

Legislative Assembly for the Australian Capital Territory

Legislative Assembly (Broadcasting of Proceedings) Act 1997

**Principles for the authorisation of
public broadcasts**

**Report by the Standing Committee on
Administration and Procedure
August 1997**

RESOLUTION OF APPOINTMENT

On 9 March 1995, the Legislative Assembly for the Australian Capital Territory adopted standing order 16 which established the Standing Committee on Administration and Procedure. This standing order was amended on 4 May 1995 to provide the following terms of reference:

16. (1) A Standing Committee on Administration and Procedure shall be appointed at the commencement of each Assembly to:
 - (a) inquire into and report on, as appropriate:
 - (i) the Assembly's annual estimates of expenditure;
 - (ii) the practices and procedure of the Assembly; and
 - (iii) the standing orders of the Assembly;
 - (b) advise the Speaker on:
 - (i) Members' entitlements including facilities and services;
 - (ii) the operation of the transcription service (*Hansard*);
 - (iii) the availability to the public of Assembly documents;
 - (iv) the operation of the Assembly library; and
 - (c) arrange the order of private Members' business and Assembly business;

Membership

The Speaker (Presiding Member)
Mr W Berry, MLA
Mr H Hird, MLA
Mr M Moore, MLA
Ms K Tucker, MLA

Secretary to the Inquiry: Ms M Weeks

BACKGROUND

On Wednesday, 25 June 1997 the Legislative Assembly passed the Legislative Assembly (Broadcasting of Proceedings) Bill 1997 and it was enacted as Act No. 31 of 1997 on 16 July 1997. The Act makes provision for the broadcasting of the proceedings of both the Assembly and its committees to government offices and the public.

The Act which was introduced as a Private Members' Bill, was preceded by the Legislative Assembly (Broadcasting of Proceedings) Bill 1995 which was referred to the Standing Committee on Administration and Procedure for consideration. The Committee presented its report to the Assembly on 20 February 1996. In that report the Committee, while supporting the Bill in principle, made a number of recommendations suggesting amendments to the Bill that was before the Assembly at the time. One of the key recommendations of the report was that "the Speaker in consultation with the Standing Committee on Administration and Procedure prepare guidelines in relation to the broadcasting to the public of proceedings of the Assembly or its committees and that these Guidelines be considered and adopted by the Assembly."¹ The Government, in its response, supported the recommendations. The 1997 Bill incorporated the recommendations that were made by the Committee and accepted by the Government and was introduced on 18 June 1997. Where upon its predecessor was discharged from the *Notice Paper* by the Assembly.

Subsection 7(1) of the Act provides:

The Standing Committee on Administration and Procedure of the Legislative Assembly shall consider, and report to the Assembly on, the principles on which broadcasting to the public of proceedings of the Assembly or a committee of the Assembly should be authorised.

It further provides that the Assembly may adopt with or without modification the principles contained in that report. Following the adoption of the principles the Speaker may then authorise in writing a person to broadcast to the public those proceedings of the Legislative Assembly or one of its committee that are considered by the Speaker to be significant or landmark debates.

The Act is clear that the principles relate only to broadcasting of proceedings to the public or the community at large rather than to government offices. The Speaker alone may authorise the broadcast of proceedings to government offices and that authorisation is subject to any conditions that are specified in it.

WORK OF THE COMMITTEE

¹ Legislative Assembly (Broadcasting of Proceedings) Bill 1995, Report of the Standing Committee on Administration and Procedure, February 1996, p. 7

The Committee, given its previous work in considering the Legislative Assembly (Broadcasting of Proceedings) Bill 1995, was familiar with the issues and considered the matter at its meeting of 2 July 1997. The Committee in its deliberations took into account the substance of its recommendations made in the report on the Legislative Assembly (Broadcasting of Proceedings) Bill 1995, the practice the Assembly has employed when authorising the broadcast with sound of a few significant debates and the practice of other Australian Parliaments in relation to broadcasting.

The Committee considered and adopted the draft report on 20 August 1997.

ISSUES

The Committee considered that the guidelines should be broad in nature to ensure that the Speaker in granting authorisation for broadcasting should have as much flexibility as possible to use his/her discretion so that the Assembly's proceedings and that of its committees would be available to the public. At the same time the Committee believed that the guidelines should be a means by which the Speaker is made aware of the issues that it considers to be significant in relation to broadcasting.

The Committee considered a number of matters for inclusion in the guidelines, including the debates, costs, coverage, use of footage and any possible penalties. After deliberation, the Committee agreed that two of the issues (costs and penalties) did not need to be included in the guidelines.

As the Assembly was not in a position to meet any of the costs associated with broadcasting and, given current circumstances, it would not be in such a position for the foreseeable future, the Committee agreed that it would not be necessary for the guidelines to make any provision for costs. It was envisaged that the current practice of television networks taking their own footage under a pool arrangement would continue and that this is the scenario that should be provided for in the guidelines. The Committee also considered the issue of cost in relation to broadcasting by radio stations and agreed that as much of the infrastructure is in place, any minimal cost associated should be met by the network and, if necessary, this issue could be considered in the written authorisation granted by the Speaker.

The Committee also considered that the matter of penalties. Noting that any breach of the conditions stipulated in the authorisation or guidelines may constitute a breach of privilege or contempt, the Committee considered that the Assembly's current practices could come into operation and it was therefore not necessary to make provision for them in the guidelines.

In considering the issue of what debates the Speaker should grant authorisation for broadcast, the Committee referred to its previous report on the Legislative Assembly (Broadcasting of Proceedings) Bill 1995 where it was recommended that "designated significant or landmark debates" should be broadcast. The Committee agreed that to

develop a workable definition of what constitutes a significant or landmark debate was difficult. Clearly, different groups within the community would consider different issues to be significant and almost all debates could therefore be regarded as significant by one or more sections of the community. To a large extent, given the current reliance on outside assistance to achieve either audio or audio/visual broadcasting of the Assembly's proceedings or those of one of its Committee's, a determining factor would be the willingness of a broadcaster to broadcast. The Committee therefore concluded that the only workable and useful principle that could be developed in relation to the question of what debates should be authorised for broadcast should be one that would encourage and develop community interest in the work of the Assembly. The Committee was also of the view that the Speaker should retain the right to require that the broadcasting of the Assembly proceedings cease if he/she is of the opinion that the proceedings have become disorderly or for another specific reason. The Committee believes that this responsibility should be held by the presiding member of the Committee in the case of broadcasting committee proceedings.

The Committee also considered the issue of camera coverage within the Chamber for filming. Given the current situation where television networks provide the cameras for the broadcasting and these cameras are located within the confines of the Chamber, the Committee is of the view that the guidelines should enunciate principles that should be observed by the crews in their coverage of events. The principles considered by the Committee were those that apply in other Australian Parliaments and those that have operated in relation to the recent broadcast of debates from the Assembly. The Committee agreed to principles that relate to camera focus, permissible shots, prohibited shots and camera positions, together with a requirement that the camera crew maintain behaviour appropriate to the dignity of the Chamber.

The Committee gave particular consideration to the rebroadcast of footage and the circumstances of that use. The Assembly, in the past when agreeing to the filming of file footage, has always placed restrictions on the use of that file footage. The Committee agreed that those restrictions should be maintained and has also included others that are derived from the experience of other Australian Parliaments.

GUIDELINES FOR AUTHORISATIONS

On the basis of its deliberations and conclusions and pursuant to section 7 of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, the Committee **recommends** that the following Principles be adopted by the Assembly to be used by the Speaker in determining whether to authorise the broadcast to the public of proceedings of the Assembly or one of its committees and the conditions under which that broadcast can be made.

Principles

1. The Speaker, before authorising the broadcast of a landmark debate of the Assembly or one of its committees, shall give consideration to the possible interest in the debate within the community.
2. The Speaker, in granting authorisation for the broadcasting of proceedings of the Assembly, shall make it conditional on the requirement that the broadcasting cease should the Speaker so direct or in relation to broadcasting of committee proceedings it should cease at the direction of the Presiding Member.
3. The Speaker, in granting authorisation for the filming of proceedings of the Assembly or one of its committees, shall require the following provisions be adhered to:
 - (a) as a general principle cameras should focus on the Member 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 be such as to interfere with the proceedings of the Assembly, or in the case of a committee, the committee;
 - (g) any instruction from the Speaker or in the case of a committee the Presiding Member or the Speaker's or Presiding Member's delegate is to be observed.
4. The Speaker, in granting authorisation for the broadcasting of proceedings of the Assembly or one of its committees, should stipulate the following conditions on the use of the broadcast material:
 - (a) the use by any television or radio station of any part of the recorded proceedings and excerpts in subsequent news, current affairs and documentary programs provided that the reporting is fair and accurate and not for the purpose of satire or ridicule or party political purposes or electioneering;
 - (b) points of order and remarks that are withdrawn may not be rebroadcast.

Greg Cornwell, MLA
Presiding Member
20 August 1997