for those of us in senior roles and that will extend to Stephen’s level later this year.

On a lighter note, moving on, this is a small diversion but this time last year the C.H.E.A conference had just ended and I thought you would like these extracts. One of the subs found them. It is in an account of the conference by our colleagues in the KwaZulu-Natal legislature and they refer to, and I am quoting: “The broken pieces of her Majesty’s many legacies being spread everywhere in her dynasty’s previous empire. Sometime it has become such a part of the local scene that nobody even remembers the origin. So it is with Hansard. Forty two years after we have been declared a republic and 9 years after the last vestiges of the colonial yolk [and it is spelt that way, I promise] have been shed in South Africa the official report of the Parliament in Cape Town and the 9 legislatures is still called Hansard.” There follows a description of how the House of Commons operates, including a reference to the “gigantic task” carried out by reporters in the press gallery, who seem to work for 25 minutes at a time. Back to Edinburgh, here are other highlights. You might think that a new carpet is trivial, but I think delegates from Scotland

will agree that this really was top of the list of the highlights in the past year. This carpet is covering - and for those who have been there you know what this is all about - the wooden walkway which extends right through the open plan part of the office, mainly occupied by reporters, Ailsa's team, and the subs in a wee bit of it. This has troubled us ever since we arrived in the new building in 2004, when we started asking for the carpet. It finally arrived thanks to Stephen's persistence in March/April this year and we are very thrilled about that.

We continue to make progress on the project to replace our software. We are now at the user acceptance testing stage, finding lots of bugs. Lots of people here are very closely involved in that and we hope the new system will be up and running by the end of October. Workload-wise it is steady this year: a bit more legislation is coming in. We also reported most of the meetings of the Commission on Scottish Devolution, otherwise known as the Calman Commission. We were highly commended for the quality of our work, which compared very well against copy that was submitted by a private firm for one or two of the meetings.

News of what happened with the Budget Bill might have extended beyond Scotland, because it was quite momentous. Basically the Scottish National Party Government's plans fell on the casting vote of the Presiding Officer. This session, he has had to use his casting vote 6 times, compared with twice in the first session and not at all in the second. The background is that the S.N.P. (Scottish National Party) had won the support of the Conservatives but Labour, the Liberal Democrats and in particular the 2 Green M.S.P.s (Members of the Scottish Parliament) who were negotiating until the last minute, could not be persuaded to back the Bill. However unlike in Westminster where effectively this would bring down the Government, a new Bill was introduced the next day and it was passed within a week under the Emergency Bill procedure with all the stages being taken in the same day. The Government made some concessions to Labour and the Liberal Democrats in return for support and the Bill was passed by 123 votes to 2, the 2 being the Greens who still were voting in opposition to the Bill.

We seem to have had a full dose of intemperate language this year. There are a couple of examples here, and they do appear in the *Official Report*. I was talking to our colleagues from Jersey about whether you print this or not—we do, and it is all there. These quotations are both from the Public Audit Committee. The first is from a Member who was unimpressed by the efforts of the public sector, and the second is from a frustrated convener who was not getting the answers that he wanted from a couple of civil servants, one of whom was the Permanent Secretary, a very senior person. He had occasion to refer to what he was hearing as: "A huge element of bullshit." The next one is in the Chamber where one of the Ministers, who is quite a character, says as an aside "Bollocks". Because somebody says "Pardon?" and the Presiding Officer takes it up, it all went in and was widely reported. The next one is slightly different: it is just a little incident that we thought might entertain you. This was during First Minister's question time amid talk of beavers, and allegedly a paperclip flew out of a Member's hand and hit the First Minister, so

he said: “I have been assaulted with a paperclip” and again that was much reported in the media.

Finally, lots of us celebrated our tenth birthday this year and we were one of them. Our first edition was published on 12th May 1999 — the photo on the right dates from 1999 and I think you will recognise a few faces: I do not think we have changed that much. We celebrated with a magnificent cake that was procured by Ailsa. On 1st July, which was the date of the official opening of the Parliament, the Queen came along and addressed the Parliament and met children who shared the Parliament’s birthday. Around 140 10 year-olds who were born on 1st July 1999 came along for a special party and a selection of birthday activities, and Parliament staff helped out, including some of us here. It was all very tiring but also a hugely enjoyable day.

Finally, I just want to thank B.I.P.R.A. for its support during this somewhat eventful year, especially those on the steering committee who have been with me every step of the way. I also want to thank Jersey — it is great to be here for the conference.”

**Mair Parry-Jones (NAW):** “Thanks very much, Henrietta. Any questions for Henrietta then, please?”

**Robert Arnott (SP):** “If I can just add a sporting note, just in the annual 5-a-side football tournament I think it is probably worth mentioning that we were delighted to draw S.P.I.C.e. which is the Parliament Information Centre in the quarter finals of the tournament and this immediately became known as the Synergy Derby [**Laughter**] and you will be pleased to know that after a thrilling 2-all draw - thanks to the mind games of our I.T. Liaison Officer - we won on penalty shootout.”

**Mair Parry-Jones (NAW):** “Thank you for that addition. Thanks very much. We go on to Finin.”

Houses of the Oireachtas:

**Finin O’Driscoll (HoO) :** “Yes. What we were going to do was it was Reine, our delegate, was going to give this paper, so we are just going to split it, so we will have Denise first.”

**Denise Kelleher (HoO):** “Well, it has been a very busy and eventful year in the office. First of all we had another successful exchange, as Henrietta mentioned, with the Scottish Parliament between Stuart Dixon and Onora Brassell, both of whom I think really enjoyed themselves and we had a very interesting exchange of views and cultures and I hope we will be doing it again next year. The hours kept by the Seanad have really extended this year so that we have had several sittings beyond midnight and the recesses have also been reduced in length, so we have had fewer recesses than usual and more hours, so we were quite tired by the end of the year. Most of this was caused by extra Bills going through and the state of the economy which resulted in 2 stringent budgets, which brought in several interesting new

measures including a career break and early retirement incentivisation scheme for the entire civil service, which was taken up by quite a lot of our staff, and this will probably lead to a significant decrease in our numbers. We expect to lose up to 5 reporters and one editor, which is quite a big chunk. There is an embargo on recruitment in the civil service as well, which means that these will not be replaced. So this will probably result in a bit of a change in our work practices next year. I will hand over to Finin now for the rest of our developments from the year.”

**Finin O’Driscoll (HoO):** “So basically this embargo on recruitment naturally is going to affect replacing the position of editor. Anne Robinson has retired this year, that is our major change in our organisation. Before she retired she attended a meeting with the Houses of the Oireachtas Commission and had the position of Editor of Debate termed an essential post so that it would be replaced when ... so there will be an interview for the Editor of Debate. Whoever is attached with that it probably will not replace an assistant editor and they probably will not replace a reporter either in those changes. So Anne Robinson as I said has retired and so to put it in context, when I started working in the Oireachtas Anne told me that she first started working when Liam Cosgrave was still the Taoiseach, and to put him in context he was the Taoiseach who signed the Sunningdale Agreement, so Anne has probably gone through a major period of Irish Parliamentary history. Phyl Griffin is also retiring, she was our Clerical Officer who worked on fixing basically our rosters and again she will be sadly missed because she was very helpful in giving you your roster if you wanted it that little bit earlier to get out on a Friday. The big problem in Ireland at the moment is they are looking for cuts in public sector spending and an economist, Colm McCarthy, set up a group called An Bord Snip (Nua) which is basically looking to slash public spending everywhere, and they had a look at operations in the Oireachtas. Fortunately they did not look at the Debates Office, so we did not come in their radar, so we thought we would but we did not. Ushers did. They also proposed to abolish the Opera House - the Sianad - which has raised eyebrows. The loss of 60 Senators would probably mean a drop in our numbers as well but of course naturally there is a constitutional embargo on getting rid of that but we all pray they will not. The McCarthy report has also said that it would prefer to see committee debates published only on the internet and not physically published and it will be interesting to see if that has a knock-on effect with the *Official Report*. Members still like to have a physical copy of the report in their pigeonholes every morning so we are keeping an eye on that one. A group of journalists went and took a leaf from a British website, theyworkforyou.com and they set up one called kildarestreet.com, and used the same software as theyworkforyou.com uses. They started putting up the debate on the website. It has given us a little bit more - how would I say - exposure. I was just in the car one day and on the radio a veteran journalist was saying to this guy who set up the website: “And you write everything down?” He said: “No. Those are parliamentary reporters” and he explained what we do, so suddenly we were getting a bit of interest from that. There is talk about setting up an Oireachtas channel, this would be the sort of a C-span idea and the idea there would be it would be wall-to-wall parliamentary business and it would be shown. It is probably going to be very popular because the legislation that we

have had to do has largely dealt with our banking crisis and it has proved that the number of hits on the internet views have risen, so people think there might be a future for this Oireachtas channel. Nothing has been decided as to how it would work in relationship with the *Official Report* Debates Office and who would take precedence. We had a little bit of an embarrassing moment with a microphone, one of our secret microphones that we have in our Chamber, picked up the Taoiseach requesting that certain ... he said eeffers, well, he used the full thing, be brought in. Some journalists found this and put it on a channel but we were safe, we did not have to put it in, but that led to a debate on who is in charge of the sound recordings, and should microphones always be turned off and so on, so it will be interesting to see what happens with the Oireachtas channel and how we will fit into it. We are going to be introducing a new altering system, however still using Lotus Notes. It works for us, we are very happy with it, so the new altering system will just be an upgrade of Lotus Notes and will give us a lot more independence. It will also mean that the material will go straight on X.M.L. so it goes up on the website without too much fiddling around. The other thing that we ran into that causes big problems was the Lisbon Treaty. Just before the Lisbon Treaty referendum the Committee on European Affairs decided that it wanted to have a travelling road show to go around the country talking to the people and telling them the importance of the referendum. This required a Dáil motion because no committee is allowed to step out of the Dáil or out of Leinster House. So it also involved us suddenly discovering something that the Scottish Parliament does and that is going around various areas. It was good in the sense that we were able to use our portable sound system. The reports were done within 24 hours. We would log it on the computer in the thing and it would be sent then by email back to Dublin and everybody would have it done the following day and it raised our profile a bit as well. Many people commended us on the quality. The procedure was that members of the public were allowed to raise their concerns about the treaty. They went into the *Official Report*, their concerns were debated and it was very interactive. I went to Galway and several members wanted to extend this to other areas such as Finance Bills and the like but we will see if that works. The one other little bit of news that we had was that the sub-committee on Ireland's future in Europe, after the treaty referendum was defeated, a sub-committee was set up to examine it. We had virtually to go into real-time transcription on this and we had to devote Denmat(?) every day for 2 months and had a morning session from 9.30 a.m. to 12.30 p.m. and then had an evening session from 2.30 p.m. to 5.30 p.m., and we basically had to set aside 6 reporters to cover that. That was with logging and with people doing the transcription and, again, it was virtually done in real-time. On that note, that is really what has happened in Oireachtas."

**Mair Parry-Jones (NAW):** "Thank you. Any questions on that? May I ask a question about the advertising of the post of Anne's former post? Will that be externally advertised?"

**Finin O'Driscoll (HoO):** "It has not been decided yet but we are assuming that it will be only open to 3 deputy editors. It is not 100 per cent sure yet as

to how that will work. There is a ban on recruitment in the Irish Civil Service at the moment, so they will have some excuse to get away with that.”

**Mair Parry-Jones (NAW):** “Okay, thank you.”

**A Delegate:** “You are losing 5 reporters and an editor. Are you proposing to reduce the timescales or some aspect of the service that you are giving or are you going to take it all on the chin?”

**Finin O’Driscoll (HoO):** “We are going to take it all on the chin. We really do not have a choice. We can cope with the workload as it is. We are looking in the sense that the Seanad has not gone on a major sort of reforming programme. They are just following what the Dáil is telling them to do so we are safe enough, but they have also been asked to reduce the number of committees they have because there was a feeling that there was a lot of duplication in the McCarthy Report and the Bord Snip Report has suggested that they get rid of 3 committees I think. So that will reduce our work level on that front as well and then with actual parliamentary sittings, it is just a question of taking it on the chin waiting around until 4.00 a.m. in the morning for a Bill to come through which is what some of us have to do, and we just grin and bear it.”

**Mair Parry-Jones (NAW):** “Fine, thanks very much. If there are no more questions, may I ask Ellen from Tynwald and I believe we have already distributed the paper. Has everybody got a copy?”

Tynwald:

**Ellen Callister (Tyn):** “Good morning everybody. Just a bit of admin first. I have given out a pack per jurisdiction; the blue bags in which there should be a couple of leaflets. There is a small leaflet on the House of Keys which is our Lower House, there is a little bit on the Isle of Man and our government and our parliament but there is also a handout per delegate, so if everybody can make sure they can see a handout in front of them. Is there anybody who needs a spare because I do have a spare copy? So we have had quite an interesting and, in many ways, exciting year in Tynwald. I have got *All in a Year’s Work* to start with and it started in September to November 2008. My senior Hansard editor went to the Falklands with his wife who was working on secondment. He was still able to work so it was desk leave he was given leaving me in charge of the office back home and management. We kept in touch with him by email and by Skype so that we could still send him plenty of work and there was a 5-hour time difference which worked in our favour. We were able to do quite a lot of work in the morning and by our lunchtime in the Isle of Man, he was just about finished with his breakfast and ready to start work and was able to carry on and publish the final document even at that distance. Of course, while he was away, we had a couple of Tynwald emergencies. The first one was an emergency sitting of Tynwald which took place on Thursday, 9th October which we only found out the day before was going to happen. We were given notice in the afternoon of the day before. This was to do with the Icelandic banking collapse which has had a knock-on

effect, being a finance centre. We have had one particular bank in the Isle of Man called Kaupthing Singer & Friedlander (Isle of Man) Limited, which is now in liquidation, so there have been various sorts of emergency Tynwald orders and things put in place to try and compensate depositors but that first one in October was to try and get things underway. We also had a fire take place in the Legislative Buildings during the October sitting of Tynwald right in the middle of the day. Tynwald can sit for 3 days and it was the Wednesday afternoon the whole building was evacuated including all the Members out on the street. It turned out to be a fire in the basement but that caused great excitement on that particular day. Again, while Ian was away, he was busy working on the Tynwald Annual Report. I think you also have a copy of this in your pack. If I can just point out particularly pages 4 and 5. You might be interested. There are pictures of our 3 chambers. That is Tynwald Court, the House of Keys and the Legislative Council, so feel free to have a look while I am speaking. This is the first of our Tynwald Annual Reports so it is an experiment to see how it went down but it seems to have been received quite well and I think it will continue as an annual thing every year. Going on to legislation, you will see on your handout, I have just done a small table of the kind of legislation that we have been working on. You can see it covers various aspects of life in the island basically. It is very much like Jersey. We are also a Crown Dependency, so we make our own legislation quite independent of the U.K. On the left-hand side, you can see the Acts promulgated on Tynwald Day. I know some of you were in the Isle of Man for the conference and attended Tynwald Day. For those of you who have not seen it, I will pass around the brochure that we all get on Tynwald Day and you can have a look. I have marked out some of the pages that show some of the key people in our parliament, so if I pass that around that way. Also this is the kind of Order of Service of Tynwald Day and the outside sitting of Tynwald Court in the open air when they announce the legislation that has been worked on and it is promulgated in the open air, so I will pass this around. On the right-hand side of the table, I have pointed out the Bills that have not been passed and received Royal Assent yet but we have been working on this particular legislative session. At the bottom, there is particularly the Constitution Amendment Bill which is to do with trying to get our Upper House elected directly by the people and this has been going on for many years and various members keep trying to bring in direct election to the Upper House, Unfortunately, again - or, fortunately, depending on how you look at it - this was a completely unworkable Bill that eventually came through, so it did fail again and it will be up to some other member to try again to get any change. Going on to personnel, our year in Hansard has been dominated also very much like Northern Ireland by a grading review of our unit. There are 5 members of staff in our unit. This was carried out by the Civil Service Personnel Office and, unfortunately, it was the JEGS points system that was applied to us and we did not come out very well out of this. It highlighted the problems that we have with being managed by a committee and we do not really have much of an appeal system but, in the end, it has worked out in our favour because our Tynwald Management Committee is outside of the Civil Service. They are therefore not bound by a Civil Service Personnel Review and, in the end, our Clerk has managed to persuade our Management Committee to ignore the personnel review that was done of us and they have

created a special Hansard Editor grade especially for our 5 people. It has been a good compromise in the end and I think we have come out fairly well out of it. There have been other staff changes within the wider Clerk of Tynwald's office which has caused quite a lot of unrest during the year, I would say. We have had 5 new staff members since August 2008 including 3 of them who were senior managers. So we have got a new Tynwald Information Service which has taken over the library and all I.T. responsibility. We have also had 3 people off on long-term sick leave and another couple of people off for various operations, so it has been quite a year of turmoil and for the first time that I have known, we have had a lot of union involvement at various levels to help in the various sectors including in our Hansard review. The union is the Government Officers' Association which is linked to Prospect which is the U.K. union and then employee development, within Hansard, our team itself, 2 of us are doing the Proofreading by Distance learning course which we learnt about via the conference last year which we are virtually underway to complete now and within our wider Tynwald's Office, we have a new Employee Development Scheme which is just under discussion. They hope to begin in October this year and this will make available Civil Service courses that can go on to the management courses and things that are available outside and this is part of a introduction by our new Clerk of business planning and business assessment type of things. The Internal Auditor is going to be involved in the coming year. Finally, looking at the technology side of things, our year has been dominated by system problems with our I.T. and particularly our server. Our office has worked with Apple Mac computers which have slowly ground to a halt. They are trying to fix it by taking us off Apple Macs and putting us on to P.C.s (Personal Computers) throughout the office but, at the moment, that just seems to be because we are halfway through the system and it just seems to be making things worse and not better, so we are still waiting to see. We are hoping in Hansard to stay on the Apple Macs because we have got our system set up with a desktop publishing package so we really do not want to go over to P.C.s if we can help but we hope that it will solve the problems of the go slow that we keep getting. Finally, the voice recognition system. I am sure we will be talking more about voice recognition later on in the conference but we are now using voice recognition in the Tynwald Court all the time and that is now our standard system. We are hoping to upgrade to an updated version of that shortly and hopefully for October but, in the meantime, we have also rolled that out to the House of Keys. We have been using that since April - 21st April was the first time - and this is gradually bringing all the work in-house because the computer transcribes rather than sending it out to outside transcribers. We have just been given the green light to go ahead to install it in our third Chamber in the Legislative Council. Again, hopefully before October we will start and this we hope to use also for Select Committee work so that we can combine the 2 functions in the same room. Simon reminded me about the rolling Hansard we also introduced this year where we are not waiting for a whole session before we put it on the website. We have the facility to be able to, as soon as we finish, put it on to the website which has taken the pressure off us trying to get everything finished all at once. We can just do it step by step. That is our year in Tynwald."

**Mair Parry-Jones (NAW):** “Thank you very much, Ellen. Any questions for Ellen? If, not our final contributor, last but not least, is our host, Peter.”

States of Jersey:

**“Peter Monamy (SoJ):** Okay, ladies and gents, we will try and keep this fairly short as we are running a little bit behind. Subject to anything that the Greffier may wish to add, the States of Jersey for the previous year, has seen the debate on the usual mixed crop of many and varied subjects. There have been a number of 3-day and 4-day extravaganzas and even a 5-day sitting. There has inevitably been the Annual States Budget and also the Strategic Plan covering the next 5 years and we have seen various questions and propositions on the St. Helier Waterfront development proposals - or non-development proposals, depending on your viewpoint - leaving the promise of £600 million-worth of building work hanging in what remains, for the time being, a somewhat windswept area and some of you may have had the chance to wander around there while you have been here. And where would we be without a number of votes of no confidence and the proposals for Committees of Inquiry? Of particular interest to Hansard folk, may be what I reported to the last B.I.P.R.A. meeting in March in relation to the significant change to the Assembly’s Standing Orders. These have been amended so as to give the Presiding Officer power to direct that a name spoken by a Member of the States in a meeting in contravention of Standing Order 104 be omitted from the transcript of the meeting. Now, that Standing Order prohibits a Member from referring to an individual who is not a Member of the States by name when the Member is making a speech unless the use of that individual’s name is unavoidable and of direct relevance to the business being discussed. Consequently, the Presiding Officer may make such a direction following a determination that the Member has used offensive, objectionable, unparliamentarily or disorderly words - not that they ever would of course. Standing Order 160 has been amended so as to set out how the omission of a name following a direction under the previous Standing Order must be indicated in the transcript of a meeting. Basically, this means that, in future, such an omission will be marked in the transcript by square brackets: “Name omitted in accordance with Standing Order 160(3a).” There is a bit of exciting news for you.”

### **Session 3: “Hansard - a legal perspective”**

The session was chaired by Peter Monamy (SoJ) and presented by Alice McKelvey, Legal Adviser (NIA).

**Ms. A. McKelvey (NIA):** “I am barrister and I work as a legal adviser in the Northern Ireland Assembly. I understand I am working with a lot of jurisdictions here so I am sure (several inaudible words 11:55:47). I am sorry, I have tried my best and if I can make it quicker I will. I may assume too much knowledge, I may assume too little. Hopefully we are all meeting somewhere in the middle. For those of who have already got the PowerPoint ... for all those that do not, there are other copies. You will notice I am not really interested in any spelling mistakes and grammatical errors, that is just part of your training on (several inaudible words 11:56:16) and hopefully I will be able to use this. I am not the best or au fait, I often forget to look behind me and say we want to move on, so just nudge me in the right direction. But effectively *Pepper v Hart*, this is a case that basically has become a case of high constitutional importance for the U.K. and all legislatures. I know that Scotland are going to say that at the time this was a House of Lords case, that there was not any mention of appellant but the case that was being looked at here was Finance Act 1976, so it is a case of U.K.-wide application and, therefore, I would argue, would be binding on all the Scottish High Courts dealing with that at the time. There is some debate, however, just with Scotland, that if there are some things that are Scottish ... had there been a Scottish decision would they need to abide by *Pepper v Hart*. For Ireland, this is a case we are looking at as all Commonwealth countries. You are a looking at a case basically which changed the way our constitutional processes were done. So it is the whole Commonwealth countries, which we all are here. It is important on what it is going to do, and a lot of cases have come from that and changed *Pepper v Hart* in that sense. So basically this is telling you what it is because a lot of people do not know what *Pepper v Hart* was. It was a case brought by a Mr. Hart who was a teacher in a school and it came down to a decision between the Inland Revenue where they were taxing based on the discount of proportional costs of each pupil to the school, which was more, and, as Mr. Hart was stating(?), and he wished it to be another way, which was rather than the marginal cost of having extra people in the classroom, which was less. What was being looked at then was the Finance Act 1976, sections 61 and 63 of that Act, and what was decided was they were ambiguous as to what the correct measure should be; what should they be looking at, what was the correct rating to apply. So they went back to look at this and the House of Lords basically asked themselves, they decided effectively, it was not ordered by any direction by the barrister on either side, it was more of the House of Lords decided to ask whether Parliamentary material could be used as an aid to interpretation and they asked this now: “What did *Pepper v Hart* do?” In *Pepper v Hart* the House of Lords decided to relax the rule of excluding reference to Hansard as an aid to statutory construction where - and there are 3 different areas - the legislation in question was ambiguous, obscure or led to absurdity; the material relied on consisted of statements by a Minister or promoter of the Bill; and the statements relied on were unclear. As you can imagine, any statements

made by a Minister since Bills passing are often not clear. But this, therefore, had the effect for the first time of when a court is faced with an unclear or ambiguous legislative provision and counsel reveals a clear statement by the Minister or promoter of the Bill as to what that provision was intended to mean the courts can rely on that statement as an indication of its true meaning. This was really the essence of what came out of *Pepper v Hart* and what started the controversy surrounding it. Lord Browne-Wilkinson who gave the leading judgment in this case, did however acknowledge that it would be rare to find such a clear ministerial statement directly on the issue before the court. He stated: "In many, I suspect most cases references to parliamentary materials will not throw any light on the matter." However, he did go on to say: "But in a few cases it may emerge that the very question was considered by Parliament in passing the legislation. Why in such a case should the courts bind themselves to a clear indication of what Parliament intended in using those words? The court cannot attach a meaning to words which they cannot bear, but if the words are capable of bearing more than one meaning why should not Parliament's true intention be enforced rather than thwarted." That was the leading judge in that case and he does mention and he will go on to state(?) in that sense Parliament's true intention and there is much debate as to what has been said, in accordance with the line on ministerial statements, would reflect Parliament's intention. So the contrast before *Pepper v Hart* is the accepted position prior to *Pepper v Hart* was that reference to legislative history of the Bill and Hansard was not admissible as an aid to construction. This is known as the exclusionary rule and while it was modified by *Pepper v Hart*, it remains of general application in the absence of ambiguity or obscurity on the face of an enactment. Therefore, the basis (several inaudible words 12:01:18) *Pepper v Hart* unless something was ambiguous or unclear, it was a ministerial statement and that ministerial statement was clear. So it did not make the case in the absence of that. **[Interruption]** The basis for the exclusionary rule is that it is the legislature which enacts law, not Ministers. The will of the legislature is expressed in the words of an enactment which it passes rather than in statements of the minister promoting a Bill. Lord Oliver noted in *Pepper v Hart*: "A statute is, after all, the formal and complete intimation to the citizen of a particular rule of the law which he is enjoined to obey and by which he is both entitled and expected to regulate his conduct." So why the controversy? *Pepper v Hart* has attracted much criticism but I am going to deal with the 4 main areas, and a lot of this is my own opinion. It can differ and I am sure everyone else has different opinions of it. First, the main reason that I am going to concentrate on is that the rule undermines the rationale and integrity of the legislative process; that it goes against the separation of powers principle which is central to the constitutional conventions in most common law countries; that it was asking the courts to basically attribute that the Minister's intention equalled that of Parliament's intention; and, finally, the impact and the negative impact on both practice of the Executive and the legal practice in litigation would be absolutely astronomical if this was to be employed on a wide basis. There is, as you are all aware, a clear legislative process which provides Parliament with an institutionalised system for expressing its intentions in an authoritative way, i.e. through a statutory text which has gone through all the stages of an enactment process and to secure majority support in a Parliament vote. This

process of having various stages of legislative deliberation, including open and public debate, is designed to curb the abuse of law-making power. Secondly, it promotes caution and deliberation in the law-making process and reduces the prospect of hasty or ill-considered legislation. Thirdly, the process gives Parliament control over what it has enacted in the sense that Members of the Parliament can know what procedures must be carried out in order for their intentions, views and deliberations to be made into law. In considering the rule of parliamentary intent and interpretive process I have tried to distinguish between 2 types of intentions. The first category contains those intentions which are manifest and expressed in the words of statute itself. Those are known through Parliament as enacted intentions, i.e. that is what you see in the statute. So if we are looking at the Finance Act you will go to section 61 of the Finance Act and what is written down is the enacted intention. Since they are included in the authoritative statutory text which has gone through all required stages of the legislative process and been agreed upon by a majority of M.P.s (Members of Parliament), these intentions are expressed in an institutionalised way. The second category are those intentions known as unenacted intentions which typically accompany the enactment of any piece of legislation. Parliament has an institutionalised system for expressing its intentions in an authoritative way and for registering the degree of support for them through the statutory text and all the stages of the enactment process which is then voted by a majority. With unenacted intentions there is no institutionalised way of expressing those intentions and, therefore, we have no reliable way of knowing either what the enacted intentions are or what support they attract. In *Pepper v Hart* here a provision was ambiguous or unclear then the court should construe those words by reference to what effectively individual members of Parliament said in the course of a debate preceding the passage of the Bill into law. This has caused great constitutional objection in that it subverts the rationale of the entire legislative process. It gives those statements authoritative legal status even though they have not cleared the procedural hurdles and safeguards of the enactment process and have effectively allowed Ministers to make laws by filling out the meaning of legislative formulated in general principles. It is my opinion and the opinion of many legal practitioners that this undermines Parliament's control over what is enacted into law as well as their accountability for that law. What you are seeing is a quote from Lord Steyn who is possibly known as one of the biggest critics of *Pepper v Hart* and he wrote in one of his re-examination of *Pepper v Hart*: "Under our constitution Parliament enacts legislations. The courts are there to interpret it and apply the enacted laws and the Executive act in conformity with the law as interpreted by the courts. The Executive is enormously powerful in getting its proposals enacted but it has no law-making function and it has no authority to declare what the law is or will be if a Bill is enacted. What I am asking you all to look at now when you are looking at the separation of powers is what happens to the entire check and balance system which is common to all common law countries if *Pepper v Hart* were to be used throughout on a common-law-country-wide application. It is not only the separation of powers between the Executive and the legislature that is weakened by *Pepper v Hart*. The effect of a decision is also to allow the Executive to encroach upon the judicial function. In a constitutional system marked by the separation of

powers the function of interpreting the law and elaborating in its details should be exercised by a body which is independent of parliamentary control. The separation of powers does not permit members of the Executive and legislature to interpret the law as well as make it. The rule in *Pepper v Hart* effectively went beyond using parliamentary material as contextual information. It allowed clear statements from Hansard to determine statutory meaning, not merely to inform it. The third point I want to look at is whether it is right, the rule in *Pepper v Hart*, to attribute to Parliament as a whole the same intention as that voiced by the minister in parliamentary debates because effectively *Pepper v Hart* is saying that all a minister says in a debate as a Bill is passing can be viewed as what that provision was meant to mean. That effectively totally subverts the legislative process. Lord Browne-Wilkinson in *Pepper v Hart* also assumed something which most people have condemned. Most critics have stated how wrong it was. He said that parliamentary inaction in response to ministerial statements was evidence of a parliamentary intention regarding the statute. Therefore, basically in the course of a debate, through proceedings or through Chamber, if the minister promoting the Bill made a clear statement about the intention about that piece of the statute and no one rebutted him or the House just stayed silent then is Parliament then supposed to convey that the whole of the Parliament agrees with what that minister has said? That effectively was what Lord Browne-Wilkinson was asking you or was basically saying or stating; that that would be the case. So if one Minister had basically stated that that was what he intended and nobody said anything else, then you would interpret section 61 as what that minister said. While enacted intentions have received the endorsement of a majority of M.P.s through the voting procedure in Parliament and then can be attributed to the Parliament as a whole, there is no similar convention for identifying unenacted intentions or for eliciting the degree of support for them. So you are effectively going ... where one system where we have a statute and you have a clear piece which you can point to section 61, as was in this case, that has been voted on and the majority of the legislature has shown that they support that. By letting one Minister's intention, or what he believes that step to mean, would effectively be going against that. Therefore, there is a danger that judges might replace the intentions contained in the authority's statutory text with intention which did not command majority support in Parliament. In fact if reliance is placed on the statement of the promoting Minister it is more likely to reflect the Government's intention rather than that of the Parliament as a whole. The last issue that I was looking to from *Pepper v Hart* is the impact that it can have on Executive practice. The role in *Pepper v Hart* contains an obvious temptation for the Executive to bypass the burdensome enactment process in order to specify the details of legislation through the less onerous route of expressions of intent in parliamentary debates. You can see where there is ... I have put up Cash for Questions. It was not that long ago and I am sure most people remember the Cash for Questions scandal and that has already been since *Pepper v Hart* that ministers have been stating many things of what they believe; that Bill or that provision and that is what their intention is, whether it be what appears in the authoritative text. You know, it might be saying a few duck houses or note(?) houses, if you know that was the case being past hands that everyone said: "Well, if you mention that this is what

you think this intention is when this goes through then that could be a clear ministerial statement written down in Hansard and that could effectively overturn the authoritative text.” In this way the Executive can explain the effect of legislation as the Government would like it to be understood, even if they cannot secure consensus on such issues in both Houses of Parliament. Moreover the knowledge that judges will look behind the statute to investigate unenacted legislative history can create a further danger. The parliamentary debates may be manipulated or contrived in order to steer the course of judicial interpretation. It leads to another concern and that is namely that of being a legal adviser. A legal adviser must be satisfied that in effect at each stage of the Bill in both Houses no admissible statement of legislative intention has been made. If an admissible statement is identified, the legal adviser may be then required to conduct a more rigorous examination of the subsequent parliamentary proceedings to establish whether that statement has been repeated, buried or withdrawn. It is not possible to establish whether a clear statement exists without first examining all of the legislative proceedings in order to determine what statement have been made. The lawyer will have a professional obligation to undergo this investigation in every case, even if it yields little or no return. It is starting to look at the expense of doing it. How would you go back for every piece of statute that was being questioned? What does it mean by section 65 of the Companies Act? What does that mean? It is not clear to me what that means. Well, everyone is going to have to trawl through Hansard to go through, looking through each publication . What does it say? Did the Minister make a statement about it when it went through at that stage? If he did make a statement about it, was it clear? Did he then go on to say it in the further ... and the expense of having to go and trawl through that instead of just looking at the statute and going: “This is what it says, this is where we are with that,” it may prove very costly. In fact in the Northern Ireland case of *Robinson v The Secretary of State*, Lord Mackay’s fears in *Pepper v Hart* that the relaxation of the exclusionary rule would increase the expense of litigation without contributing very much value to the quality of decision-making had proved is stated by Lord Hoffmann to be well-founded. This leads to the final issue of accessibility of the law; a matter of great constitutional and practical importance. It is part of the requirement of the rule of law that citizens can access and know the law which binds them and this is one of the great problems with *Pepper v Hart*. Lord Hoffmann in the *Robinson v The Secretary of State for Northern Ireland* said: “It will be very rare indeed for an act of Parliament to be construed by courts as meaning something different from what it would be understood to mean by a member of the public who is aware of all the material forming the background to its enactment but who was not privy to what had been said by individual members, including ministers, during debates in one or other Houses of Parliament. What *Pepper v Hart* was asking of its citizens was that if something was unclear not only were they to have the statute before them but they would have to go back and go through Hansard. Now, statements made in *Pepper v Hart* at the time were that: “Well, Hansard is publicly available. Who does not have access to it?” But really do you expect some member of the public to go through and trawl back and to see did the Minister make a statement about the Companies Act when it went through. Did he say something? Did he say what that was meant to mean, because I cannot tell?

That it is unworkable is one of the issues that has come out in criticism. Over the years since the decision in *Pepper v Hart* there have been many cases which have raised both practical and constitutional concerns with regards to the rule in *Pepper v Hart*, including the case we have just quoted from that of Robinson, Secretary of State, where the House of Lords declined to admit ministerial statements as an aid to statutory construction because they were unclear and inconclusive; knowing our Ministers, you could believe that to be true. But however, it was the case of *Wilson v First County Trust* which really examined the role in *Pepper v Hart* in detail. Although it did not overturn it, it addressed many of the criticisms, and most critics would argue that the rule in *Pepper v Hart* was significantly watered down by that. In *Wilson*, basically the question arose whether provisions under the Consumer Credit Act 1974 were compatible with convention rights incorporated into domestic law. When this case went to appeal in the House of Lords, in an unprecedented move the Speaker of the House of Commons and the Clerk of the Parliaments sought to be heard on the issue of the use of Hansard by the courts. The House of Lords' decision contained 3 main points of central relevance to the issue of judicial reliance on Hansard as an aid to statutory construction. It said that the Lordships emphasised that in seeking to give effect to the will of Parliament, their primary task was to enforce Parliament's enacted intention. Secondly, the Lordships held that ministerial statements of intent in Parliament should not be treated as sources of law. Attributing a legal status to these statements would encroach upon the court's constitutional task of determining objectively what was the intention of Parliament in using the language in question. Lord Hobhouse stated the constitutional underpinnings of this principle in clear and emphatic terms when he stated: "It is a fundamental error of principle to confuse what a Minister or a Parliamentarian may have said, or said he intended, with the will and intention of Parliament itself." Finally, the House of Lords held that clear and unambiguous ministerial statements should be treated as part of the background to the legislation, rather than as authoritative indications of statutory meaning. The reasoning in *Wilson* requires us to therefore read *Pepper v Hart* in a narrow and qualified way. Although *Wilson* does not overrule *Pepper v Hart*, it cast considerable doubt on the plausibility of attributing the state of intention of individual Ministers to Parliament as a whole. The House of Lords will approach ministerial statements of intent with circumspection and be slow to assume that a ministerial statement, even of the promoting Minister, is supported by a majority in Parliament. *Wilson* emphasised that ministerial statements should not be given the status of law, and although parliamentary debates may be used as background material evidencing the context of purpose of an act, statements by individual Ministers will not be deemed to determine or control the statutory meaning. Any doubt about the status of such statements after *Pepper v Hart* has now been removed by *Wilson*. *Pepper and Hart* is tamed and muted rather than eliminated all together, however, and preserved as the discretion of the court to consult parliamentary debates as background or contextual information which may or may not cast light on what Parliament intended in enacting the statutory provision; but this material will only be invoked for the purpose of understanding the context and setting in which the legislation was enacted. Effectively now the conclusion in regard to *Pepper v Hart* is that even if a ministerial statement is expressed in

a clear and unambiguous way as required by the rule in *Pepper v Hart*, the courts now have the discretion to depart from it all together, making their independent interpretative decision, and therefore effectively ignoring *Pepper v Hart* all together. That is the conclusion of the *Pepper v Hart* bit, but if anybody has any questions I will try and answer them. If not, I will try and bluff with confidence. Sorry it is very wordy and legal; a bit boring.”

**Bronwyn Brady (SP):** “A few things that I just would like to raise. I understood that in *Pepper v Hart* the issue that arose was directly addressed in Parliament; I think I am right, that a Member questioned the Minister on precisely the issue because they had seen it coming. They had seen it, and was the benefit going to be taxed in this way or in that way? The Minister gave a direct assurance that it would be interpreted in a particular way, so that when the taxman came along and said: “No. I am going to do it this way”, it was in direct contravention. So, it was very, very clear that the issue had been raised. Is it not then that a lot of this sort of worry about what *Pepper v Hart* might mean for the legal profession was kind of red herring-ish, because was it not saying that *Pepper v Hart* moved that Hansard could be used; not that it must be used? In a case like this, where really an assurance had been given that the law would be interpreted in this particular way and that that particular constituent would not be penalised by the implementation of the law, it would be simply unjust to ignore that assurance.”

**Alice McKelvey:** “That was the problem with *Pepper v Hart* effectively, that *Pepper v Hart* was a case which had such clear implications given by the Minister. I mean, it was addressed on the point in turn.”

**Bronwyn Brady (SP):** “But as legal people do.”

**Alice McKelvey (NIA):** “Not so much legal people as people who are really into constitutional background. They get very exercised, and unfortunately it set a precedent. When it is sitting in the House of Lords it set a precedent, and not only ... the problem with it was what was set out with the confines of just looking at the piece that was interpreted in the Finance Act. There were statements made that there would not be any cost implications; that it would be fine to, you know, go through Hansard and pick out pieces of what people had said. Although Lord Browne-Wilkinson said it would only be looked at in a very few cases, that did not matter, because what he had stated as a rule of law was he had circumvented a Minister’s intention, and could basically go against the entire constitutional principle by moving the separation of past principle, that what a Minister said could be then made law; that what is written in Hansard will effectively become section 61 of the Finance Act as opposed to what appears in section 61 of the Finance Act. You are completely right that it should not probably have caused the big foray that it did, but because it went to the heart of what was constitutional practice, it did. In cases like *Pepper v Hart* it could have been done, because the Minister addressed it directly, and it was in a very narrow way. But the judgment was left so open that people panicked that this was going to be just set about very bad law in regard to constitutional practice. Therefore, *Wilson* came in and basically all *Wilson* has done is put commonsense back in, because you can

still, as in *Pepper v Hart*, go with ... if a new legislation was to come out, and a Minister clearly is asked the question: "How should I interpret that, because I do not think that is clear?" you know, there a Minister could answer and they could rely on it. But *Wilson* gives them the choice not to rely on it. But it also leads to a problem that you could leave in certain woolly pieces of legislation, because people can think well: "We will just leave that woolly, and when it gets to the point of the Minister going through the Parliament and the Bill passing, they are going to make a statement of intent." That leads to very bad law making in all senses. Once you can see that there is a possibility of effectively being manipulated by Ministers or by the Executive or the Government, then at the least a bad law is made. That is why *Wilson* addressed it so strongly. It was addressed quite strongly in *Robinson v The Secretary of State*, as well. Those are the 2 main cases that I have picked up. There are many others as people will know, but that is probably ... I hope that answers your question."

**Bronwyn Brady (SP):** "Yes, thank you. I mean, one of the other things, something that we are seeing quite a lot in Scotland, is you talked a bit about the access to law, and people being able to see what is written down and understand what the law says. What we are seeing quite a lot of in Scotland is what we call skeleton acts, which strike me as utterly opaque, and just completely contrary to the idea of transparent law, because all it is, you know, the Minister may make regulations about, and on you go, and the whole thing is full of this sort of stuff. Surely, particularly in cases like that, where Ministers are grilled through the process on: "Well, what do you mean? What kinds of regulations have you got in mind? What do you think is going to happen?" then it becomes really quite important what they say in the process."

**Alice McKelvey (NIA):** "Yes, and no, for just all the same reasons that we discussed. The skeleton act, I totally agree with you: "Just leave this to me" kind of woolly, you know. Suddenly the Minister is going to say: "This is what I intended. I can do X, Y and Z because it just says I can." What is happening is you see a lot of cases that are born out of those, or I think are going to be born out of those, because they are going to be brought in and examined in part; and what does that mean you can do? But effectively the problem with those is that citizens should be able to tell you the law. That is the whole point of the law-making process. The problem with *Pepper v Hart* and the likes, and some of those skeleton subjects is that people go: "What is the law? How do I know what I am supposed to do in certain areas?" and effectively that is what *Wilson* is trying to stop. I do not know how this is going to affect it, but I think if we were to, say, solve it by saying "yes" with the likes of skeleton subjects relying on what the Minister says or have questions on what he intends, effectively he is making the law, and that cannot be the process, or not unless it is going to be passed by a majority, and I would say that would be highly unlikely with any constitutional reform; unlikely that it will come about that a Minister or Executive will have the power to make the law. Effectively, if we were to say that any Minister who is questioned on will he, or in a substantive piece of legislation, whatever he says makes law. We could

all look at some of the Ministers that are sitting in our own Houses and that would be a very scary prospect indeed. So, you just do not know.”

**Elaine Harrison (HoC):** “Two questions. The first one is just one that comes later in your handout: can Hansard be sued? I wondered how you would envisage *Pepper v Hart* leading to Hansard being sued?”

**Alice McKelvey (NIA):** “I do not at all. Sorry. I should qualify; the reason that Hansard are being sued for libel is that there was an email, I think, went out, and some people were asked if they wanted to know anything or any questions, and one of the questions that arose was: “Can Hansard be sued for libel?” The reason I have stopped here is that it has no relevance to *Pepper v Hart* whatsoever. It is just a second part of a thought that some people asked. It is going to be a very minor part, but some people asked: “Can you see a point where Hansard could be sued for libel?” so I have addressed it and I just put it on to the end of the talk. It has no bearing on *Pepper v Hart* at all. Just if that helps you.”

**Elaine Harrison (HoC):** “Yes. Sorry. I could not read your handout very clearly, so I did not look at the answers, but it did strike me that possibly, given your explanation under the interpretations of *Pepper v Hart*, Hansard could be sued if people went back to a recording of Hansard and found that maybe it did not quite tally with the Minister’s expressed intention, which is why I asked the question. The second question, just relating it to what you were saying about intention: recently when putting amendments through committees, Government in particular has taken to putting statements of what the amendment is intended to do underneath the amendment, and we are publishing these now. This suggests that they have not been brought up to date with the ramifications of *Pepper v Hart*, because if what you are saying about the way it is interpreted is correct, and I am understanding rightly, then whether the Government says: “This is what the amendment is intended to do” is not really going to have any bearing on the ultimate legislation. It is there for the guidance of the committee and/or nothing else. It could not be called on.”

**Alice McKelvey (NIA):** “It still can have a bearing. *Pepper v Hart* has not been overruled. That is the key point. It has not been overruled. It has been watered down significantly. What it has led to is that it can still be used and the courts may choose to look at it. What has been reinforced is it is the court’s choice to look at it. It is the courts who interpret who are independent, and they can choose to look at what the Government said that amendment was meant to mean, or they can choose to ignore and look only at the enact intention, because their primary task is what has been reiterated in *Wilson*: to make sure that the enacted intention that, i.e., what the public reads in that statute, is what is enforced. If that amendment is going to totally circumvent what is appearing in the statute before I would find it very rare that the courts will try to say that that should override statute, because how would the public access that? It happens a lot you will see in explanatory notes to Bills, people saying: “Is that the Government?” Should those then be looked at? Does the public see them? They could see them. But the explanatory notes itself, they

are not the enacted intention either, but they are one of the unenacted ways that you will see things. But the Courts could choose to look at them, and the Courts often I think would probably look at them, and use them as contextual background. What *Wilson* is saying is they are not the law, and therefore it will be a choice matter.”

**Peter Monamy (SoJ):** “Are there any more questions for Alice? I have one. It is a semi-legal question that you may be able to address; whether the publication on the Internet has changed any of the normal legal considerations about Hansard, i.e. the fact that people who have been named see their names published to the world and available through the Google search for instance.”

**Alice McKelvey (NIA):** “Yes. It sort of comes in with the next part of the talk, which I have sort of asked about how Hansard ... somebody asked if Hansard could be sued for libel, and definitely things are changing and I have heard that a couple of people here, also broadcasting is coming under their remit, is that right? The Internet, does it change things? Yes and no. It is going to depend; it does not change things as ... you have asked about somebody’s name appearing?”

**Peter Monamy (SoJ):** “Yes.”

**Alice McKelvey (NIA):** “It would make no difference that somebody’s name is appearing as on printed paper as it also appears on Internet. Maybe if I gave this the answer may come out, but I have only dealt with this very briefly. I have also tried to pick legislation from everywhere, I did it very quickly on a Friday afternoon, if I am wrong please correct me, I am sure I will be corrected. But effectively you asked about: “Can Hansard be sued for libel?” well the answer is you once were. Back in 1831, *Stockdale v Hansard*, I am sure you have all heard of it, and maybe all know the facts of it. But effectively Mr. Stockdale for £500 damages for libel. Admitting that he had published the book but denying its obscenity, this was a book by Robertson on diseases of the generative system in 1811, and it was published by a Mr. Stockdale, which was circulating in Newgate. Publication of such parliamentary papers were then between Parliament members and therefore they did attract privilege, and that is still a point under common law as of 2008. But Stockdale sued for £500 for damages for libel, admitting that he had published the book, but denying its obscenity. Stockdale sued as a pauper and the first trial took place in 1837 before Lord Denman and a jury. Denman dismissed the counts, the publication was privileged, and the jury had only to consider the defence that the published statement had been true and the book indeed indecent. When they first returned, the jury foreman said they found the book indecent and obscene but did not agree that it was disgusting and wished to award Stockdale a farthing in damages. After rebuke from Lord Denman on their faulty logic, the jury briefly conferred and found for Hansard. Stockdale though, however, went on and found a copy of the City Alderman’s Response to the original report and sued again. But Hansard was ordered by the House to plead that he had acted under order of the Commons and was protected by Parliamentary privilege. Commons

claimed that the Commons was a court superior to any court of law; that each House, Commons and Lords, was the sole judge of its own privileges, and that a resolution of the House declaredly of its own privileges could not be questioned in any court of law. The Court was led by Denman who had some support on the case from a barrister called Charles Kennedy and the Court held that only the Crown and both Houses of Parliament could make or unmake laws and no resolution of one House alone was beyond the control of law. Further, where it was necessary to establish the rights of those outside Parliament, the courts would decide the nature of privilege. The Court found that the House held no privilege to order a publication of defamatory material outside Parliament, and therefore found against Hansard and in favour of Mr. Stockdale. What happened? Out of that suddenly comes the legislation and for England the effect is the Parliamentary Papers Act 1840. This obviously gave that the only Parliament in existence at the time was the one in England and only had effect in England. However throughout ... and I hope I have this right, I will note that I am subject to correction on all of these ... has been made within each jurisdiction. But effectively section 50 of the Northern Ireland Act, section 41 of the Scotland Act, and section 42 of the Government of Wales Act 2006, if I can put those all together, basically conferred that absolute privilege attaches to the publication of a statement under the Assembly's authority. The Constitution of Ireland states: "All official reports and publications of the Oireachtas or of either House thereof and utterances made in either House wherever published shall be privileged." Jersey; I do not have yours before me, but I did look it up, it is section 38 and 38, States of Jersey Law 2005, and indeed you yourselves have put it in quite ... and in fact you go into it in quite some detail as against the other legislatures before us, and in fact in England and Scotland and in Jersey you can request a statement to be issued and a statement to say that whatever you have published is under the House's authority and therefore will claim absolute privilege under that statement. It is only in those 3 that I think that happens, I am not sure if it happens with you, I do not think so, but I think you are absolutely privileged anyway. So effectively there is provision made for it in all of these at the moment, but there is also the Defamation Act 1996, and that makes particular provision for something quite different and that is for qualified privilege in respect of reports of legislative proceedings. Section 15 and paragraph 1, schedule 1, provide that a fair and accurate report of proceedings and public of a legislature anywhere in the world is privileged unless the publication is shown to be made with malice. Qualified privilege, unlike absolute privilege, may be rebutted by proof of malice. This means that if a report is published maliciously or an extract is edited maliciously, the defence will not be available. Malice in this context means ill will or spite towards the plaintiff or any indirect or improper motive in the defendant's mind. Whether actual malice is present will be a question of fact in any case, but with relation to your work in Hansard, my reading of it would be that intent to broadcast an accurate abridged report of proceedings in a legislature would be unlikely to constitute actual malice, but it is in the editing where Hansard really needs to look at: "Could we be sued for defamation?" Effectively what you are looking at there is the qualified privilege, so if you chose to edit somebody and take out the bits that you felt you did not want to put in that he said, and with the Internet, which was going to come into it, with the different

mediums that are now being used, you have to look at how you are editing somebody, because if they can prove that it was done maliciously then you will not attract the privilege under the Defamation Act for the people who that applies to. There is an interesting common law authority however, and that is *Wilson v Walter* and it is in 1868 and that was recently in the *Reynolds v Times Newspapers*, confirmed this authority, and that is back from 1868, so that has always been there for Hansard, and it provides that a publisher of a report of parliamentary debate is protected at common law from actions for defamation. The case concerned the UK Parliament but not parliamentary privilege as such. *Wilson* suggested that if a whole debate was published absolute privilege would arise in respect of that publication. If less than the whole was published, qualified privilege would apply. So it is effectively saying to you, if the whole thing was word for word, the whole report was out there, then absolute privilege would be attracted and Hansard would be totally protected. It is going back to the point of, once you edit or extract or take information out, qualified privilege applies, and that brings in the test of: "How did you edit it and was there malice involved in the editing?" Unfortunately, if they can point out that the sub-editor and somebody he really hated, one of the Ministers and he decided to ... then that is what you are looking at; that is how it is. Effectively, my point would be that Hansard does attract privilege, I would say, in 99.9 per cent of circumstances, you have to look at your reasons behind it. The principle in *Wilson*, in this case, was largely codified in the 1996 Act and would only be of relevance if one was seeking to establish absolute privilege rather than qualified. It is unlikely this position would ever arise; qualified privilege may be rebutted by evidence of malice, but it is difficult to conceive a situation where malice could actuate the broadcast of an entire debate and defeat the protection that is already provided in the 1996 Act. What effect for Hansard? I am open to questions on this, but I have tried to look at the different mediums and now with Hansard being uploaded on to the Internet I know that some people are now telling me that they are involved in broadcasting, so it is effectively down to the broadcasting. Just to let you know that publication can include a broadcast, so under the legal definition is provided in the Broadcasting Act 1990, provides that: "For the purposes of the law of libel, the publication of words in the course of any programme included in a programme service shall be treated as publication in the permanent form." A statement is also broadly defined as meaning words, pictures, visual images, gestures or any other method of signifying meaning. Thus a television broadcast containing defamatory material is regarded in law as publication of a defamatory statement. It follows therefore that when a broadcaster transmits coverage of proceedings in which a defamatory statement is made, he publishes that defamatory statement. So it does not have to be in the written form. So, for effectively all legislatures, which are here, to avail of the protection against from libel or from defamation, you have to show that your publication was under the House's authority; that is your first point. That goes back to section 50 of the Northern Ireland Act; article 15 of the 1937 Act - I am doing it without the slide - and Jersey you have it in 37 and 38; and the other legislatures, Wales and Scotland, I think it is 41 and 42, somewhere around there. So first of all that is your first starting point; establish that you are doing the publishing, whether it be on the Internet, whether it be ... it is under the House's authority. I know for Northern Ireland

that it just says: "Under the House's authority of publication." So therefore that would refer to anything that is on TV; that is on the Internet, it is not narrowing it down to the written typeface that is on the Hansard booklet or the Hansard as it comes out, so that would extend to all visual, or mediums that go out, including the Internet. But then from that on, it then becomes really for the editors to look at. Once you start to extract or take information out, or cut things away, that is when you start to become more risky basically, and that applies to all Commonwealth countries; that is where you have to start putting the thinking cap on and think: "How am I editing this? Am I showing it in a different light? Am I giving a true reflection of what was said? Am I swaying or changing what was said by editing this person out? Does he need to go in?" So that is effectively where for me I see that is relevant for yourselves, and you can ask me any questions you wish."

**Bronwyn Brady (SP):** "Just the qualified privilege and stuff, how does that affect rolling publication, because you talked about if you are presenting a piece of material that maybe it is not the whole picture; rolling publication might definitely do that for example, you might end up with a bunch of stuff going up that is half the story, as it were. Would we have to think very carefully about how you post stuff, because you might be ..."

**Alice McKelvey (NIA):** "So somebody who looks at 3.00 p.m. in the afternoon might not get a different flavour of what was said than somebody who looks at 6.00 p.m. in the afternoon?"

**Bronwyn Brady (SP):** "That is right."

**Alice McKelvey (NIA):** "Yes, that is something I had not thought about. Is there normally a disclaimer that goes up that this is going up on a rolling basis?"

**Bronwyn Brady (SP):** "Yes."

**Alice McKelvey (NIA):** "That would normally cover it. Probably I would think that is normally what I would ... if somebody came to me and asked that question, I would probably just have a disclaimer, I would put: "This is not the full version; this is the unedited ..." I would obviously write it a lot better when I was back in my office, but it would be something that would normally cover you. You have to remember in qualified privilege, they have to show malice. If it becomes a matter of somebody saw at 3.00 p.m. this person screams they paint them in such a bad light, they did it purposely: "It was to attack me personally." At this point, if you are then saying: "Well actually at 6.00 p.m. the full text was on, there was a disclaimer saying that it was not full, the full text was not on," they are not going to be able to prove malice, so it is not going to fly really. Although there is that danger, it is a hard test for the person who is bringing it to quantify against Hansard."

**Finin O'Driscoll (HoO):** "Increasingly in Oireachtas we are having committees, not select committees, but joint committees, we would invite in witnesses. They call them witnesses, but technically they should not,

because they have not been sworn in. But how does the libel ... let us say a group came in and made an accusation against another lobby group, like a farmers group came in and claimed that the pig producers co-operative had poisoned feed, because we did have that recently. How would it be covered in libel then?"

**Alice McKelvey (NIA):** "Effectively, if it is a defamatory statement, and whether it be broadcast in live proceedings, whether it be on the Internet, or you have written it down and put it on the Internet, you have published a defamatory statement, there is no way around that. However, if you did it under the authority of the House, it is where you come back to, are you covered? I think you are covered; you have a very good blanket denial. We are covered. So you would say: "Look, we published this under the authority of the House, so therefore we have absolute privilege pertaining to us." It might not stop the person who made the statement having action taken against them, in fact it would not possibly, so it depends on what basis. Now, if they were a Member of the House it is different, Members of Parliament, that is a different thing, but it depends on if the malice is obviously there, possibly for that person. But you have published a defamatory statement; it just depends if you had the authority to publish it, of which you would, I would argue, in those circumstances."

**Ben Woodhams (HoL):** "Clearly the Hansard is covered by the authority of the House; what about something like BBC Parliament? They are broadcasting exactly the same material that we are looking at. I am thinking specifically of an example from a couple of years ago where Lord Campbell-Savours mentioned a woman's name who was ... I believe she falsely accused someone of rape and her name was protected by law, they were not allowed to publish it in the media, but he mentioned it during question time in the Chamber and of course it went up in the rolling Hansard and the phone started ringing and papers are calling us saying: "You cannot put that in," and we were saying: "Well, yes we can." But BBC Parliament, if they were to broadcast that question time, would they be protected in the same way that we are?"

**Alice McKelvey (NIA):** "It is difficult. BBC Parliament, I presume, broadcast with the authority of the House, which is, I presume, the defence that they would raise. I do not think they would be ... because it leads into the same thing, if somebody comes in and televises and someone who does not have the authority wants to televise it, and makes a video recording and that goes out, they have effectively ... and they publish that on the web, or YouTube or something like that, in my opinion they would not attract ... the fact that was published with the authority of the House. So therefore they could be sued. But I think, subject to correction, and by all means do, but I think BBC Parliament will raise the defence they broadcast with the authority of the House, and therefore attract exactly the same privilege as Hansard do."

**Ben Woodhams (HoL):** "That is an absolute privilege if they are broadcasting the whole debate. Hypothetically speaking, they do this programme, the Record, where they do bits and bobs from various

Parliaments, and if they were to broadcast that bit on the Record, that would be an extract rather than the whole question, then that would be qualified.”

**Alice McKelvey (NIA):** “Qualified, yes. Again, the test is quite hard for somebody to say that it was edited maliciously as against them, but that is when qualified privilege kicks in and that is when you will see lots of extracts on the Internet or I am sure ... I am not sure with the Northern Ireland Assembly, do we put extracts on the Internet? No?”

**Simon Burrowes (NIA):** “Perhaps we will come on to my point, which is about links between audio visual and written stuff. The Assembly has started to put extracts of Ministers’ questions on the Internet and link it to the Official Report. However, that gets you into the realms of editorial judgement as to what you do and do not post. Are you then promoting one party at the expense of another?”

**Michael de la Haye (SoJ):** “Good morning, perhaps I could just introduce myself. My apologies I was not here when you first came. I am Michael de la Haye, Greffier of the States and Clerk to the States Assembly. Just to make a little contribution to the debate, particularly picking up on the point from the colleague from the House of Lords, Peter mentioned in his brief summary of the activities in Jersey this change to our Standing Orders about names. I think there was quite a lot of debate about this, as you can imagine, in the States of Jersey, between the issues of the strict legal position, which I think has been so clearly put out, where under our legislation we would be protected. But I think there is also probably a growing climate I would have thought publicly in things like the whole scandal at the House of Commons, the expenses and the way things are moving on, the way the public’s perception is, the sort of perception that Parliament can hide in a way, as the public might see it, behind privilege, for example being able to name a rape victim, for example, and that would not be permitted in the courts and everything is ... I think possibly Parliaments, I would imagine in the next 10, 20 years, would become probably almost pushed into a corner of not being able to just rely on these strict legal provisions. That was where the Members of the States of Jersey collectively decided, and in a very small community like Jersey there was a particular incident where a member of the public, who had been a teacher in a school where a colleague had been prosecuted for serious child abuse, and this teacher, the other teacher, was investigated and fully exonerated by the police investigation, et cetera, and a Member of the States, who felt this was a wrong decision, took it on himself to name the person in the Assembly. This person was very well known, most Members of the Assembly would have known him, they might have met him in the supermarket, it is a small community, he is working in a fairly prominent position in the Island, and of course the damage to that person’s reputation, particularly as Peter said where you can just Google a name and it pulls you up in our Hansard now, did cause quite a lot of concern, and Members just collectively took the decision that in the small community they were willing to put aside their absolute right to ... obviously it does not stop Members speaking freely in here and saying these things, but they just felt for the Hansard record we should have this new provision where the Presiding

Officer can intervene and say: "I direct that name is not published." The Standing Order is very clear, as Peter said, so it does not just hide it, it says: "Name omitted." Hopefully it has had a deterrent effect, because we have never had to use this Standing Order, which is quite positive, and Members probably know now they will not get it in Hansard and probably think it would not be worth doing it, but it is just interesting the ... I would imagine that privilege probably will be under attack because the public thinks some of these things are unacceptable, do they not, things that ... you can literally just say: "We are privileged." I had a few personal ... I had a few run-ins with the Data Protection Commissioner over here when we first started, because she was on to me, saying: "You have to take that name out, it is outrageous, your Hansard, it is on your website." I said: "I am sorry, we are not taking it out, I am sorry it was said, there is no provision to take it out, I have a duty to publish everything." It was only after then she was very pleased, as you can imagine, when the Standing Order came in for the future reference."

**Alice McKelvey (NIA):** "There is other legislation that appears that Hansard need to be aware of and that is Contempt of Court Act and there is the sub judice rules, so in the likes of ... that was a rape victim I presume and there was a case that had concluded, I presume?"

**Ben Woodhams (HoL):** "As I recall, it was not a rape victim, it was a woman who had allegedly falsely accused a man of rape."

**Alice McKelvey (NIA):** "So that circumstance is different, but if there was a case that was ongoing or a Member was to say something that was ongoing then the Contempt of Court Act would have to come into an editor's mind, because then if that is published then that could have serious ramifications in that they would be breaching the Contempt of Court Act. If it was published and it was right and true and fair proceedings it would be questionable if Hansard would be ... it would be the Member of Parliament that probably I think I believe the blame lies on there, and there is all the sub judice rule as well when matters are going through, or there are things that are awaiting proceedings, they should not really be commented on, on the floor of the House, but it is more for the Members to be aware of than Hansard, but something that comes into being as well when publishing."

**Simon Burrowes (NIA):** "But you are saying that, if the Members are foolish enough, and a lot of the times we get this where I think people half expect Hansard to police the Members after the event, instead of the Speaker or the Presiding Officer doing so at the time. Are you saying that if a Member says it, essentially it is "tough titty", we print what is said; we have an obligation to do that, we would be okay? Or should we be concerned if we are providing a full and accurate representation of what was said?"

**Alice McKelvey (NIA):** "It is questionable. I think the blame lies with the Member. As far as I am aware, they will be found guilty of contempt of court and not Hansard. So it is something that you would report. I think there is much debate in the area of whether, when a proceedings in ongoing, unfortunately it has been said, it is out there, and public can sit in, so there is

no point in Hansard not having it written down. This is the other session. There is some debate I know that has arisen over closed committee sessions, whether, if something is said then, can it be omitted if it is found to be in breach of contempt of court, or against the sub judice rule, but effectively public is public; if it is said in front of 20 committee members, even if it is a closed sitting, effectively it is published, so therefore it is not really for you to have effect ... to know of, but it is something that you will come up against, because somebody will say: "You cannot say that." I am pretty sure you will have Members at your door if they did say something that was in breach of the Contempt of Court Act, going: "Please do not write that down." It is not for you, it is for him, he will be found in breach of the Contempt of Court Act, but I am sure it is something that is going to, if it has not already come up, will do at some point, especially with our Members."

**Elaine Harrison (HoC):** "Is that not though the relevance of the *Stockdale* judgment, because I have tracked references to that through quite a lot, and it still was coming up well into the 1950s that is what protected Hansard, because it was Hansard as a publisher of a report that was then claimed to defame Stockdale that caused the whole legislation that you listed, the Parliamentary Papers Act. So in fact Hansard as a publisher, simply the medium, would be protected, and that is what people would use, as they seem to have been doing for years and years. So it all goes back to Mr. Stockdale."

**Alice McKelvey (NIA):** "Yes. If it was published in that form, it is protected. It is different if you went off and published something else, but the authority sent it out the doors, but as Hansard are protected under that basis."

**Gareth Wigmore (HoL):** "I just have 2 observations. One is that a couple of years ago a Minister did refer to something that was sub judice in Grand Committee, it was a terrorist case, and the trial was ongoing and on that occasion we did police it, we decided, when the Minister came up and said: "I should not have said that," we decided that the sensible thing was to remove the reference to it. I think, at that stage, Grand Committees were not even broadcast on the web, which they now are, and they are archived, so I do not know what happened with that, if it was broadcast on the web. The other thing is that I looked at TheyWorkForYou after the Dale Campbell-Savours naming of the woman that you mentioned, and they published her name, presumably because they stripped the whole text into their document just as normal and did not think anything of it. Presumably they are not covered by the Parliamentary privilege, so I just thought that was interesting."

**Alice McKelvey (NIA):** "It would be interesting if ... there would probably be interesting questions raised if somebody did say mention somebody's name in an ongoing proceedings and Hansard published it in the normal report, there might be questions asked if you put up a videolink just for that extract on your web, so people could go on it and repeat that, because that probably would not be responsible reporting of that, and that might raise some very legal questions around the publishing if you decided to publish it in that format and that might show you the difference between it coming out in the Hansard

reported Bill proceedings as opposed to just taking that snippet out of that person's name and using it again and again like a sound bite or something, like I am sure YouTube would love to do if they got their hands on it."

**Simon Burrowes (NIA):** "That is interesting. We publish our report and we post it on the Internet. We do not include links or anything like that in it. But who would be sued if we did? I mean, presumably would it, in our case, be the Assembly Commission? Say our reports are produced, and our information office, because they know that it's newsworthy, if you like, put a link to it — is it the Assembly corporate body that would be sued?"

**Alice McKelvey (NIA):** "You would probably all be sued, and the fact that basically what lawyers normally are told to do, if you are for the plaintiff, is, if in doubt, sue all, because effectively, if you are going to lose against one, you will win against the other. So if you are not sure about the body corporate and the Assembly would be a nightmare, but it would be the Assembly Commission and you would go against Hansard as well if you felt ... yes, you would go for all; that would be my advice if I was telling them to do it. But obviously I work for the Assembly, so I would not tell them that."

**Peter Monamy (SoJ):** "I always thought that lawyers were lovely people 'and, if in doubt, sue all', that sums it up very well, does it not? Are there any more questions for Alice? If not, we have reached that magic hour of 1.00 p.m. I would like to thank Alice very much for that presentation."

**[Approbation]**

## Tuesday, 11 August

### **Session 4: Linking audio-visual to written copy” and “Looking to the future/horizon gazing” [NARRATIVE REPORT]**

This session was held café-style, facilitated by Robert Arnott (SP) and Bronwyn Brady (SP). Delegates sat at 6 tables, with 2 sets of 2 delegates moving to another table at the end of each of the first 2 exercises.

The morning was divided into two halves, the first half comprising an hour-long round of café discussions and the second a 90-minute scenario game.

#### **Café discussion**

The café discussion was devised to address three questions that would lead the group from a discussion of seminal values, to the articulation of aspirations and then the identification of what could practically be achieved. The groups were given 10 minutes for discussion and then two minutes in which to articulate a single view from the table.

In round one, participants were asked, “What is it about Hansard that matters?”

- It is an important historical record: it is independent, impartial, transparent, trustworthy and authoritative.
- It is an impartial record of the times and a transparent record of the legislative process. On a personal note, we take pride in facing the challenge of working for a unique brand.
- Hansard matters because it provides for accountability and transparency and provides a record for posterity.
- Hansard matters because it provides a clear, unbiased, publicly available and on-going record of all the views that were expressed when political decisions were taken, which is a mark of a mature democracy.
- Hansard provides an accessible, impartial and complete record of the proceedings of Parliament.
- People have a right to it.

**In round two, participants were asked: “What does your ideal Hansard look like?”**

- Hansard should be available in formats that meet the needs of the user, and be produced by a motivated and appreciated staff using fit-for-purpose technology.
- The ideal Hansard:

- Has perfect IT that allows home working, audiovisual aids, hyperlinks in the text, etc;
- Has a flexible working structure that allows a variety of opportunities for all staff;
- Is appreciated by the members of the legislature who recognise the effort that it takes to produce Hansard.
- Our ideal Hansard is an accessible, intuitively searchable, interactive digital product produced by a well-trained, well-resourced and fairly-remunerated team.
- Our ideal official report would be a rollercoaster of a ride that would allow people to get what they needed or wanted how, when and where they needed or wanted it. (The printed format must involve aubergine.)
- Our ideal Hansard is a product that people are aware of, want to read and is user friendly. It is produced by a team who feel valued and work to a common purpose based in an environment conducive to working healthily and productively.
- Hansard should be soft, strong, but not very long, with perforations and aloe vera.

**In round three, participants were asked, “How can we move towards that ideal?” and were asked to list four practical things that they could begin to implement, either in the short or the longer term. One of the suggestions could be outrageous. The lists produced were as follows:**

- Group 1:
  - Get user feedback.
  - Build good communication and team focus.
  - Make sure that we’re properly resourced.
  - Get a wii for the staff room.
- Group 2:
  - Get members to do a turn of their own speech,
  - That would lead to sympathy and appreciation,
  - Which in turn would lead to increased finances,
  - Which would lead to perfect IT and the perfect Hansard.
- Group 3:
  - Get dedicated IT staff and a robust, fit-for-purpose system.
  - Get top-down buy-in.
  - *Effective* change management.
  - Have a lengthy period of silence.
- Group 4:

- Build the team.
- Reduce sitting hours.
- Get sufficient resources.
- Work towards being well-recognised and used by members.
- Have colour palettes for aubergine, free jewellery and handbags.

- Group 5:
  - Have team building and away days that you enjoy and don't wind you up.
  - Have leaflets and up-to-date education and induction material available that every member of staff carries.
  - Have a user-friendly and searchable website.
  - Have on-site masseurs and free classes in Alexander technique and Pilates.
- Group 6:
  - Better content enrichment and URL metatags.
  - Vast public-sector pay cuts.
  - Mass mechanisation.
  - Destroy the internet.

### **scenario exercise**

After the break, the original tables convened as for part I. Robert Arnott (SP) facilitated, with the assistance of the following table hosts:

Nick Beech (HOC); Bronwyn Brady (SP); Simon Burrowes (NIA); Tracy Boyle (SP); Henrietta Hales (SP); Ailsa Kilpatrick (SP)

The chosen theme was climate change.

After an introduction, which included a brief mention of the work of [Scotland's Futures Forum](#), the six tables were encouraged to think of factors relating (directly or indirectly) to climate change between the present and 2050.

The many dozens of ideas were then grouped, mostly in the five categories of social, technological, economic, environmental and political (STEPP).

The next stage was to identify the most interesting or important idea in each group, giving five ideas in total per table.

Each of the five ideas was then used to create an *axis of possibility*, with two alternative scenarios given for each central idea, one at each end of the axis. Thus, each table now had five axes.

*Examples of axes of possibility:*

← **scenario 1** ————— **central idea** ————— **scenario 2** →

construction boom—**relocation of population**—increased urban population density

cultural diversity——**migration**——overcrowding / unrest / war

Scottish wine——**changed weather patterns**——more species extinct

hunger——**food production changes**——self-sufficiency

collapse in economic growth——**diminishing resources**——self-sufficiency

alternative energy generation——**energy crises**——rationing

flourishing pharmaceuticals companies——**pandemics**——population decimated

anarchist collectives——**political instability**——one strong leader

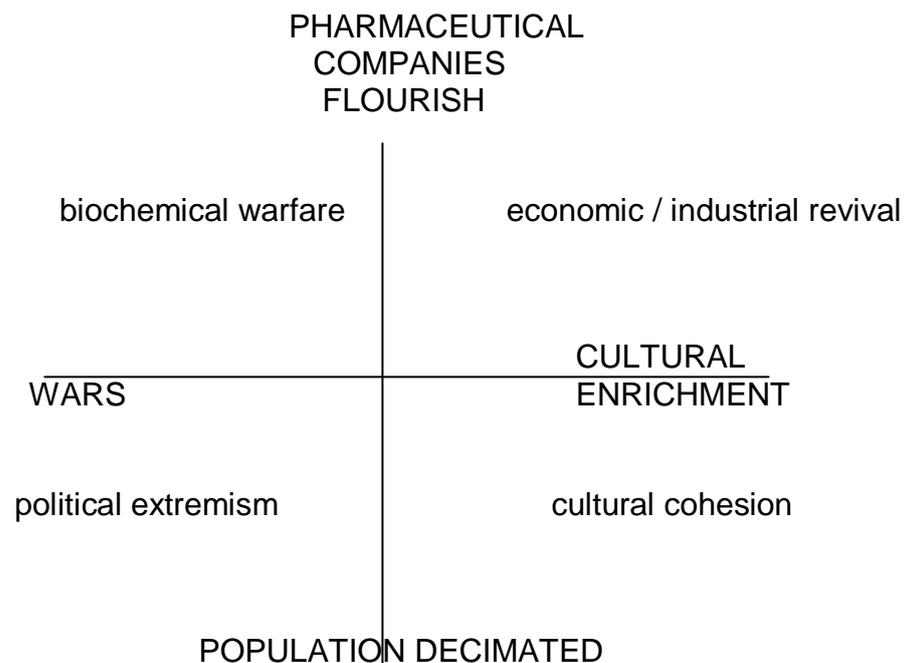
The groups were invited to choose two axes out of five, making a grid with x and y axes.

Delegates were asked to combine the effects of the adjacent points of their graphs, so as to generate four permutations, or scenarios, each – and, as a light-hearted finale to the exercise, tables were instructed to compose newspaper headlines to describe their four scenarios.

*Example of graph:*

Vertical axis: PANDEMICS

Horizontal axis: MIGRATION





## **Session 5: “Training and development” [NARRATIVE REPORT]**

The session was chaired by Alex Newton (HoC), with a PowerPoint presentation by Nick Beech (HoC) - (slides available on request).

### **ACCREDITED TRAINING**

**Nick** outlined his presentation. He referred to the “party problem”—that is, answering the question, “So, what do you do?” at parties.

Why should we offer accredited training? Accreditation would define our skills and provide a clear curriculum for new recruits, without our having endlessly to reinvent the wheel. An ill wind will be blowing through the public sector in the next few years, so there is a need to be able to define what we do in a way that an accountant can understand. House of Commons chefs and electricians have qualifications, and Hansard needed to codify its training. He had wanted to build links with higher education institutions for the professional development of our staff, in the form of a PGdip. Such links would enable us to deliver a bespoke training solution. We received many requests for help with training, often from less developed countries.

The May 2010 intake of Committee Reporter recruits could be the first to take the Postgraduate Diploma in Parliamentary Reporting. City University, in London, was very strong in journalism and lawyers reading commercial law. Their people “just got it” when told of our aim.

The plan was that one credit would consist of 10 hours’ study. Non-graduates could receive the diploma. The taught part of the course would last 12 weeks. From then on, the parliamentary reporting aspect would form the basis of a certificate. Weeks 13 to 24 would entail ongoing assessment based on “live” work.

**Q. Mayah Weinberg** (House of Commons, Westminster) asked what was meant by the suggestion that trainees take more responsibility for their own development.

Nick said it was envisaged they would keep a log of what they did, and trainers would be looking to them to identify their own development needs.

**Q. Ellen Callister** (Isle of Man) asked whether the training would be on-the-job or classroom-based.

Nick said that initially it would involve locking people in a room to discuss semi-colons. That would be weeks 1 to 12; in weeks 13 to 24 trainees would emerge into the wider world of teamworking.

**Q. Irene Stringer** (House of Lords, Westminster) asked whether the course would involve ongoing assessment leading to a final exam.

Nick's answer was that there would be on-the-job assessment. The training would be 24 weeks but extend to the end of the probation period.

**Q. Simon Burrowes** (Northern Ireland Assembly) thought the whole scheme sounded marvellous. Although it had clearly been designed for House of Commons folk, could it be exported to other legislatures? In other words, could others piggy-back on the HoC's work?

Nick replied in the affirmative and said that that was why he had wanted to present the scheme to the conference. He was very happy to talk further to anyone sufficiently interested. He was aware that it was easiest for the HoC to badge what it did. He was keen to co-operate, but the nature of each jurisdiction was different. He certainly did not want it to appear that the man in Whitehall was issuing a diktat. The personality of each jurisdiction had to be kept.

Nick moved on to talk about future developments. The qualification could be extended. Hansard skills would include sub-editing and dealing with Written Questions, and we could use the parliamentary reporting model to train freelancers to a basic standard of competence.

Several members of staff had asked whether they could be awarded the diploma on the basis of their experience. Nick said that there was no need to retrain experienced staff.

Nick went on to ask further questions. Is accreditation a useful concept in the context of BIPRA? Was it possible to define the skill of parliamentary reporting in one elegant sentence? What dangers, if any, can people foresee in this scheme?

**Q. Alex Newton** (House of Commons, Westminster) said that trainees would be taking more responsibility for their own needs. At the moment, they learn by being told what was wrong and what not to do. Would the programme be useful in providing more effective training?

Nick said it would ensure that our training was first rate.

**Alex Newton** asked whether there would be external evaluation and rigorous assessment of the programme.

Nick confirmed this, and said those things could be nothing but positive.

**Q. Elaine Harrison** (House of Commons, Westminster) wondered about the trainers – would they need accreditation?

Nick said that the short answer was no, as he wanted to make it real. It could be considered in the future, but it was not necessary now.

**Elaine Harrison** suggested that the trainers themselves could work for accreditation, which City University might offer.

Nick said he had misunderstood the original question. He had not thought about that, but it would be useful.

**Q. Irene Stringer** (House of Lords, Westminster) asked whether there would be a dedicated training officer.

Nick said that the HoC already had one in the person of Jon Prawer, who would subcontract to others for whom training would be their bread-and-butter job.

**Q. Reine McDonnell** (Houses of the Oireachtas) said that she had an unofficial training role which she fitted around her editing. Who would deliver the proposed training, and how would that person retain control?

Nick replied that, as usual, it would be one of the Hansard Sub-Editors.

**Reine McDonnell** asked whether the training would be done in-House.

Nick confirmed that it would, as we needed to keep control, and to ensure that we could badge and codify the outcome.

**Reine McDonnell** wondered whether having the qualification would boost promotion chances for existing staff.

Nick cited the example of O-levels – people were not expected to go back and do them even though other exams had replaced them.

**Reine McDonnell** sought assurance that an interview panel would be made aware of the fact that the lack of the diploma should not count against a candidate.

Nick offered that reassurance.

**Reine McDonnell** said she thought the scheme was a great idea. The training they were able to do in the Oireachtas was ad hoc and depended on speed and need.

Nick said he was always keen to talk to interested parties about the project.

**Q. Simon Burrowes** (Northern Ireland Assembly) repeated that it was a marvellous idea. However, staff who had been in post for, say, 20 years would be up against newer recruits who would obviously have the qualification – surely it would become a tool for selection?

Nick said that if in 20 years' time we were all tooled up with a postgraduate qualification, it could only be a good thing.

**Simon Burrowes** hoped the scheme would be opened up to other legislatures. Different jurisdictions may have different processes, but the

product was essentially the same. The HoC may have the necessary resources to offer this diploma, but it could be a strain for some.

Nick said he was planning for the long term. The idea had originally arisen in a café exercise about recognition. There was a need to balance the means and the ends, but it was best to be doing something now.

**Q. Gareth Wigmore** (House of Lords, Westminster) asked whether there was some way to get existing staff a qualification.

Nick said that would be messy, dirty and difficult without putting old lags through the training programme (again).

**Gareth Wigmore** wondered whether staff could not simply submit some written work.

Nick said he would list that idea under future developments. However, he felt that existing staff were sufficiently self-confident.

**Gareth Wigmore** asked what exactly City University would be accrediting, beyond “turns”.

Nick replied that there was no point in doing what was not useful. City University would make three visits to the course in the first year it was run to check standards.

**Q. Henrietta Hales** (Scottish Parliament) said the scheme was very interesting. Was it predicated on a regular intake of recruits? Annual, perhaps? She pointed out that some jurisdictions had a low turnover.

Nick stressed that the course was designed in a HoC context, and it had yet to be worked out how it would fit other jurisdictions.

**Q. Martha Davison** (Northern Ireland Assembly) asked what exactly was the extent of City University’s involvement. What was in this for that institution?

Nick said that the HoC would provide the course, and the university was merely accrediting it. It was vocational training with a badge.

**Martha Davison:** So it will not appear in the university’s prospectus?

Nick said the university was pleased to have links with the HoC. We had to pay for it, but not as much as you may think! It was a four, not five, figure sum.

**Q. Mayah Weinberg** (House of Commons, Westminster) envisaged some problems with validity. How would we know whether we were training good reporters if we did not test them against existing reporters who were deemed to be skilled?

Nick said that the university was amazed at our lack of arrogance about the specialist skills required for parliamentary reporting.

**Q. Simon Burrowes** (Northern Ireland Assembly) wondered whether we could end up with haves and have nots. Could the university advise on how to incorporate existing staff into the scheme?

Nick replied that that was the value that the university was bringing with it. Thirty years ago, journalism was not taught and now City University had a good reputation in that field. There would be a two-way link between HoC and the university.

**Q. Gareth Wigmore** (House of Lords, Westminster) again raised the fear about old v new staff. Surely all staff should be encouraged to take the course.

Nick said that that would risk undermining the original concept.

**Q. Ben Woodhams** (House of Lords, Westminster) asked how many people there had been in each recent intake and long it was before they had gone on to “live” work.

Nick said that there had been an intake of four in each of the previous two years, and six was generally the maximum.

**Q. Alex Newton** (House of Commons, Westminster) asked whether, if we were to have independent evaluation, we really needed the classroom structure. Could people study independently?

Nick replied that during the 12 weeks in the classroom, some recruits could be “accelerated”.

**Q. Will Humphreys-Jones** (House of Lords, Westminster) said that Nick’s reply had partly answered his question. The pressure in the Lords was to cut training resources. Was Nick confident that in these economic times he could justify this scheme?

Nick said we could and that we should be confident about our parliamentary reporting.

**Will Humphreys-Jones** appreciated that the diploma could act as a wind shelter.

Nick replied that he would not say exactly that to HR, but it would provide a door with a lock on it.

## **TRAINING FREELANCERS**

**Gareth Wigmore, (House of Lords, Westminster) [NARRATIVE REPORT]**

Gareth said the Lords now relied heavily on freelancers. The idea of a shortened training programme was desirable, as simply employing the man on the street, which had sometimes seemed to be almost the case, had, unsurprisingly, proved not to be the best way to proceed.

In the Lords, entry level meant working in the Chamber – there was no Committee section such as that in the Commons. The Lords had poached staff from the Commons, and Northern Ireland during the suspension there. They needed people who could hit the ground running.

Why had the Lords needed freelancers? Since the Labour Government came to power in 1997, family friendly hours had been introduced, and, from Hansard's point of view, there was too much legislation on the Floor of the House. Lord Williams of Mostyn had decided to extend Grand Committees, which were used mainly for the Committee stages of Bills but also for statutory instruments and debates of general interest. They had in effect evolved into a parallel Chamber and sat about 70 days a year. They were, however, unpredictable — there had been three or four a week in January to June.

In 2005, three extra permanent Reporters were taken on, which meant only five freelancers a day in the House list.

Recruitment of freelancers had been ad hoc, mainly friends of friends, journalists, subtitlers and so on. Some resources had been wasted on unsuitable people. The Grand Committees were proving a permanent strain. The Lords advertised in The Guardian in February this year: there were 230 responses, 120 candidates took a test, 30 were called for interview, and 12 were selected. Nine of them were now getting regular work, but training and development were not ideal. These people received a week's training, and were then put in the list followed by an experienced reporter.

The pool of freelancers was between 15 and 20. If offered regular work, they improved, but it was difficult to keep just the right number at the ready. Things could change if the Tories win the next election and introduce much more legislation.

Human Resources was now taking a serious interest in the issue. Freelancers who had been appointed ad hoc now need to reapply and be tested. They have to have a permanent line manager and proper appraisals. They are no longer simply a top-up; rather, they are staff who happen not to be at work every day. Permanent reporters will take on line management duties: this will mean more support for the freelancers and a development opportunity for the permanent reporters.

The Lords will be recruiting again this autumn as it will need freelancers for the coming Select Committees. What began by being a sticking plaster has become a permanent graft.

**Q. Alex Newton** (House of Commons) offered the Commons perspective. The Commons had developed a pool of freelancers to deal with the inevitable peaks in work load. Accreditation should provide freelancers with something to work for. He asked whether the Lords devoted enough time to training freelancers.

Gareth said it was a matter of resources.

**Alex Newton** said he was curious to know how other assemblies dealt with freelancers.

**Q. Mair Parry-Jones** (Welsh Assembly) said the assembly had unashamedly stolen HoC and HoL freelance lists.

**Q. Reine McDonnell** (Houses of the Oireachtas) said her legislature did not use freelancers: to them it was a dirty word. They wanted good staffing levels. They took only people who passed the hurdles — they needed a 2:1 degree — although the use of loggers was new.

Gareth said the situation was very difficult. Did other jurisdictions specify qualifications?

**Reine McDonnell** said hers did not, but the competition was run by the Appointments Service. A proper profile of staff had been developed as the Appointments Service had not understood the requirements. Now, candidates underwent psychometric testing, and the 500 to 600 applicants took a written exam and were asked at interview about politics and current affairs.

Gareth said that the Lords problem was that it was tightly budgeted. It did not want to employ full-time staff when there was only half a year's workload for them.

**Q. Patrick O'Hanlon** (Northern Ireland Assembly) queried the use of psychometric testing.

**Reine McDonnell** said there had been initial reluctance to use it, but it was relevant to those working with language.

**Alex Newton** suggested using such tests at BIPRA conferences!

**Q. Simon Burrowes** (Northern Ireland Assembly) said that they did not use freelancers in Northern Ireland but did have temporary full-timers and could not do what the HoC did.

Gareth said that HR had become agitated, but Hansard had had to fill gaps immediately, and it had grown from there.

**Q. Robert Arnott** (Scottish Parliament) said that, as in Northern Ireland, Scotland used agency staff to support the editorial team. In an ideal world, there would be more permanent staff to cope with the peaks.

Gareth said that just was not going to happen for the Lords. There were things that Lords Hansard staff just did not normally have time to do (training, updating style guides etc), and that it was useful to have cover from the freelancer pool to allow core staff to undertake those tasks.

**Q. Nick Beech** (House of Commons, Westminster) said that the Commons had always used freelancers to help with the peaks.

**Alex Newton** said that that was so for Committees. He felt that the Lords was brave to use freelancers in the list for the main Chamber.

**Nick Beech** pointed out that not all Committees were the same.

Gareth pointed out that the previous November's intake had brought in some impressive staff, including a political editor from "Newsnight".

**Q. Will Humphreys-Jones** (House of Lords, Westminster) said that one thing that was going unaddressed was the impact of using freelancers on the quality of the book. He said that subs were in fact standing in the goalpost, trying to catch errors. Of course it was an issue of resources, but no one talked about the critical mission.

**Q. Elaine Harrison** (House of Commons, Westminster) endorsed what Will had said. The use of freelancers brought mixed benefits. Some freelancers were good, but the amount of subbing doubled accordingly.

**Meinir Harris** (National Assembly for Wales) said that no freelancers worked in the list, only in Committee where English was spoken. A Committee could be outsourced or transcribed by Merrill Legal but both required a lot of subbing, so this route was cost-effective on one level only.

Gareth said that, as someone who subbed freelancers' copy, he agreed. Outside companies will be used for Select Committees, and the standard of work done by people used regularly would increase.

**Q. Reine McDonnell** (Houses of the Oireachtas) asked whether freelancers would be free to take the diploma mentioned earlier this afternoon.

**Nick Beech** (House of Commons, Westminster) said that his team was looking at providing a "smaller" certificate for freelancers.

Gareth thought that would suffice.

**Alex Newton** (House of Commons, Westminster) expressed his thanks to those who had made presentations.

## **Session 6: “Reflecting the style of Speakers” [NARRATIVE REPORT]**

Simon Burrowes (NIA) chaired the session, which he opened by explaining that, following various exchanges in the Northern Ireland Assembly, he was keen to discuss whether and how the personal style and flavour of Members is reported. So, while there is a need to ensure that readers can understand official reports, he posed the question as to whether there is a tendency for all reporting organisations to make members' contributions read the same. He added that he had no predetermined outcome for the session, but felt that it was an issue that deserved discussion.

There then followed an entertaining and informative presentation by Rónan O'Reilly and Patrick O'Hanlon from the Northern Ireland Assembly, ably assisted by Martha Davison. This was an enervating, interactive, interpretative, multi-media PowerPoint presentation on the trials and tribulations, joys and challenges of reporting the vernacular, colloquial and idiomatic imponderables uttered by the Members of the Northern Ireland Assembly.

The presentation began, unfortunately, on the hind teat, when the projector played up. Although it wasn't a hound's gowl from doing the job, Martha took a houlth of its craw, as it were, and although none of us knew the difference between a hard drive and a dipped soda, the machine purred. The audience patiently tholed this delay in proceedings, although there was the odd quip from a latcho or two on the Benches. The presentation proceeded smoothly, with no wides kicked into the sheugh, and with no one cutting whangs off another man's leather.

An interesting discussion ensued, with delegates offering colourful and thought-provoking examples of Members' use of dialect in their own jurisdictions, and how they dealt with them, after which, it was felt, everyone needed a wee lie down.

The subject, by its nature, was light hearted, but it did raise the serious issue of how dialect is reported: leave well alone, or rewrite and lose the flavour, and, perhaps, subtlety of meaning and nuance? Some Northern Irish phrases rang bells with the Scottish and Irish delegates, although it was found that the same idiom could carry a different meaning in another jurisdiction. The outcome of the discussion seemed to be consensus that every effort should be made to retain flavour/personal style, but delegates recognised that that was not always possible when producing a written report of a verbal exchange while trying to ensure that the reader can understand the report.

## **Conference Dinner**

This event was hosted by the Bailiff of Jersey and held at Jersey Pottery, Grouville.



**Wednesday, 12 August**

**Session 7: “Voice recognition and third-party transcription services”**  
**[NARRATIVE REPORT]**

The session was chaired by Reine McDonnell (HoO) and presented by Finín O’Driscoll (HoO) and Denise Kelleher (HoO), with additional input from Ellen Callister (Tyn).

Denise Kelleher and Finín O’Driscoll gave a presentation on the results of the voice recognition pilot in the Houses of the Oireachtas.

***Exercise:***

A pilot project on the use of voice recognition technology commenced in the Oireachtas in late 2008; full details of the project and the conclusions reached can be seen in the accompanying voice recognition technology assessment report.

Two voice recognition, VR, tools were tested: Dragon Naturally Speaking and SpeechMagic. Both were supplied by Nuance Communications. Dragon was installed on PCs of six reporters in December 2008 and used until March 2009 and SpeechMagic was installed on PCs of ten reporters in March 2009 and used from early April 2009 until the summer recess (July). The rationale for the exercise was to keep apace with the public service modernisation programme; particularly to assist in reporting during long sessions and on long sitting days when reporters may have up to five takes to complete.

***Findings:***

Dragon allows for immediate voice-activated correction, editing and cancellation of one’s dictation. Alternatively, one can ignore the errors and press on with the transcription. SpeechMagic allows one to press on with the transcription, one cannot correct errors immediately.

Dragon permits the specification of Debates Office formats, such as those pertaining to people’s titles, dates, spaces between sentences and so on. SpeechMagic did not (but the matter was subsequently resolved to a point).

Dragon permits voice-activated commands to capitalise, italicise or underline words; SpeechMagic did not.

Dragon frequently revises its original transcription effort on receipt of a punctuation mark or following a pause; SpeechMagic does not (a reporter’s frequent pauses in dictation while listening to sound files can be a drawback).

Dragon facilitates the immediate learning of unusual words and phrases, such as Tánaiste or Air Corps, via its accuracy centre; SpeechMagic depends on periodic context adaptation by the reporters to fulfil the same function. Both systems perform well when transcribing medical terms.

**General observations of both systems:**

Possible to produce transcripts to an acceptable standard using VR tools; speeded up transcription to an extent; benefit to slower typists and less tiring than typing during late sessions; noise abatement measures may be required, such as the introduction of closed-back headphones or desk dividers; hardware and software needed to be tweaked minimally.

All participants in the Dragon pilot project were highly positive about its benefits and want it retained.

**A question and answer session followed the presentation.**

Questioned about the feasibility of using VR technology in an open-plan office, Denise and Finín said that their experience differed from those of the staff of other Parliaments, most of which had booths for those using VR. Some users testing the system had felt there was a problem with the noise created by users as they spoke into their microphones and a perceived need for others to keep quiet while they input the takes, although the system is actually well equipped to deal with background noise. They admitted that separate booths or partitions might be a requirement if VR technology was introduced throughout the Debates Office.

There was also discussion of SpeechMagic vs. Dragon. Although SpeechMagic is the more widely used package for similar applications (including its exclusive use by the Danish Parliament), Dragon was preferred by most of the Debates Office staff who participated in the trial.

Reine was asked about the editors' experience of editing takes that had been written using VR, and replied that it was not particularly problematic, the greatest difference being the need to check takes carefully for incorrect words that had been substituted by the VR programme for the required word without changing the sense of the sentence (e.g. "religious complications" instead of "religious congregations"). However, she was of the opinion that this requirement would be less as reporters became more used to the system and better able to catch such mistakes themselves.

Ellen from Tynwald then gave a presentation on Tynwald's experience with VR technology. The system is operated differently from that used in the Oireachtas and other Parliaments, as the copy is generated directly from Members' words using VR, rather than being spoken by an intermediary (i.e., a reporter). The system is used currently in Tynwald Court and the House of Keys but has yet to be set up in the Legislative Council.

When the system was initially set up, each Member had to provide a five minute "voice profile" to the package to enable it to recognise their way of speaking. During sittings, a member of the Hansard team specifies each speaker by identifying him or her on a touch-screen computer in the chamber. The Members' words are transcribed automatically using VR technology, and the transcriptions then go straight to the editors for review.

Ellen said that when the system was introduced, because it was not yet adept at transcribing what Members said, it was sometimes quicker to erase the whole transcript and retype it while listening to the sound file. However, with increased use the system began to adjust to the sound of Members' voices and reproduce their words with greater accuracy, reducing the amount of editing needed at subsequent stages. Much editing is still required, but the Tynwald is making savings by avoiding the need for third-party transcription.

Special thanks were recorded to Cormac O'Cleirigh, parliamentary reporter, for compiling a report on the overall voice recognition project in the Houses of the Oireachtas.

## Voice recognition technology assessment report

### 1. Introduction

This report contains the results of an assessment conducted by the Debates Office on the potential usefulness of two voice recognition tools, namely, Dragon Naturally Speaking and SpeechMagic. The report outlines the background to the assessment, the results of a benchmarking exercise, a detailed comparison of the tools tested and a set of conclusions.

### 2 Background

The assessment involved the use of two voice recognition, VR, tools, namely, Dragon Naturally Speaking and SpeechMagic, both of which now are supplied by Nuance Communications. Its purpose was to assess their usefulness in the transcription of the debates of the Dáil, Seanad and committees. The initial phase of the assessment comprised the installation of the tools onto the PCs of a limited number of reporters, who then were encouraged to make use of them. The Dragon software was installed on the PCs of six reporters in December 2008 and was used until March 2009, when it was removed on foot of an office-wide PC upgrade. The SpeechMagic software was installed on the PCs of ten reporters in March 2009 and was used from early April 2009 until the summer recess.

Since then, reporters have conducted a benchmarking exercise to compare relative transcription speeds when using both tools against those achieved when typing.

### 3 Benchmarking exercise

#### 3.1 Overview

- Two separate benchmarking exercises were conducted. The first exercise, in which five reporters participated, compared SpeechMagic against the traditional typing method. The second exercise, in which five reporters participated, compared the newly-reinstalled Dragon software against traditional typing.
- The same methodology was used in both exercises, whereby three takes were selected for transcription: one consisting of long

uninterrupted speeches, a second involving a considerable amount of procedure and a third difficult take including many speakers and interruptions. The participating reporters then produced each take twice, using both the traditional method and the VR tool.

- The three takes selected for the first exercise involving SpeechMagic were Dáil take V of 10 July 2009 (a Second Stage debate), Dáil take AAA of 10 July 2009 (a Committee Stage debate) and Dáil take H of 10 July (an Order of Business debate).
- The three takes selected for the second exercise involving Dragon were Dáil take EE of 8 July 2009 (a Second Stage debate), Seanad take YY of 10 July 2009 (a Committee Stage debate) and Dáil take M of 8 July (an Order of Business debate).

## **3.2 Results**

The detailed results of the exercise may be found on the associated spreadsheet *Voice Recognition Tests.xls*. The spreadsheet contains three sheets, one containing the exercise's performance statistics, a second with the individual SpeechMagic test results and a third with the Dragon test results.

It should be noted that two participating reporters were on leave for part of the exercise and thus did not complete all the benchmarks.

### **3.2.1 Analysis**

- It can be seen that the use of both VR tools led to improvements in overall transcription speeds. Taken together, the takes produced traditionally took a total of 2,314 minutes to complete while their counterparts produced with voice recognition tools took 2,082 minutes to complete, which constitutes an improvement of just over 10%.
- In the case of SpeechMagic, the overall improvement recorded was 8.09%, while the equivalent figure for Dragon was 14.01%.
- On closer examination, it can be seen that the improvements in respect of SpeechMagic were not universal. Those reporters who were able to type their first draft of a take quickly did not complete them any faster using the tool. In fact the results show that SpeechMagic actually slowed them down. In the case of those reporters who were slower to type their first drafts, SpeechMagic enabled them to complete the takes faster, even though the higher incidence of errors led to longer editing times.
- In the case of SpeechMagic, the benchmarking exercise also confirmed that improvements were most marked for easy Second Stage-type takes and least evident for difficult, Order of Business-type takes.
- The Dragon benchmarking was conducted immediately after the tool was reinstalled on reporters' PCs. Nevertheless, the exercise yielded considerable increases in transcription speeds.

- Most notably, improvements were recorded for all participants, notwithstanding their typing speeds, thereby closing the gap between faster and slower typists.
- Interestingly, the exercise results showed the performance improvements achieved with Dragon were similar in scale regardless of the difficulty of the take.

## 4 Detailed Comparisons of Voice Recognition Tools

The comparative experiences have been grouped under several headings, such as features, ease of use and accuracy.

### 4.1 Ease of set up

- Having been installed just before Christmas, the Dragon software was in use until mid-March 2009 when it was removed on foot of a PC upgrade. Although SpeechMagic initially was installed in early March, a series of technical issues prevented the use of the package until early April. An upgraded version of SpeechMagic was installed in early June.
- On resolution of some initial licensing issues, the set up process for Dragon was relatively straightforward, whereby each reporter followed a procedure outlined in a manual to customise his or her own machine. Reporters could make use of the package immediately.
- SpeechMagic is hosted on a separate server to which the reporters log on. It took some time both to put in place successfully this system and to resolve an issue affecting reporters' foot pedals but it now works.

### 4.2 Ease of use of interfaces

- When activated, Dragon's interface floats on top of one's desktop, which allows one to move around through Lotus Notes, Digiscribe, Windows Explorer, Adobe files etc. as required. Transcription is turned on and off through the touch of a button and the text is produced directly into one's take in Lotus Notes.
- On activation, SpeechMagic is hidden until the reporter specifically commands it to prepare for transcription, at which point a minimised transcription box is displayed. The reporter then uses cassette-like buttons to begin or stop recording, as well as playing back whatever has been dictated. The text is produced both in one's Lotus Notes take and in the transcription box for subsequent correction. In other words, the tool generates a Lotus Notes version of the take immediately, as well as a separate version in which one can correct transcription errors. A significant drawback, however, is that corrections made in the Lotus Notes take do not help improve SpeechMagic 2.0's overall accuracy.

### 4.3 System features: a comparison

- Dragon allows for immediate voice-activated correction, editing and cancellation of one's dictation. Alternatively, one can ignore the errors

and press on with the transcription. While SpeechMagic allows one to press on with the transcription, one cannot correct errors immediately.

- Dragon permits the specification in advance of Debates Office formats, such as those pertaining to people's titles, dates, spaces between sentences and so on. SpeechMagic does not.
- Dragon permits voice-activated commands to capitalise, italicise or underline words, while SpeechMagic does not.
- As it attempts to produce text in clauses, Dragon frequently revises its original transcription effort on receipt of a punctuation mark or following a pause. SpeechMagic does not do so and, given reporters' frequent pauses in dictation while listening to sound files, this is a drawback.
- Dragon facilitates the immediate learning of unusual words and phrases, such as Tánaiste or Air Corps, via its accuracy centre. SpeechMagic depends on periodic context adaptation by the reporters to fulfil the same function. This means that while one can teach Dragon a word immediately, SpeechMagic will continue to mistranscribe it throughout the take.
- Both systems perform well when transcribing medical terms.

#### 4.4 System accuracy

- Dragon's initial accuracy in respect of standard words was reasonable, as was its ability to learn specialised words or phrases. During the course of a take, its handling of unusual words tends to improve. Its accuracy when transcribing a lucid speaker is noticeably better than with a disjointed speech. Over the course of the trial, its accuracy consistently improved. Overall, while it continues to make numerous errors, the facility with which they can be corrected makes up for this drawback. One persistent error relates to the tool's tendency to mistranscribe plural words so that "problems" is rendered "problem is". It also has difficulty in learning to identify some Irish words such as "FÁS", "Ó Snodaigh" and Oireachtas.
- SpeechMagic's basic accuracy level is poorer than Dragon's. In particular, it has problems with confusing definite and indefinite articles and with choosing an incorrect tense or inappropriate preposition, adverb or adjective. It also has difficulty in distinguishing between "ing" and "in". It frequently chooses to capitalise words. The main issue pertains to error correction. While a reporter will correct the Lotus Notes version of the take, he or she usually will not have time to do the same for SpeechMagic. Moreover, it appears as though one is obliged to discard the uncorrected text before transcribing one's next take, thereby wasting most of the available improvement opportunities. That said, the upgraded system showed definite improvements in its recognition of non-standard words such as Members' names or stylistic usages such as "Special Criminal Court"

#### 4.5 Speed

- As the benchmarking exercise demonstrated, Dragon improved the speed of transcription of most takes for most reporters. However, its usefulness depended on the quality of Members' contributions within a

take and on the number of interjections or procedural insertions requiring the use of quills, cutting and pasting from outside the take or use of ambient sound files.

- The upgraded version of SpeechMagic improved its speed of transcription. However, it is notable that although it improved the transcription speed of the slower typists, it actually hampered that of the faster typists. Moreover, it did not improve the performance of the slower typists to the same extent as did Dragon, given its poorer basic accuracy and ease of use. The same caveats regard quality of Members' contributions, interjections etc. apply.

#### 4.6 Documentation and help features

- Dragon came with a very useful end-user workbook and provides good help options during its operation.
- SpeechMagic's documentation and help features are more rudimentary.

#### 4.7 Miscellaneous observations

- Dragon occasionally froze, especially after several hours' use and from time to time its voice-activated commands misfired with unpredictable results.
- SpeechMagic's legal basis makes it prone to using words like "court" or "plaintiff" inappropriately.

Both systems leave reporters who are proofreading transcripts before signing them off more prone to erroneously seeing what they expect, rather than what was actually written.

### 5 Conclusions

#### 5.1 Use of voice recognition in general

- The assessment showed it is possible to produce transcripts to an acceptable standard using VR tools.
- The benchmarking exercise demonstrated that use of the tools speeded up transcription to an extent.
- More significantly, the exercise demonstrated that the tools were of considerably greater benefit to those reporters who are slower typists. Whereas rapid typists did not record markedly faster times while using the VR tools, their use permitted reporters who are slower typists to produce takes as quickly as their rapid-typing peers.
- Given that the use of VR enables slow typists to produce takes as quickly as fast ones, typing training courses would no longer be required for new entrants. Moreover, the use of voice recognition tools requires no additional training.
- One feature of using VR tools and of Dragon in particular was that reporters found such use to be less tiring than traditional typing. This was especially true after a long sitting day, thus rendering them less prone to making errors late in the evening. Moreover, they

experienced less back ache, fewer sore wrists and so on, which suggests potential health and safety benefits.

- One possible concern pertained to noise levels associated with the tools' use. During the pilot exercises, the limited scale of use of the tools meant that no significant problem arose. However, were the tools to enter general use, it would be necessary to consider noise abatement measures, such as the introduction of closed-back headphones.
- Arising from its origins as a dictating tool for doctors, the Dragon tool facilitates greater accuracy in respect of medical and pharmaceutical terms.
- It should be noted that experience from the first phase of the assessment shows that continual use of a tool incrementally improves performance.
- Finally, all the reporters who participated in the Dragon pilot project were highly positive about the tool's benefits and expressed a desire that it be retained.

### 5.1 Dragon versus SpeechMagic

- Overall, the experience with Dragon was considerably more favourable. Its line-by-line approach and instantaneous learning and correcting facilities appear to better suit the type of transcription undertaken by reporters.
- Although the performance of SpeechMagic improved significantly, especially on foot of its upgrade in early June, its basic accuracy still does not match that of Dragon, which performed adequately "out of the box". SpeechMagic's accuracy would be improved further were it possible to store uncorrected takes during sitting times for subsequent correction.
- The experience gained by reporters using Dragon has enabled them to formulate a set of process improving refinements that can be implemented immediately on the PCs of any new users.
- Of the reporters who used both packages, Dragon emerged as the clear favourite.

### **Session 8: "Reporting proceedings in smaller jurisdictions"** **[NARRATIVE REPORT]**

This session was chaired by Will Humphreys-Jones (HoL) and featured presentations from Ellen Callister (Tyn) and Peter Monamy (SoJ).

#### TYNWALD:

##### **1. Overview of Tynwald and its branches**

- Tricameral system - literally three Chambers
- House of Keys – 'Lower House' = 24 Members elected by public (15 constituencies)
- Legislative Council – 'Upper House' = 8 Members elected by Keys + President + Lord Bishop + Attorney General = 11 in total

- Tynwald = both branches sit together - 35 Members in total
- Tynwald sits once a month for up to three days (including evenings)
- Keys and Council sit simultaneously, every remaining Tuesday of legislative session (mid-October to mid-July)

Also during whole year (including recess) = Standing and Select Committees  
Until recently Hansard only reported Select Committee oral evidence, but now starting to do some of two Standing Committees (Public Accounts and Scrutiny)

## 2. Overview of methods and staff

- Five full-time in-house Hansard Editors
- Record and log in Chambers and Committee room
- Edit transcriptions
- Publish simply formatted Early Publications on website
- Create fully formatted printed Hansard Report and on website

*Combination of methods:*

- Tynwald & Keys - Voice Recognition system - fully in-house
- Council and Committees still on old system = sending 15-minute cassettes to home transcribers, who send back transcriptions for in-house editing – (*hope to bring fully in-house soon*)

## 3. Difficulties presented

- Small team of five has to be flexible, adaptable, capable of most tasks
- Difficulty of absences due to sickness and holidays
- Unpredictable workflow – length of sittings varies greatly
- Limited budget of small parliament – only paid overtime to record/log Tynwald evening sittings, otherwise flexi-time system of time in lieu
- Peaks and troughs of work difficult to manage: team too small to work overnight; danger of building up too many flexi-time hours - difficult to take time in lieu - summer recess is for catching up on backlog, holiday entitlement, Committee oral evidence

## 4. Advantages

- Interesting, variety of work
- Greater opportunities for individuals
- Can try innovative ideas on small scale
- More integrated with wider parliamentary office

## STATES OF JERSEY:

I thought it might be helpful to simply outline the processes we use in Jersey to produce transcripts of the proceedings of the States Assembly, *and also for the various Scrutiny bodies (Panels and the Public Accounts Committee (PAC))*. [States Assembly information in ordinary type: *references to Scrutiny/PAC in italics*].

The States Assembly meets, generally, on one or two days (Tuesday and possibly Wednesday) from 9.30 am to 5.30 pm, usually every two weeks. On occasions (i.e. Strategic Plan debate), the States will meet for three, four or five days (i.e. also the Thursday and the Friday, and sometimes the preceding Monday too), with any remaining business held over until either the following week (i.e. outside of the agreed schedule of meetings) or until the next scheduled meeting two weeks later. *Scrutiny Panels and the PAC meet for public hearings on a rather more ad hoc basis, sometimes for half, one, two or more days in a row during any particular inquiry.*

The audio recordings are made using digital equipment. For the States Assembly, the microphones are fixed and can be operated by each speaker individually, or by the Presiding Officer centrally. Only one microphone can be operable at any one time. *In each of the two Scrutiny rooms the microphones are set out as required for each meeting to be recorded and all microphones are “live” for the duration of the meeting.*

In the States Chamber, the person taking the log notes sits in the corner and types the log notes directly into the computer using the FTR (For The Record) programme. The digital recording is stored centrally on the main server and is immediately accessible by those officers of the States Greffe based in Morier House (administrative offices) who are licensed to use FTR. [The proceedings of the States Assembly are also broadcast live by BBC Radio Jersey]. The audio recordings from each day's meeting of the States Assembly are sent by e-mail overnight to a secure website, from where they are downloaded by the transcribers in New Zealand (seven hours ahead of us), which means they can get off to a prompt start. *In the Scrutiny rooms, the "logger" sits adjacent to the meeting table and, again, uses the FTR programme. For Scrutiny, initially a copy CD was made of each day's audio [N.B. The audio was previously stored on CDs and not on the main server] and sent by post to the London offices of the transcription provider (the Merrill Corporation), which then uploaded it to its own website for transmission on to New Zealand. As for the proceedings of the States Assembly, the audio for Scrutiny Hearings is now recorded digitally and transmitted electronically.*

The transcribers turn round the transcription for the States Assembly within five working days (although a shorter time can be specified for particular subjects) and the resultant text is e-mailed back to the States Greffe. *Transcripts of Scrutiny proceedings are often requested to be provided within a two or three day timescale, although this - unsurprisingly - incurs greater cost.*

The "raw" transcript of the States Assembly audio, which it has to be said is generally of a high quality, is edited by the Senior Committee Clerk and his team of two and a half Clerks, with the aim being to have the final edited version available on the States Assembly website by 9.30 am on the morning of the next States meeting (i.e. two weeks after the audio is recorded). A copy of the transcript is not provided to Members of the States for their perusal as a matter of course prior to publication on the website. [However, specific pieces of "urgently required" audio can be requested by a Member and the unedited version is sent to them, with the appropriate "health warning", on arrival from New Zealand]. *The "raw" transcripts of the Scrutiny and PAC audio are edited only for spelling or typographical errors by the Scrutiny Officers involved in the particular enquiry, the aim being to send a draft of the transcript to the witnesses for their comment within five working days. Thereafter, a final version of the transcript may be provided to Scrutiny Panel/PAC members in hard copy and, in all cases, also uploaded to the relevant website.*

Only two printed loose-leaf double-sided hard copies of the States Assembly Official Report (punched for insertion into a ring-binder) are made: one for the States Assembly Information Centre (formerly known as the States Bookshop) and another for the Jersey Library. However, the public can request a hard copy, in which case photocopying charges apply. *Similarly, while the Scrutiny Panel/PAC members receive a hard copy each, no hard copies are published and public access to the text is via the relevant website (unless hard copies are specifically requested, in which case photocopying charges apply).*

No indices are prepared for the States Assembly Official Report on the basis that the website is searchable electronically. *The same applies in respect of Scrutiny/PAC Official Reports.*

Ellen and Peter then took questions from the floor. Delegates were impressed by the production of reports by such small teams. They were interested in, among other things, the practicalities of using outside transcription services and the editing processes that each legislature adopted (whether the audio was always listened to, for example).

### **Review, feedback and close [NARRATIVE REPORT]**

Peter Monamy (SoJ) thanked delegates for attending the conference, and said how much his fellow Clerks and others at the States Greffe had enjoyed meeting colleagues from all parts of Britain and Ireland. Delegates were asked to complete and hand-in 'Feedback' forms with their comments and/or

suggestions about the conference. Simon Burrowes (NIA) presented bouquets of flowers to Lyn Houquez, Denise Abbot-Maguire and Lisa Hart of the States Greffe who had been most closely involved with the arrangements for the conference. Simon also made a presentation to Peter Monamy. The proceedings were then drawn to a close.