

BROADCASTING RESOLUTION FOR THE LEGISLATIVE ASSEMBLY

Organisation: Legislative Assembly for the Australian Capital Territory

Date Received: 27 November 2020



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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

Submission—Inquiry into the broadcast of proceedings resolution

Dear Mr Speaker

I refer to your letter dated 16 October 2020 and thank you for the opportunity to provide a submission to the NSW Legislative Council Procedure Committee inquiry into the broadcast of proceedings resolution.

Summary

This submission—

- details the current statutory and procedural framework governing the broadcasting of ACT Legislative Assembly (the *Assembly*) proceedings in the ACT;
- describes the Assembly's established practices in relation to key aspects of broadcasting its proceedings; and
- cites no notable developments in the common law of the ACT surrounding Assembly broadcasts.

Statutory and procedural framework

The framework governing broadcasting of Assembly proceedings is statutory and procedural in nature.

Statutory framework—

The statutory framework is established under the *Legislative Assembly (Broadcasting) Act 2001* (ACT) (the **Act**)¹.

Broadcasting is defined to include, but is not limited to, transmission to the public by radio, television, landline, the Internet or any other electronic means, and transmitting from a recording.²

The Act—

- creates a general right vested in a person³ to broadcast or record for broadcast all or part of a public proceeding of the Assembly or its committees⁴; and
- gives power to the Assembly to determine *how* the general right must be exercised — the power exercisable by resolution of the Assembly resolution⁵. A person must comply with the resolution.⁶

The Act also—

- gives the Assembly power to withdraw the general right from a person (the **withdrawal power**);
- allows the Assembly to delegate the withdrawal power to the Speaker or an Assembly committee;
- gives the Clerk or the Speaker power to grant a person access to the recording and transmission facilities of the legislative Assembly for the purposes of transmission to the person of public proceedings;
- protects a member of staff of the Office of the Legislative Assembly from criminal or civil liability for transmitting or broadcasting Assembly proceedings in the course of the staff member's duties; and
- provides a defence to an action in defamation to anyone broadcasting a matter in accordance with the Act if the broadcast is a fair and accurate report of the proceedings and the substance of the matter is not adopted by the broadcaster.

The *Legislative Assembly Precincts Act 2001* (ACT) also gives the Speaker control and management of the Assembly precincts⁷ including power to grant a person a licence, subject to any condition, to use any part of the Assembly precincts⁸.

Procedural framework—

¹ <https://www.legislation.act.gov.au/a/2001-69/>

² *Legislative Assembly (Broadcasting) Act 2001 (ACT)* dictionary, definitions of **broadcasting** and **rebroadcasting**

³ *Legislation Act 2001 (ACT)* defines *person* to include a corporation

⁴ Section 5 (1)

⁵ Section 5 (2)

⁶ Section 5 (3). By necessary implication, the absence of a prescribed sanction for non-compliance leaves the adjudication and sanctioning of any breach of the resolution a matter for the Assembly.

⁷ Section 7

⁸ Section 7A

The procedural framework consists of the Assembly resolution made for the purposes of subsection 5 (2) of the Act and the policies and guidelines determined by the Speaker acting in accordance with the resolution.

Assembly resolution

The relevant Assembly resolution is a continuing resolution forming part of the current Standing Orders and is set out in *Attachment A*. Although principally dealing with matters enabled under subsection 5 (2) of the Act, the continuing resolution also deals with matters enabled under section 6.

It remains to be seen whether the continuing resolution will be amended in the newly constituted Tenth Assembly.

Broadcasting Guidelines

The continuing resolution enables and is complemented by the Broadcasting Guidelines. The Broadcasting Guidelines are issued by the Speaker and provide practical operational direction and other incidental information consistent with the statutory and procedural framework outlined above.

A copy of the current guidelines with the broad title *Broadcasting Policy Framework and Guidelines* (the **Broadcasting Guidelines**) is set out in *Attachment B*.

The Broadcasting Guidelines' content deals with issues relevant to the implementing the broadcasting resolution. Among other things the Broadcasting Guidelines state the following:

- the responsibilities of the Office of the Legislative Assembly (the public sector entity responsible for providing procedural and administrative support to the Assembly) in giving effect to the Broadcasting Guidelines;
- the characteristics of acceptable recording and broadcasting of proceedings;
- the application of the Broadcasting Guidelines;
- the broadcasting related responsibilities of the Speaker, Assembly Committees, the Clerk and any entity granted permission to transmit proceedings;
- consequences for breaching the Broadcasting Guidelines;
- guiding principles for recording and broadcasting Assembly proceedings (eg. guidance for camera operators).

Scope of Assembly broadcasting resolution

The Assembly broadcasting resolution applies to public transmission by radio, television, landline, the internet or any other electronic means as well as broadcasting from a recording (ie rebroadcasting).

The resolution authorizes the Speaker to make general guidelines about the the broadcasting of Assembly and committee proceedings, and in particular the following:

- the need for entities granted broadcasting rights—
 - to seek annual broadcasting approval from the Speaker;
 - to enter a written agreement to abide by the broadcasting Guidelines;
- the right of committee members to object to a broadcast and if so the curtailment of a broadcaster's rights in such an instance;
- the right of a witness—
 - to be informed that a hearing will be recorded; and
 - to object to the recording;
- the need for entities wishing to rebroadcast material on the Assembly website to abide by the Speaker's conditions of use of the material.

The resolution also delegates power to —

- the Speaker to withdraw broadcast rights; and
- Assembly committees to withdraw broadcast rights in relation to proceedings of the committee.

Application of parliamentary privilege to parliamentary proceedings streamed on social media

The Assembly does not stream proceedings on social media.

Instead, the Assembly promotes an *Assembly On Demand* service and provides the link to the service in posts on social media and the Assembly website (chamber and committees).⁹ *Assembly on Demand* enables users to watch Assembly and Committee proceedings using the live video stream or replay a recording of the proceeding later.

In terms of rebroadcasting this material, Continuing Resolution 3 provides that:

*...persons or organisations that wish to rebroadcast from the audio-visual material available on the Assembly's website, must acknowledge and abide by the conditions of use laid down by the Speaker from time to time.*¹⁰

Further, the Broadcasting Guidelines provide the following in relation to parliamentary privilege:

⁹ Assembly on Demand, available at: <http://aod.parliament.act.gov.au/live>

¹⁰ Legislative Assembly for the ACT, *Standing Orders and Continuing Resolutions of the Assembly*, May 2020, pp. 92-93, available at: https://www.parliament.act.gov.au/data/assets/pdf_file/0010/1351468/Standing-Orders-as-at-21-May-2020.pdf.

*The Legislative Assembly's broadcasts are live and continuous and while in that complete and unaltered state are protected by parliamentary privilege. Extracts or excerpts of the broadcast may be protected if they constitute fair and accurate reports of proceedings...*¹¹

Safeguards to ensure external entities comply with conditions for re-broadcasting material.

The Broadcasting Guidelines apply to entities involved in the filming, photographing, broadcasting or rebroadcasting of Assembly or committee proceedings.

Continuing Resolution 3 requires entities intending to record for broadcast proceedings in the Legislative Assembly or its committees to seek the approval of the Speaker each calendar year.

Once granted permission to record proceedings of the Legislative Assembly or its committees for broadcast, the entities must acknowledge in writing, and abide by, the broadcasting guidelines laid down by the Speaker from time to time. Failure to comply with the guidelines may result in withdrawal of broadcasting rights.

The guidelines stipulate that broadcast material must not be used for:

- (a) advertising for or by political parties;
- (b) electioneering; or
- (c) commercial advertising or sponsorship.

Third parties are made aware of the broadcasting policies and guidelines (conditions of use) via the *Assembly on Demand* service website.

Withdrawal of broadcasting rights and contempt

The Broadcasting guidelines detail the consequences for breaches as follows:

Section 6 (1) of the Legislative Assembly (Broadcasting) Act 2001 provides that the Legislative Assembly may withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly or a committee of the Assembly. Permission to broadcast, or record for broadcast, proceedings may be withdrawn if a person does not abide by the guidelines or conditions of use;

...

Use of the broadcast material which contravenes the conditions of use may constitute a contempt of parliament under standing order 277.

¹¹ Legislative Assembly for the ACT, Technology and Telecommunications, *Guidelines for Recording and Broadcasting the Public Proceedings of the Legislative Assembly and its Committees*, January 2020, p.B2 (Attachment C), available at https://www.parliament.act.gov.au/data/assets/pdf_file/0007/1498309/Broadcasting-Policy-framework-and-Policy-Guidelines-January-2020.pdf.

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There is no practice of active monitoring of rebroadcasting of parliamentary proceedings. However, an investigation of inappropriately broadcasted material would happen when discovered.

Defamation associated with comments made on social media

The Assembly's standing orders and the Broadcasting Guidelines do not expressly deal with defamation in relation to Assembly broadcasting. Standing order 264B outlines adverse mention procedures and Continuing Resolution 4 provides for citizen's right of reply for individuals and corporations identified by name or otherwise readily identified.

Staff of the Office of the Legislative are also provided with some direction in staff Social Media Guidelines. An extract is provided at Attachment C.

Archiving of footage on Parliament's webpage or social media pages

Historical footage of Assembly proceedings is available on the Assembly website dating back to the time recording of proceedings began in 2009.

The Assembly has not archived any footage at this stage and does not store footage directly in the website due to file-size limits on our website platform. The Assembly uploads video footage to *Vimeo* and embeds it into the website, so there is no archiving of footage on the website.

Very occasionally footage is loaded to the Assembly's social media pages including 15-20 second versions of member videos, and a 15-20 second video of the members entering the chamber for question time. These are available in a data feed for anyone wishing to access the footage, rather than archived.

Requests from parties external to Parliament for footage of proceedings

The Assembly does not provide footage as a separate service, however external users can download clips of proceedings via the Assembly website. If requests for footage of proceedings are received from external users, they are referred to the Assembly on Demand service, which is catalogued and designed to enable links for copy or download.

For any further questions or information, please contact the Deputy Clerk and Sergeant-at-Arms, Ms Julia Agostino on [REDACTED]

Yours sincerely

[REDACTED]

Joy Burch MLA
Speaker

25 November 2020

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Attachment A

Standing Orders and Continuing Resolutions of the Assembly

Continuing resolution 3

Broadcasting guidelines

3

This resolution provides guidelines for the broadcasting of Legislative Assembly and committee proceedings in accordance with subsection 5(2) of the *Legislative Assembly (Broadcasting) Act 2001*.

Resolution agreed by the Assembly

7 March 2002 (amended 17 March 2005, 23 June 2005, 11 February 2010
and 29 November 2018)

That—

1. pursuant to subsection 5(2) of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly agrees to the Speaker of the Legislative Assembly making guidelines for the broadcasting of Assembly and committee proceedings that include as a minimum the following requirements:
 - (a) persons or organisations intending to record for broadcast proceedings in the Legislative Assembly or its committees must seek the approval of the Speaker each calendar year;
 - persons or organisations that have been granted permission to record for broadcast the proceedings of the Legislative Assembly or its committees will acknowledge in writing and abide by the broadcasting guidelines laid down by the Speaker from time to time;
 - persons or organisations that have been granted permission to record for broadcast committee proceedings will be able to do so, unless a member of the committee objects;
 - witnesses at public hearings of committees will be advised in advance that the proceedings may be recorded for broadcast and that they may lodge an objection to such recording with the committee for consideration; and
 - persons or organisations that wish to rebroadcast from the audio-visual material available on the Assembly's website, must acknowledge and abide by the conditions of use laid down by the Speaker from time to time;

2. 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; and
 - delegates 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; and
3. pursuant to subsection 6(4) of the Legislative Assembly (Broadcasting) Act 2001, the Speaker or a committee chair may withdraw from a person or organisation the right to broadcast, or record for broadcast, public proceedings of the Assembly or the relevant committee if that person or organisation does not abide by the *Guidelines for recording and broadcasting the public proceedings of the Legislative Assembly and its committees*.¹²
- 4.

¹² Legislative Assembly for the ACT, *Standing Orders and Continuing Resolutions of the Assembly*, May 2020, pp. 92-93.

Attachment B

Broadcasting Policy Framework and Guidelines



**LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY
TECHNOLOGY AND TELECOMMUNICATIONS**

BROADCASTING POLICY FRAMEWORK AND GUIDELINES

January 2020

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TECHNOLOGY AND TELECOMMUNICATIONS

LEGISLATIVE ASSEMBLY—BROADCASTING POLICY FRAMEWORK AND GUIDELINES

Introduction

1. The Office of the Legislative Assembly (the Office) is committed to assisting the Legislative Assembly for the Australian Capital Territory (the Assembly) to fulfil its responsibilities to the people of the ACT by providing high quality services and support. This includes making the broadcast of its debates and committee hearings widely available to the community and to ACT government agencies.
2. The Assembly makes the broadcast available in several ways:
 - (a) by reticulating audio and vision through the Assembly building;
 - (b) live webstreaming of proceedings via the internet;
 - (c) an audio-visual replay of Assembly proceedings on each sitting day;
 - (d) an audio-visual replay of committee proceedings on each hearing day; and
 - (e) publishing the Hansard record of Assembly and committee proceedings.
3. Media organisations also broadcast excerpts of Assembly and committee proceedings.
4. This policy establishes a framework for recording and broadcasting the Assembly's proceedings and the conditions for subsequent reuse of the broadcast recordings and the record of proceedings available on the Assembly's website. It also incorporates guidelines for filming and operating broadcasting equipment within the Assembly building.

Aims and objectives of the broadcasting policy

5. This policy aims to provide a framework of operational guidelines and conditions of use that bring into effect the provisions of the *Legislative Assembly (Broadcasting) Act 2001* and the *Legislative Assembly Precincts Act 2001*.
6. The policy's objective is to facilitate and encourage the public availability of the proceedings and work of the Assembly while ensuring that the privileges and public standing of the Assembly are respected.
7. The Office will work closely with representatives of the media, government departments and other organisations to ensure that public access to the proceedings and the work of the Assembly is provided simply and effectively and that people are aware of their responsibilities when broadcasting or publishing Assembly proceedings.

Acceptable recording and broadcasting of proceedings

8. Any recording and subsequent broadcasting or publication of any extract of the audio, vision or text from any of the proceedings of the Assembly or any of its committees must be a fair and accurate record of those proceedings. Any recording must not be used for:
 - (a) advertising for or by political parties;
 - (b) electioneering; or
 - (c) commercial advertising or sponsorship.

Legislative authority

Broadcasting of proceedings

9. Section 5 (1) of the *Legislative Assembly (Broadcasting) Act 2001* (the Act) provides that a person may broadcast or record for broadcast all or part of public proceedings of the Legislative Assembly or a committee of the Assembly. Section 5 (2) provides that the Assembly may, by resolution, determine the way rights given by subsection (1) must be exercised.

10. The Assembly has, by continuing resolution 3 agreed to by the Assembly on 7 March 2002 and amended on 17 March 2005, 23 June 2005, 11 February 2010 and 29 November 2018, determined the way rights given by subsection 5 (1) of the Act must be exercised.
11. The guidelines for recording and broadcasting the public proceedings of the Legislative Assembly and its committees, including guidelines for camera operators and conditions of use, are issued under this authority.

Definitions

12. Section 3 of the Act provides for definitions of “broadcast”, “record” and “rebroadcast”.
13. **Broadcast** includes—
 - (a) transmission to the public by radio, television, landline, the internet or any other electronic means; and
 - (b) rebroadcast

record, proceedings of the Legislative Assembly or a committee of the Assembly, means make a sound or visual recording of the proceedings.

rebroadcast means to broadcast from a recording.
14. A legal opinion obtained in July 2008 concludes that the definition of “**record**” includes the taking of a photograph.

Filming in the Assembly building

15. The *Legislative Assembly Precincts Act 2001* provides that the Speaker is responsible for the control and management of the Assembly precincts and may take any action he/she considers necessary for these purposes; the guidelines in this policy relating to filming in the Assembly building are issued under this authority.

Guidelines included in policy framework

16. This policy framework includes:
 - (a) Continuing resolution 3—Broadcasting policy and guidelines (**attachment A**);
 - (b) Guidelines for recording and broadcasting the public proceedings of the Legislative Assembly and its committees (**attachment B**);
 - (c) Approved form AF2010-187 (**attachment C**);
 - (d) Guidelines for filming in the Legislative Assembly building (**attachment D**);
 - (e) Hansard operations—guidelines for the operation of fixed cameras in the Legislative Assembly chamber and committee rooms (**attachment E**); and
 - (f) Hansard operations—guidelines for recording, vision and audio reticulation, and broadcasting of proceedings (**attachment F**).

Application of the broadcasting policy and guidelines

17. The broadcasting policy and guidelines apply to all persons involved in the filming, photographing, broadcasting or rebroadcasting of Assembly or committee proceedings.
18. All other users of the Assembly broadcast, whether or not they intend to rebroadcast all or part of a record of proceedings, must accept the conditions under which broadcast material may be used.

Roles and responsibilities

Speaker

19. The Speaker is responsible in the first instance for granting permission each year to persons or

organisations that wish to record for broadcast Assembly and committee proceedings, and for withdrawing that right if they do not abide by the broadcasting guidelines.

20. Under standing order 277 the Assembly has declared that breaches of certain prohibited acts, including wilfully publishing a false or misleading report of the proceedings of the Assembly or of a committee, or disobeying a lawful order of the Assembly or a committee may be treated by the Assembly as a contempt. Under standing order 276 the Speaker may determine whether a matter of privilege merits precedence over other business of the Assembly and the matter may be referred to a select committee on privilege to determine whether a contempt has been committed.

Committees

21. Committees are responsible for advising witnesses in advance of appearing before a committee that the proceedings may be recorded and broadcast and for withdrawing the right to record for broadcast from persons or organisations who do not abide by the broadcasting guidelines.

Clerk of the Legislative Assembly

22. The Clerk of the Legislative Assembly or his/her delegate is responsible for ensuring that all persons or organisations seeking to record for broadcast Assembly proceedings have obtained permission.
23. The Clerk or his/her delegate is responsible for ensuring that all persons or organisations seeking to record for broadcast, broadcast and/or rebroadcast Assembly proceedings, are aware of the *Guidelines for broadcasting the public proceedings of the Legislative Assembly and its committees*.
24. The Clerk or his/her delegate is responsible for ensuring that media access to the Assembly building, its chamber and committee rooms is for the legitimate purpose of recording and broadcasting Assembly proceedings.

Persons or organisations broadcasting Assembly or committee proceedings

25. Persons or organisations that have been granted permission to record for broadcast, broadcast and/or rebroadcast Assembly or committee proceedings must observe the *Guidelines for recording and broadcasting the public proceedings of the Legislative Assembly and its committees*.

Breaches of the broadcasting policy and guidelines

26. Section 6 (1) of the *Legislative Assembly (Broadcasting) Act 2001* provides that the Legislative Assembly may withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly or a committee of the Assembly. Permission to broadcast, or record for broadcast, proceedings may be withdrawn if a person does not abide by the guidelines or conditions of use.
27. Users of the broadcast (including subsequent rebroadcast) of parliamentary proceedings must abide by the conditions under which broadcast material may be used. Extracts or excerpts of the broadcast that are subsequently rebroadcast or published may not be protected by parliamentary privilege if they do not constitute fair and accurate reports of proceedings.
28. Use of the broadcast material which contravenes the conditions of use may constitute a contempt of parliament under standing order 277.

Joy Burch

Speaker

22 January 2020

Continuing resolution 3**BROADCASTING POLICY AND GUIDELINES**

In accordance with the *Legislative Assembly (Broadcasting) Act 2001* this resolution agrees to the Speaker of the Legislative Assembly making guidelines, which include certain requirements, for recording and broadcasting the public proceedings of the Legislative Assembly and its committees and delegates to the Speaker and to committees the power to withdraw the right to broadcast.

Resolution agreed by the Legislative Assembly

7 March 2002 (amended 17 March 2005, 23 June 2005, 11 February 2010 and 29 November 2018)

That—

- (1) pursuant to subsection 5(2) of the [*Legislative Assembly \(Broadcasting\) Act 2001*](#), the Legislative Assembly agrees to the Speaker of the Legislative Assembly making guidelines for the broadcasting of Assembly and committee proceedings that include as a minimum the following requirements:
 - (b) persons or organisations intending to record for broadcast proceedings in the Legislative Assembly or its committees must seek the approval of the Speaker each calendar year;
 - (c) persons or organisations that have been granted permission to record for broadcast the proceedings of the Legislative Assembly or its committees will acknowledge in writing and abide by the broadcasting guidelines laid down by the Speaker from time to time;
 - (d) persons or organisations that have been granted permission to record for broadcast committee proceedings will be able to do so, unless a member of the committee objects;
 - (e) witnesses at public hearings of committees will be advised in advance that the proceedings may be recorded for broadcast and that they may lodge an objection to such recording with the committee for consideration; and
 - (f) persons or organisations that wish to rebroadcast from the audio-visual material available on the Assembly's website, must acknowledge and abide by the conditions of use laid down by the Speaker from time to time;
- (2) pursuant to section 6 of the [*Legislative Assembly \(Broadcasting\) Act 2001*](#), the Legislative Assembly:
 - (g) 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; and
 - (h) delegates 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; and
- (3) pursuant to subsection 6(4) of the [*Legislative Assembly \(Broadcasting\) Act 2001*](#), the Speaker or a committee chair may withdraw from a person or organisation the right to broadcast, or record for broadcast, public proceedings of the Assembly or the relevant committee if that person or organisation does not abide by the *Guidelines for recording and broadcasting the public proceedings of the Legislative Assembly and its committees*.



ATTACHMENT B

GUIDELINES FOR RECORDING AND BROADCASTING THE PUBLIC PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY AND ITS COMMITTEES

1. Pursuant to section 5 (2) of the *Legislative Assembly (Broadcasting) Act 2001* (the Act), the Legislative Assembly has agreed to the Speaker of the Legislative Assembly making guidelines for the recording and broadcasting of Assembly and committee proceedings (see continuing resolution 3).
2. These guidelines apply to the recording and broadcasting of Legislative Assembly and committee proceedings to the public by radio, television, landline, the internet or any other electronic means, including still photography.

Permission to broadcast or record for broadcast

3. Recording and/or broadcasting of the Assembly or committee proceedings shall be for the purpose only of making fair and accurate reports of those proceedings.
4. Recording for broadcast or broadcasting of proceedings is permitted only subject to the guidelines for camera operators and conditions of use outlined below. Permission to record for broadcast proceedings will be granted on receipt of a signed undertaking to abide by these guidelines and conditions.
5. Persons or organisations intending to record for broadcast the proceedings in the Legislative Assembly chamber or the proceedings of an Assembly committee must, in the first instance, obtain the approval of the Speaker of the Legislative Assembly in writing using the approved form (AF2020-1) which includes an undertaking to abide by these guidelines [see attachment C]. Any person intending to record for broadcast the Assembly or committee proceedings must notify the appropriate Office staff and provide identification before entering the chamber or a committee room.
6. Persons or organisations that have obtained permission from the Speaker to record for broadcast committee proceedings will be able to do so, unless a member of the committee or a witness objects. The committee secretary, or another person acting on the committee's behalf, will advise all witnesses in advance of their appearing at a public hearing of a committee that the proceedings may be recorded for broadcast. A witness will be given reasonable opportunity to object and to state the ground of the objection. The committee will consider any such objection, having regard to the proper protection of the witness and the public interest in the proceedings, and if the committee decides to permit broadcasting of the proceedings notwithstanding the witness's objection, the witness shall be so informed before appearing in the proceedings.
7. Permission granted by the Speaker to a person or organisation in accordance with paragraph 4 of these guidelines will remain in force until 31 December each year, after which time a fresh application for permission must be lodged with the Speaker.

Recording proceedings for broadcast

Guidelines for camera operators

8. A person or organisation that has been granted permission to record proceedings for broadcast will observe the following guidelines for camera operators:
 - (a) as a general principle, the on-air camera should be directed towards the member who has the call and camera shots should be medium range head and shoulders;
 - (b) panning shots are permitted for the purpose of showing members listening to the debate;
 - (c) reaction shots of members are permitted when a member has sought information which is being

supplied by the member who has the call, or when the member is referred to in debate;

- (d) a wide angle shot of the chamber is permitted, subject to subparagraph (f);
- (e) during a division cameras must broadcast a wide view of the chamber; at other times when no member has the call cameras must focus on the Speaker;
- (f) shots of the public gallery are permissible in certain circumstances, eg when the Speaker welcomes visitors to the Assembly or when a community group is listening to a relevant debate; however media organisations must seek permission from the Speaker before putting the shots to air or publishing photographs;
- (g) protests, demonstrations or other disturbances must not be recorded;
- (h) close up shots of members' or witnesses' papers, computer screens or electronic devices are not permitted;
- (i) broadcasting and still photography should not interfere with the proceedings of the Assembly or its committees;
- (j) the use of flash or other sources of additional light is not permitted; and
- (k) any direction of the Speaker or a committee chair in relation to the filming, photographing, recording or broadcasting of proceedings in the chamber or during a committee hearing must be observed, including a direction not to film, photograph, record or broadcast any part of the proceedings.

Broadcasting or rebroadcasting proceedings

- 9. Persons or organisations that wish to broadcast or rebroadcast audio or visual material, including material available on the Assembly's public facing websites, must abide by the conditions of use set out below.
- 10. Broadcast material must not be used for:
 - (a) advertising for or by political parties;
 - (b) electioneering; or
 - (c) commercial advertising or sponsorship.
- 11. The Legislative Assembly's broadcasts are live and continuous and while in that complete and unaltered state are protected by parliamentary privilege. Extracts or excerpts of the broadcast may be protected if they constitute fair and accurate reports of proceedings. Members of the Legislative Assembly who broadcast their own speeches via social media websites are not considered to be electioneering.

Withdrawal of right to broadcast


- 12. Pursuant to section 6 of the Act the Legislative Assembly has delegated to the Speaker and committees formed by resolution or standing order of the Assembly the power to withdraw the right to broadcast. If a person or organisation breaches the guidelines for camera operators or conditions of use, the Speaker or a committee chair may deny access to proceedings of the Assembly or the relevant committee for a period of time following the breach.
- 13. Further breaches may result in the withdrawal of permission for the remainder of the year.

Joy Burch

Speaker

22 January 2020

Legislative Assembly (Broadcasting) Act 2001—Form 1. Approved form
 Approved by the Clerk of the Legislative Assembly on 21 January 2020 under the Act, s 10

		Legislative Assembly for the Australian Capital Territory		Request to broadcast, or record for broadcast, the public proceedings of the Legislative Assembly and its committees	
To be submitted to the Clerk of the Legislative Assembly					
Name: _____					
Are you submitting this request as an individual or on behalf of an organisation? Individual <input type="checkbox"/> Organisation <input type="checkbox"/>					
If you are submitting a request on behalf of an organisation, please identify the Network/Broadcaster/Department/Newspaper/Other you are representing: _____					
Mailing Address: _____				Date: _____	
Telephone: _____		Fax: _____		Audio <input type="checkbox"/>	Visual <input type="checkbox"/>
Details of request:					
I acknowledge that I have read, understood and accepted the <i>Guidelines for recording and broadcasting the public proceedings of the Legislative Assembly and its committees</i> which are published on the Legislative Assembly's website. I undertake to ensure I will abide by these guidelines; or where the request is on behalf of an organisation, I undertake to ensure that members of the organisation which I represent will abide by those guidelines.				Signed _____	
Date lodged: _____ / /		Approved YES / NO:		Speaker's Signature _____	



ATTACHMENT D

GUIDELINES FOR FILMING IN THE LEGISLATIVE ASSEMBLY BUILDING

Introduction

1. Under the *Legislative Assembly Precincts Act 2001*, the Speaker of the Legislative Assembly (the Assembly) is responsible for the control and management of the Assembly precincts.
2. These guidelines apply to persons wanting to film in the Assembly building for the purpose of broadcasting or publishing the Assembly's work. In these guidelines, "film" or "filming" includes video recording, filming and still photography.
3. Separate guidelines and conditions of use apply to filming proceedings of the Assembly or its committees (See *Guidelines for broadcasting the public proceedings of the Legislative Assembly and its committees*).

Filming in public areas

4. Specific permission is not needed to film public events, including press conferences, in public areas of the building, including the courtyards. Specific permission must be obtained to film events in the Assembly chamber or committee rooms.

Filming in private areas

5. Filming in a private office requires the permission of the member who occupies the office. Filming in areas used by the Executive (eg the cabinet room) should be arranged with the Chief Minister's office. Filming in party rooms should be arranged with the relevant whip's office. Filming in all other private areas of the building requires the permission of the Speaker.

Proposals to film in the Assembly building

6. Requests for permission to film should be directed in the first instance to the Speaker's office. Proposals to film must meet the following requirements:
 - (a) the privacy of members of the Legislative Assembly, staff and visitors to the building must be protected and the specific permission of any person being filmed must be sought;
 - (b) filming must not interfere with the operations of the Legislative Assembly and/or the people who work in the building;
 - (c) filming of security facilities will not be permitted.
7. Filming must not be used for:
 - (a) advertising for or by political parties;
 - (b) electioneering, or
 - (c) commercial advertising or sponsorship.

Approval to film in the Assembly building

8. Decisions on whether to approve a filming proposal will take account of the public importance and value of the project. In assessing the value of a particular project the Speaker will consider the following criteria:
 - (a) whether the project has a genuine educational purpose from the perspective of students and scholars;
 - (b) whether the project serves a news and/or information purpose; and
 - (c) whether the project serves a cultural purpose (including films or television series that may be produced for commercial purposes).
9. Filming which would be likely to offend broadly accepted community standards will not be approved.
10. Broad approval of a project is unlikely to be given. Specific approval should be sought for each individual segment of filming and the Clerk's delegate should be in attendance to ensure compliance with the terms of the approval.

Joy Burch

Speaker

22 January 2020



ATTACHMENT E

HANSARD OPERATIONS—GUIDELINES FOR THE OPERATION OF FIXED CAMERAS IN THE LEGISLATIVE ASSEMBLY CHAMBER AND COMMITTEE ROOMS

Introduction

1. The Hansard and Communications and Library Office is responsible for broadcasting and disseminating proceedings of the Legislative Assembly (the Assembly) and its committees by television reticulation throughout the Assembly building, webstreaming via the internet and the *Daily on Demand* service. In general Hansard will operate the Assembly cameras in accordance with the *Guidelines for broadcasting the public proceedings of the Legislative Assembly and its committees* which are observed by external organisations that have received permission to broadcast from the Speaker.
2. Recognising that Hansard broadcasts the full day's proceedings, unlike external organisations, specific guidelines relating to different parts of the day's proceedings have been developed for Hansard camera operators.

Hansard-specific guidelines

3. At the start or resumption of proceedings Hansard will broadcast a wide view of the chamber until the Speaker takes the chair or until a quorum is present.
4. When the Speaker asks members to stand in their places to pray or reflect, the camera will focus on the Speaker.
5. As a general principle, the camera will focus on the member who has the call; however, during lengthy debates a wider camera view may show members listening to the debate from time to time.
6. Hansard will broadcast a wide view of the chamber during divisions or when no member has the call.
7. If Hansard experiences operational difficulties a wide view of the chamber will be shown.
8. When no camera operator is available during committee proceedings the committee room cameras will automatically broadcast alternate views of committee proceedings.

Joy Burch

Speaker

22 January 2020

HANSARD OPERATIONS—RECORDING, VISION AND AUDIO RETICULATION, AND BROADCASTING

Introduction

1. The status of audio recording and/or audio and vision reticulation and broadcasting in committee rooms 1 and 2 is indicated to committee members, secretaries and room occupants by three lights on a panel immediately below the recording booth windows. The associated function resulting from the illumination of the lights is printed below them.
2. Unless otherwise advised or a private meeting precedes the public hearing, the Hansard technical officer will commence vision only (no audio) reticulation five minutes before the scheduled commencement time. Vision broadcasting will be suspended during adjournments and suspensions.

Recording, audio and vision options

3. The table below describes the status of recording when different light settings are indicated.

LIGHT PANEL STATUS	AUDIO/VISION RETICULATION & BROADCASTING
No lights on	<ul style="list-style-type: none"> No Hansard audio recording or audio/vision reticulation/broadcasting is taking place (ie, before commencement of hearings or when private meetings are taking place).
Green light on	<ul style="list-style-type: none"> Hansard is recording audio only; no audio/vision reticulation or broadcasting is taking place (ie, for in camera).
Green and red lights on	<ul style="list-style-type: none"> Hansard is recording audio of proceedings Audio of proceedings is being reticulated throughout building and to authorised external recipients.
Amber light on	<ul style="list-style-type: none"> Vision only of room proceedings is being reticulated throughout building (eg, camera is activated five minutes before commencement of proceedings so members and staff know who is in the committee room prior to commencement of proceedings).
Green, red and amber lights on	<ul style="list-style-type: none"> Hansard is recording audio of proceedings Audio and vision of proceedings are being reticulated throughout the building Audio only is being broadcast to authorised external recipients.

Joy Burch

Speaker

22 January 2020

Attachment C

Extract from *Social Media Guidelines for Staff of the Office of the Legislative Assembly (ACT)*

DEFAMATION

- 4.3 Defamation is the injury to another person's reputation either directly or implied through the publication of words or sounds.
- 4.4 In certain circumstances accurate information that lowers the public perception of an individual or organisation can amount to defamation if it is published in some jurisdictions.
- 4.5 It does not matter if the defamation was unintentional.
- 4.6 Avoiding defamation:
- Do not post information online that is unsubstantiated relating to a business or individual.
 - Avoid re-tweeting or commenting on posts and tweets which may be based on rumour or innuendo, or which relate to confidential material associated with a business or individual.