

BROADCASTING RESOLUTION FOR THE LEGISLATIVE ASSEMBLY

Organisation: Legislative Assembly, Parliament of Victoria

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Office of the Speaker

Legislative Assembly
Parliament House
East Melbourne Victoria 3002 Australia


Website www.parliament.vic.gov.au

The Hon Jonathan O'Dea MP
Speaker of the Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000

26 November 2020

Dear Mr O'Dea,

Thank you for your letter on the behalf of your committee seeking information on our practices relating to the broadcasting of proceedings. The broadcasting of Legislative Assembly proceedings is primarily governed by Standing Orders 232-234, which I have attached. The main points are summarised below.

Background to the Assembly's rules on broadcasting

The Parliament of Victoria's earliest rules about broadcasting were made in a 1997 amendment to the *Constitution Act 1975*, stating that there could be no legal action against a person who broadcast or rebroadcast proceedings of the Parliament with the authority of the Assembly, Council or relevant committee.

More detailed Legislative Assembly broadcasting rules were brought in by a resolution of the House on 18 February 1998, which were then incorporated into the Standing Orders in 2004 (see attachment.)

The standing orders set out rules for allowing accredited media to record and broadcast proceedings during the sitting of the House, allows for Hansard to transmit a separate official broadcast of proceedings, and permits rebroadcast of the official broadcast. Under the standing orders, 'broadcast' includes "transmission to the public by radio, television, landline, the internet or any other electronic means".

Live video of Assembly proceedings has been broadcast through Parliament's website since 2010. We currently do not offer a public archive of footage. Members have access to an internal video on demand service from which they can download clips for use on their websites and social media. We generally do not make archived footage available to third parties.



Broadcasting

The Standing Orders enable accredited media to record and broadcast footage of Assembly proceedings. They require media broadcasts to provide a fair and accurate representation of proceedings, provide a balanced representation of differing views, equality between government and non-government members, and place broadcast material in context by at least identifying members by name.

The Standing Orders also provide that an official broadcast of proceedings is made available by the Parliament and allow the Speaker to issue guidelines for official broadcasts. The current guidelines are attached to this letter. They are primarily concerned with what parts of the chamber may be shown, when the broadcast begins and ends, and appropriate use of different camera angles.

Rebroadcasting

The Standing Orders allow accredited media to rebroadcast footage they have recorded under the same conditions for broadcast. Recordings cannot be used for political party advertising or election campaigns; satire or ridicule; commercial sponsorship or commercial advertising; or media advertisements or promotion.

Anyone can rebroadcast an official broadcast of the proceedings for the purposes of fair and accurate reports of proceedings. This enables official footage to be shared by members and the public on social media. SO 234 places some restrictions on how footage is used, including that it cannot be used for satire or ridicule; or commercial sponsorship or commercial advertising. Official broadcast material also must not be digitally manipulated.

Parliamentary privilege and defamation

Broadcasts of the Assembly's proceedings are protected by parliamentary privilege, including broadcasts online and on social media. Members are not liable for defamation based on the content of broadcast material provided the requirements in the standing orders are complied with. Staff responsible for publishing broadcasts are also not liable if they act with the authority of the Assembly. However, publishing a recording without authority may be in breach of the Assembly's privileges.

Reflections on the Chair

In 2012, a member of the Legislative Assembly made comments on Twitter that criticised a decision by the Speaker, raising the question of whether comments on social media could be considered reflecting on the Chair. The Legislative Assembly Standing Orders Committee held an inquiry into the matter and recommended that while the current rules and practices were sufficient for covering the use of social media, some specific guidelines on how they apply would assist members. The Committee also commented

that remarks made in social media are procedurally the same as comments in media interviews or written publications, and as such it was not appropriate to make reflections on decisions by the Speaker. The House never formally acted on the Committee's recommendations.

I hope this information is of use to the committee. If you have any further information, please do not hesitate to contact me, our Clerk Bridget Noonan or our Deputy Clerk, Robert McDonald.

Yours sincerely,

A large black rectangular redaction box covering the signature of the Speaker.

Hon Colin Brooks MP
Speaker of the Legislative Assembly

CHAPTER 27 — BROADCASTING OF PROCEEDINGS

232 Broadcasting rules

- (1) In this standing order:

broadcast includes:

- (a) transmission to the public by radio, television, landline, the internet or any other electronic means; and
- (b) rebroadcast;

Chamber means the Legislative Assembly Chamber;

rebroadcast means to broadcast from a recording;

record means to make a sound or visual recording of proceedings of the House.

- (2) A media organisation or individual may, subject to paragraph (3), broadcast, or record for broadcast, proceedings of the House, except anything occurring in the Chamber prior to the time fixed for the meeting of the House or after the adjournment of the House.
- (3) Permission under paragraph (2) is subject to observance of the following conditions:
 - (a) media organisations or individuals must be accredited by the Speaker; and
 - (b) sound must only be recorded from the audio signal of proceedings transmitted by the House monitoring system by representatives of accredited media organisations or individuals; and
 - (c) no alteration to the sound relay equipment is permitted without the permission of the Speaker; and

- (d) the use of separate recording equipment is not permitted unless authorised by the Speaker; and
- (e) recordings must:
 - (i) be used only for the purposes of fair and accurate reports of proceedings, and reasonable balance between both sides of the House is to be achieved by avoiding undue concentration on any one member; and
 - (ii) provide in context a balanced presentation of differing views and must not include events in the Chamber unrelated to the proceedings of the House; and
 - (iii) provide equality between government and non-government members; and
 - (iv) be placed in context and commentators must identify members at least by name; and
 - (v) not start until the conclusion of the Prayer; and
 - (vi) not misrepresent any proceeding before the House, or the seating position, or office held by any member of the House.
- (f) recordings must not be used for:
 - (i) political party advertising or election campaigns; or
 - (ii) satire or ridicule; or
 - (iii) commercial sponsorship or commercial advertising; or
 - (iv) media advertisements or promotion.

- (g) camera operators must operate within the guidelines issued by the Speaker;
 - (h) points of order or remarks withdrawn are not to be rebroadcast.
 - (i) media personnel must obey any instruction given by the Speaker or the Speaker's delegates.
- (4) Any breach of the conditions listed in paragraph (3) may result in the immediate suspension of privileges by the Speaker.

233 Official broadcast of proceedings

- (1) An official broadcast of the proceedings of the Chamber is made available by the Parliament.
- (2) Official broadcasts must comply with the guidelines issued by the Speaker.
- (3) With the approval of the committee and the Speaker, an official broadcast of the public proceedings of a parliamentary committee may be made available by the Parliament.

234 Rebroadcasting

Rebroadcast of an official broadcast is permitted, subject to the following conditions:

- (1) The material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for:
 - (a) satire or ridicule; or
 - (b) commercial sponsorship or commercial advertising.
- (2) Broadcast material must not be digitally manipulated.

- (3) Excerpts of proceedings are to be placed in context so as to avoid any misrepresentation.
- (4) Remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.

Schedule 16C — Speaker's guidelines for webcast

Parliamentary Services Department

Parliamentary Broadcast Guidelines

Introduction

- The following guidelines **must** be followed at all times by every operator of the Parliamentary television broadcast system.
- Access to the television broadcast control room is for authorised personnel only during any proceedings that maybe be utilising the television broadcast or Hansard recording systems.
- As part of this operation, broadcast staff may be privy to sensitive information, and in no way is any of this information to leave the broadcast control room.

Guidelines for the Television Broadcasting of the Legislative Assembly and Legislative Council

These guidelines have been issued by the Speaker under Standing Order 232(4)(g) and must be read in conjunction with that Standing Order.

- “To portray the members in the best light” is the overriding directive for broadcasting operational procedures
- The cameras will cover the member who has been called to speak until the member's speech is finished or the member's call is terminated by the Chair. Coverage will be normally medium range (that is head and shoulders). The Broadcast Director may choose to vary the camera angles to add interest to the coverage. Switching between such shots should be done at an appropriate point in a speech.
- The default shot will be the wide angle shot of the chamber, except in circumstances which dictate the Speaker camera shot is used.
- The Broadcast Director may choose other shots to reflect the business being transacted in the house, such as a wide angle shot of the chamber or, during question time, a reaction shot of the minister being asked a question or of a member listening to a reply to a question.
- The Broadcast Director may use a wide angle shot of the chamber as a continuity shot, for instance at the end of question time, at the start of consideration in detail, when a member is presenting a committee report or during a division. Sound from the Chair or ambient noise microphones may be added to this shot.
- No close-up shots are permitted of member's or officer's papers or computer screens.

- Generally, interjections are not covered, but if a member speaking engages with the interjector, the interjector's reaction may be filmed.
- Officials (such as the Clerks, Serjeant-at-Arms and Attendants), may be shown when they are undertaking their duties during the business of the house such as reading proclamations, petitions, messages from the other house, carrying the mace, calling on items of business, calling clauses when a bill is considered in detail and delivering documents to members.
- Shots unrelated to the proceedings of the house are not permitted, such as interruptions from the public gallery or business occurring outside the chamber.
- In case of general disorder or un-parliamentary behavior by a member/members on the floor of the house, coverage must revert to the either the default wide-shot or to the Chair.
- During an interruption to proceedings such as prolonged disturbance in the public gallery, the coverage must be of the Chair, with sound from only the Chair's and ambient noise microphones. Coverage from the chamber should continue, unless the Chair indicates otherwise, either by suspending or adjourning the house, or specifically directing that coverage should cease. Coverage resumes at the direction of the Chair or when the house resumes. However, during any interruption the Hansard feed will continue interrupted only by adjournment or suspension of the sitting.
- Coverage ceases as soon as the Chair announces that the house stands adjourned or leaves the chair for a suspension.
- After a suspension, coverage may be resumed at the ringing of the Bells.
- Panning shots are permitted for the purpose of showing members listening to debate.
- Footage must be broadcast at normal speed, with synchronised sound and vision.
- Official visitors in the gallery, when being acknowledged by the Chair, may be shown
- Graphics will show members name, electorate, ministerial role, or party leadership, but will not show honorifics (Ms. Mr. Hon. Dr.).