



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Standing Committee on Administration and Procedure

Wayne Berry, MLA (Chair)

Roslyn Dundas MLA; John Hargreaves MLA, Bill Stefaniak MLA; Kerrie Tucker MLA

***Legislative Assembly (Broadcasting)
Act 2001***

**Conditions of broadcasting
proceedings and delegation of power
to withdraw right to broadcast**

February 2002

Terms of Appointment

In 1995, the Legislative Assembly for the Australian Capital Territory ('the Assembly') adopted Standing Order 16, which established the Standing Committee on Administration and Procedure ('the Committee'). The members of the Committee for the Fifth Assembly ('the Members') are:

The Speaker (Presiding Member)

Roslyn Dundas, MLA

John Hargreaves, MLA

Bill Stefaniak, MLA

Kerrie Tucker MLA

Secretary: Mark McRae

Assistant Secretary: Janice Rafferty

Inquiry Secretary: Tom Duncan

Standing Order 16 authorises the Committee to inquire into and report on, among other things, the practices and procedure of the Assembly.

Terms of Reference for Inquiry

On 13 February 2002, the Committee resolved:

'That the Standing Committee on Administration and Procedure inquire into and report on the conditions of broadcasting pursuant to sub-section 5(2) of the *Legislative Assembly (Broadcasting) Act 2001* and the power to delegate the right to withdraw approval for broadcast, pursuant to section 6 of the *Legislative Assembly (Broadcasting) Act 2001*.

For further information on this and other inquiries by the Committee contact the Committee Secretary on (02) 6205 50191 or by email at committees@act.gov.au. Alternatively view the Committee's website at www.legassembly.act.gov.au.

Table of Contents

	page
Summary of Recommendations-----	1
 Attachment A Proposed motion for the conditions of broadcast of proceedings and delegation of power to withdraw the right of broadcasting.....	4
Attachment B: Proposed forms for access to the recording and transmission facilities of the Legislative Assembly.....	6

Summary of Recommendations

Recommendation 1

The motions shown at Attachment A, pursuant to sections 5 and 6 of the *Legislative Assembly (Broadcasting) Act 2001* which determine conditions for broadcasting of Legislative Assembly and committee proceedings and the delegation of the right to withdraw broadcasting, be moved and agreed to in the Legislative Assembly.

Section One - Introduction

Background to Inquiry

1 In May 1995, a private member's bill was introduced into the third Assembly to establish procedures for the broadcast of Assembly proceedings.¹ The Assembly referred the bill to this Committee for review. It was largely on the basis of the Committee's recommendations that the *Legislative Assembly (Broadcasting of Proceedings) Act 1997* was drafted and subsequently enacted.²

2 In March 1999 (during the fourth Assembly) the Assembly referred the operation of that Act to the Standing Committee on Administration and Procedure. In June 2000 the Committee presented its report to the Assembly. Based on the Committee's report, on 9 August 2001 the government introduced the Legislative Assembly (Broadcasting) Bill 2001, which was subsequently passed on 21 August 2001. The *Legislative Assembly (Broadcasting) Act 2001* ('the Act') was notified in the *Gazette* on 10 September 2001, and is scheduled to commence operation on 10 March 2002.

3 The Act streamlines the procedures for broadcasting of proceedings by enabling all public proceedings of the Legislative assembly or a committee to be broadcast.

4 This report sets out the committee's views on the conditions to be observed by persons broadcasting, or recording for broadcast, Assembly proceedings.

Provisions of the Act

5 Sub-section 5(1) of the Act sets out the provisions whereby a person may broadcast the proceedings of the Legislative Assembly or a committee of the Assembly. Subsection 5 (2) states that:

6 The Legislative Assembly may, by resolution, determine the way rights given by subsection (1) must be exercised.

9 The conditions that are suggested by the committee are shown at Attachment 1

What should be broadcast?

10 The committee has noted the views of the previous committee of the Fourth Assembly contained in its report of June 2000 that the guidelines to be adopted by the Assembly should carry the condition that only those Assembly proceedings that, in the opinion of the Speaker, can be broadcast. The Speaker, in deciding whether to authorise the filming of proceedings, was to consider the importance of the proceedings and the possible level of interest in the proceedings within the community.

¹ Legislative Assembly (Broadcast of Proceedings) Bill 1995.

² Standing Committee on Administration and Procedure, *Legislative Assembly (Broadcasting of Proceedings) Bill 1995*, February 1996.

11 The Act has, in some way, superseded that recommendation by providing that a person may broadcast all or part of public proceedings of the Legislative assembly or a committee of the Assembly. It appears that the intent of sub section 5(1) is that all proceedings are subject to be broadcast, and the committee concurs with that view. The conditions therefore are framed to allow broadcast of all the proceedings of the Legislative Assembly, or a committee of the Assembly. The conditions provide, however, that any person wishing to record visual images in the Chamber and the Committee rooms must seek the approval of the Speaker (in the case of the Assembly) or the Committee Chair (in the case of a Committee) in writing giving reasonable notice.

12 The conditions also stipulate the rules governing the camera crews filming in both the Chamber and committees. These conditions are identical to the ones that have been in existence for a number of years, and are intended to ensure that the proceedings are filmed in a fair and accurate manner, whilst balancing the needs of the working environment of the Chamber and the Committee rooms.

13 The conditions also contain the usual prohibition on the use of proceedings for the purpose of satire and ridicule, advertising for or by political parties or electioneering or commercial advertising or sponsorship. It also prevents the rebroadcast of points of order and remarks withdrawn, although if the proceedings are broadcast live to air then these prohibitions do not apply.

14 Witnesses at a public hearing of a committee who do not wish their evidence to be broadcast do have, under the proposed conditions, an opportunity to object to the recording and /or broadcast of their evidence.

Power to withdraw the right to broadcast

15 The draft motions make provision for the power of withdrawal of the right to broadcast to be delegated to the Speaker (in the case of a broadcast of the Assembly) or the relevant committee (in the case of a broadcast of a committee proceeding). If the conditions of broadcast were not met, then it would be expected that the Speaker or the Committee would consider withdrawing the right to broadcast for a specified period.

Forms for electronic access to proceedings

16 Section 7 of the Act prescribes that a person who wishes to transmit public proceedings of the Legislative Assembly or a committee of the Assembly must apply in writing to the Clerk of the Legislative Assembly for access to the recording and transmission facilities of the Legislative Assembly.

17 Attached at Attachment B are suggested forms for this purpose. The first form is for the broadcast, or recording for broadcast, of public proceedings of the Legislative Assembly and its committees. It is anticipated that the media would use these forms.

18 The second form is for the broadcast of live audio broadcast of public proceedings of the Legislative Assembly and its committees. It is envisaged that the form would be used for persons in the Legislative Assembly building, government departments and other agencies receiving broadcasts.

19 The Committee recommends:

Recommendation 1

The motions shown at Attachment A, pursuant to sections 5 and 6 of the *Legislative Assembly (Broadcasting) Act 2001* which determine conditions for broadcasting of Legislative Assembly and committee proceedings, be moved and agreed to in the Legislative Assembly.

Wayne Berry, MLA
Speaker

February 2002

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

NOTICE OF MOTION

Draft motion

I move....

1) that, pursuant to Section 5 of the *Legislative Assembly (Broadcasting) Act 2001*, the following guidelines apply to the broadcast, or record for broadcast of public proceedings of the Legislative Assembly or a committee of the Assembly.

Guidelines for the Broadcasting of Public Proceedings of the Legislative Assembly and its Committees

The broadcasting, or recording for broadcasting, of proceedings is only permitted subject to the conditions outlined below. Permission to broadcast or record for broadcast proceedings shall be on the basis of an undertaking to observe these conditions.

- i. A person who has been granted electronic access to proceeding shall observe the following conditions:
 - (a) as a general principle, cameras should focus on the Member or witness with the call;
 - (b) reaction shots of a Member are only permitted:
 - (i) if the Member is referred to in debate;
 - (ii) if the Member has sought information which is being supplied by a Member having the call;
 - (c) coverage of the Galleries is not permitted;
 - (d) panning along the Benches is not permitted;
 - (e) close-up shots of Members' papers are not permitted;
 - (f) camera positioning is not to interfere with the proceedings of the Assembly; or of the conduct of a public hearing of a committee of the Legislative Assembly;
 - (g) any instruction from the Speaker or the Speaker's delegate is to be observed.
- ii Broadcast of proceedings shall be from the signal transmitted by landline or from the Assembly's narrowcast to building occupants.
- iii Broadcasts of public proceedings should contain a fair and accurate reporting of events and must not be used for:

- (i) the purpose of satire or ridicule;
 - (ii) advertising for or by political parties or electioneering; nor
 - (iii) commercial advertising or sponsorship.
- iv Points of order and remarks that are withdrawn may not be rebroadcast.
- v A witness at a public hearing of a committee shall be advised in advance of appearing that the proceedings may be recorded and broadcast. A witness shall be given reasonable opportunity to object to the recording and/or broadcast of their evidence and state the ground of the objection.
- vi Persons/organisations wishing to broadcast or record for broadcast the public proceedings of the Legislative Assembly and its committees must complete the relevant form.
- vii Persons/organisations intending to record visual images in the Chamber and/or Committee Rooms must seek the approval of the Speaker (in the case of the Assembly) or the Committee Chair (in the case of a Committee) in writing giving reasonable notice.

and

- 2) That, pursuant to Section 6 of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly:
 - (a) delegates to the Speaker the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly or a committee of the Assembly; and
 - (b) delegate to each committee formed by resolution or standing order of the Assembly the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of that committee.

Legislative Assembly for the Australian Capital Territory	Request to Receive Live Audio Broadcast of the Public Proceedings the Legislative Assembly and its Committees	
To be submitted to the Clerk of the Legislative Assembly		
Name: _____		
Government Department/ Other: _____		
Mailing Address: _____	Date: _____	
Telephone: _____	Fax: _____	
Details of request and (in the case of an agency) the number of staff utilising the broadcasts:		
I hereby agree to abide by the rules and guidelines set out below	Signature _____	
GUIDELINES <i>please read carefully before submitting request</i>		
Guidelines for the receipt of live audio broadcast of the public proceedings of the Chamber of the Legislative Assembly and its Committees		
Reference in these guidelines to ‘broadcasting’ is to the audio and/or visual broadcasting or rebroadcasting of proceedings or excerpts of public proceedings of the Legislative Assembly. 1. Audio only recordings of proceedings shall be from the signal transmitted by landline or from the Assembly’s narrowcast to building occupants. 2. Access to the transmission facilities of the Legislative Assembly for transmission to the applicant is subject to Section 7 of the <i>Legislative Assembly (Broadcasting) Act 2001</i>. 3. Access will be granted if the Clerk is satisfied (a) that the recording and transmission facilities of the Legislative Assembly have the capacity to satisfactorily support the equipment the applicant proposes to connect to them; and (b) the mode of access requested is reasonable for the purpose for which it is sought; and (c) the applicant’s right to receive the proceedings for which the application is made has not been withdrawn under this Act; and (d) the applicant enters into a written agreement with the Territory to— (i) comply with any determination in effect under section 5 (2) of the <i>Legislative Assembly (Broadcasting) Act 2001</i>.; and (ii) provide, or arrange for the provision of, the telecommunication lines and other equipment necessary for the access (the access equipment); and (iii) pay the costs and expenses of connecting the access equipment to the recording and transmission facilities of the Legislative Assembly; and (iv) pay the costs and expenses of maintaining the access equipment; and (v) pay the costs and expenses of the Legislative Assembly secretariat in giving access to the proceedings of the Legislative Assembly and its committees by the access equipment. 4. The submission of this “Request to Receive Live Audio Broadcast” form signifies the applicant’s agreement to comply with these guidelines, the guidelines for the Broadcast, or Recording for Broadcast, of the Public Proceedings of the Legislative Assembly and its Committees and meet all costs under Section 7 (2) (d) of the Act.		
Date lodged: / /	Approved YES / NO:	Clerk’s Signature _____

Legislative Assembly for the Australian Capital Territory		Request to Broadcast, or Record for Broadcast the Public Proceedings of Legislative Assembly and its Committees	
To be submitted to the Clerk of the Legislative Assembly			
Name:			
Network/Broadcaster/Department/Newspaper/Other:			
Mailing Address:			Date:
Telephone:	Fax:	Audio ☐	Visual ☐
Details of request:			
I hereby agree to abide by the rules and guidelines set out below			Signature _____
<i>GUIDELINES please read carefully before submitting request</i>			
Guidelines for the Broadcast, or Recording for Broadcast, of the Public Proceedings of the Legislative Assembly and its Committees			
The broadcasting, or recording for broadcasting, of proceedings is only permitted subject to the conditions outlined below. Permission to broadcast or record for broadcast proceedings shall be on the basis of an undertaking to observe these conditions. <i>(See also Legislative Assembly (Broadcasting) Act 2001)</i> i. A person who has been granted electronic access to proceeding shall observe the following conditions: (a) as a general principle, cameras should focus on the Member or witness with the call; (b) reaction shots of a Member are only permitted: (i) if the Member is referred to in debate; (ii) if the Member has sought information which is being supplied by a Member having the call; (c) coverage of the Galleries is not permitted; (d) panning along the Benches is not permitted; (e) close-up shots of Members' papers are not permitted; (f) camera positioning is not to interfere with the proceedings of the Assembly; or of the conduct of a public hearing of a committee of the Legislative Assembly; (g) any instruction from the Speaker or the Speaker's delegate is to be observed. ii Broadcast of proceedings shall be from the signal transmitted by landline or from the Assembly's narrowcast to building occupants. iii Broadcasts of public proceedings should contain a fair and accurate reporting of events and must not be used for: (iv) the purpose of satire or ridicule; (v) advertising for or by political parties or electioneering; nor (vi) commercial advertising or sponsorship. iv Points of order and remarks that are withdrawn may not be rebroadcast. v A witness at a public hearing of a committee shall be advised in advance of appearing that the proceedings may be recorded and broadcast. A witness shall be given reasonable opportunity to object to the recording and/or broadcast of their evidence and state the ground of the objection. vi Persons/organisations intending to record visual images in the Chamber and/or Committee Rooms must seek the approval of the Speaker (in the case of the Assembly) or the Committee Chair (in the case of a Committee) in writing giving reasonable notice.			
Date lodged:	Approved	Clerk's Signature	
/ /	YES / NO:	_____	